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ORDINANCE NO. 1940

**AN ORDINANCE ESTABLISHING REGULATIONS FOR FOOD TRUCKS OPERATING
WITHIN THE CITY OF MARYSVILLE, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MARYSVILLE, KANSAS:

SECTION 1: Rules and Regulations for Food Truck Program

Operating Conditions:

1. Locations: Mobile food vendors may operate within the City under the following conditions:
 - a. Public Property: Mobile food vendors will be allowed to set up in the following areas
 - i. 7th St. corridor between Elm St. and Walnut St.
 - ii. The upper parking area of Lakeview sports complex.
 - iii. The gravel parking area north of Hedstrom Hall.
 - iv. The gravel parking area north of the Fire Station.
 - b. Locations ii., iii., and iv. are not available during sporting events at Lakeview sports complex and Feldhausen Field.
 - c. These locations are available on a first come basis. You may vend during the hours of 7:00 a.m. to 10:00 p.m. No overnight parking available.
 - d. Private Property: A vendor is allowed to operate on Commercial and Industrial zoned private property, with permission from the business owner, and where a line of customers would not hinder the flow of traffic on any street, the flow of bicycles within any bike lane, or the flow of pedestrians along any sidewalk. No accessible route providing access to persons with disabilities may be blocked or reduced to less than five (5) feet in width. If any such hindrance occurs, the vendor must:
 - i. Instruct customers to move to a safe location outside the flow of traffic, bicycles, and pedestrians, or
 - ii. Temporarily stop vending from its unit, or
 - iii. Move its unit to a different location.
 - e. A private property owner shall not permit a mobile food vehicle to set up on their property until the food truck has been issued a *Food Truck Permit* from the City of Marysville.
2. Distance from Restaurants: No mobile food vendor may vend on public or private property within one hundred fifty (150) feet from the front door of a brick-and-mortar restaurant during such restaurant's posted hours of operation without written permission. Such permission must be in its unit for inspection.

3. Distance from City-Approved Event: No mobile food vendor shall be allowed to vend within a five hundred (500) feet radius of a City-Approved event without permission from the event organizer.
4. Signage: Except as otherwise provided herein, no sign or device prohibited by the building and zoning regulations may be erected, placed, installed, and/or maintained in association with a mobile food truck.
5. Trash: Receptacles shall be provided with each mobile unit. Such receptacles must be attached to the unit or located within fifteen (15) feet of the unit and cannot interfere with vehicle access, pedestrian movement, or handicap accessible routes to and around the unit. A minimum access width of five (5) feet must be maintained along all sidewalks and building entrances accessible to the public. The mobile Food Truck Vender must take the trash with them.
6. Restoration of Site: Immediately upon cessation of vending, the mobile food vender shall return the site to its previous condition, including the removal of all litter, repair of any damage, or other evidence of vending. If the site is not returned to its previous condition, the City will restore the site at the expense of the vender.
7. The City will not provide water or electrical service at any location.

SECTION 2: License and Permits: All mobile food vendors shall acquire and maintain all required licenses and permits applicable to the use and operation of mobile food units from the City of Marysville and the State of Kansas. Evidence of all such licenses and/or permits shall be posted in the unit in a conspicuous spot and produced upon request by the City Employee charged by the City Administrator with the enforcement of this policy. Mobile food vendor license permit fee will be set by Council. Any application for a mobile food vendor license may be denied. Any license issued may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this policy or any rules or regulations promulgated by the City of Marysville. This is an annual license. Such license will be issued on a calendar year basis, expiring December 31st of each year.

1. Application: To receive a mobile food vendor license, the vendor must file a completed mobile food vendor application with the City Clerk or other designated representative, on a form provided by the city. Incomplete applications will not be accepted. The applicant must provide the following information.
 - a. The full legal name, date of birth, social security number, permanent address, business mailing address, email address, and telephone number of the applicant and the contact person for the business, if different from the applicant.
 - b. The name under which the mobile food unit does business (“dba” name) and, if applicable, the registered name of the legal entity owning the mobile food unit (corporation, LLC, partnership, etc.).
 - c. The name of the owner and the type, make and vehicle identification number or other identifying number of the vehicle from which the applicant proposes to conduct business.

- d. The applicant's valid Kansas sales tax number, and Federal identification number.
- e. A current health inspection certificate from the State of Kansas.
- f. Proof of a valid driver's license for operation of the class of vehicle or vehicles identified in the application to be used in the business for the applicant.
- g. Proof that the applicant has procured a policy of general liability insurance covering the mobile vending operation and vehicle written by an insurance carrier licensed to do business in Kansas, with a minimum limit of one million (\$1,000,000) dollars, naming the City of Marysville as additional insured, and evidence of compliance with the insurance requirements shall be in the form of a certificate of insurance that shall be submitted with the application.
- h. The application shall contain a statement certifying that all the information provided in the application is true and correct and must be signed personally and acknowledged by an individual applicant, by a partner for a partnership applicant, by an officer legally authorized to sign for a corporate application or by a member of a limited liability company legally authorized to sign company documents.

SECTION 3: Exceptions

- 1. A vender operating under the following conditions, or the purpose of this policy and the licensing provisions required herein shall not apply to:
 - a. Vendors selling in conjunction with and as part of a City of Marysville sponsored event.
 - b. Catering a private event.
 - c. Ice cream vendors selling prepackaged merchandise.
 - d. Vendors who are set up on their own property.

This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this twenty third day of December 2024.

Todd Frye, Mayor

Attested by:

Samantha J. Ralph, Interim City Clerk