

Ordinance No. 1383

Amending Section 33, Subsections 33-012, 33-014, 33-015, 33-102, 33-104, 33-107, 33-109, and 33-110, of the Zoning and Subdivision Regulations as incorporated by reference by Chapter XVI, Article 2, Section 16-201 of the City Code and exempting certain special events from fees, exempting certain mobile sales from fees, and repealing the regulation of peddlers.

BE IT ORDAINED BY THE CITY COUNCIL OF TONGANOXIE:

Section 1. That Paragraph D of Subsection 33-012 entitled "Definitions" of Division I, Section 33 entitled "Special Events and Vending" of the Zoning Regulations is hereby established to read as follows.

D. Governmental Agency. The United States or any department, commission, agency, bureau or other instrumentality thereof; the state or any department, commission, agency, or other instrumentality thereof; any local government, or any department or commission, agency or other instrumentality thereof, any school board or other special district, authority, or entity with regulatory or taxing authority.

Section 2. That Paragraphs I through K of Subsection 33-014 entitled "Special Event Permit Exemptions" of Division I, Section 33 entitled "Special Events and Vending" of the Zoning Regulations are hereby amended to read as follows.

I. Seasonal Sales of produce and vegetables when sold on private property with the permission of the property owner.

J. Athletic events conducted exclusively on school owned property.

K. The City Administrator or his designee shall determine if one or more permits are required for a specific event, based upon the impact of the event(s).

Section 3. That Paragraph C of Subsection 33-014 entitled "Fees for Special Event Permits" of Division I, Section 33 entitled "Special Events and Vending" of the Zoning Regulations is hereby established to read as follows.

C. Charitable not-for-profit organizations and governmental agencies are exempt from fees in this Section of the ordinance, regardless if street closure(s) is required.

Section 4. That the following definitions of Subsection 33-102 entitled "Definitions" of Division II, Section 33 entitled "Special Events and Vending" of the Zoning Regulations are hereby amended to read as follows.

The terms used in this Division, for purposes of the regulations in this Division, shall be defined as follows:

Lot, Vacant. A vacant lot on which there are no permanent buildings.

Push cart. A non-self-propelled vehicle used for street vending.

Street vending. The act of selling or offering to sell any personal service or item, perishable or otherwise, in or upon any public street, public sidewalk, public alley, public way, public building, public park, or other public place in the city; or in or upon any private property within the city.

Street vendor. One who sells or offers to sell any personal service or item, perishable or otherwise, in or upon any public street, public sidewalk, public alley, public way, public building, public park, or other public place in the city; or in or upon any private property within the city.

Mobile Food Vending. The act of selling food and/or beverages by operating a mobile food truck, a mobile food cart, or a mobile packaged food delivery truck.

Mobile Food Cart. A vehicle that may not legally travel on roadways and is not self-propelled or a temporary stand that is limited to serving a) non-potentially hazardous foods, as defined by the Kansas Department of Agriculture, or b) commissary-wrapped food maintained at proper temperatures, or c) limited to the preparation and serving of hot dogs or similar sausages.

Mobile Food Vehicle. An enclosed vehicle, truck, van or trailer that may legally travel on public roads with which a person travels from place to place to serve food or beverage.

Mobile Packaged Food Delivery Truck. An enclosed vehicle licensed to operate on public roads in which a person travels from place to place to deliver packaged food that has been previously ordered.

Single-Unit Mobile Food Truck. A Federal Highway Administration (FHWA) Class 1-7 vehicle, with vehicle weight less than 33K lbs, that is licensed to operate on public roads in which a person travels from place to place to sell packaged food items.

Governmental Agency. The United States or any department, commission, agency, bureau or other instrumentality thereof; the state or any department, commission, agency, or other instrumentality thereof; any local government, or any department or commission, agency or other instrumentality thereof, any school board or other special district, authority, or entity with regulatory or taxing authority.

Local Produce. Produce grown within 70 miles of the city limits of Tonganoxie, Kansas.

Section 5. That the following Paragraph F of Subsection 33-104 entitled "Vending Permit Exemptions" of Division II, Section 33 entitled "Special Events and Vending" of the Zoning Regulations is hereby established to read as follows.

F. Seasonal sales of local produce and vegetables when sold on private property with the permission of the property owner.

Section 6. That the following Paragraph A of Subsection 33-107 entitled "Prohibited Locations for Street or Mobile Food Vending" of Division II, Section 33 entitled "Special Events and Vending" of the Zoning Regulations are hereby amended to read as follows.

A. *Similar Businesses.* Street or Mobile Food vendors shall not sell or offer to sell any service or item within a fifty-foot radius of a public entrance of an established brick and mortar business offering similar products to the public during the hours that the business is open to the public, unless they have written permission from the business owner.

Section 7. That the following Paragraph H of Subsection 33-109 entitled "Street or Mobile Vending Performance Standards" of Division II, Section 33 entitled "Special Events and Vending" of the Zoning Regulations are hereby amended to read as follows.

H. Street or Mobile Food vendors selling or offering to sell any service or item must comply with all ordinances applicable to the business in which they are engaged and the services and items being offered to the public.

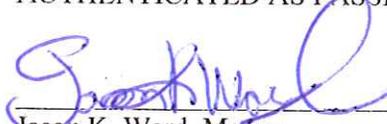
Section 8. That Paragraph D of Subsection 33-014 entitled "Exemptions" of Division II, Section 33 entitled "Special Events and Vending" of the Zoning Regulations is hereby established to read as follows.

D. This Division is not intended to regulate door-to-door sales. See Municipal Code Section Chapter 5, Article 2 for regulations pertaining to door-to-door sales.

Section 9. That this Ordinance shall take effect and be in force upon its publication in the official newspaper of the City of Tonganoxie.

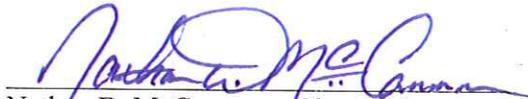
PASSED by the Governing Body of the City of Tonganoxie, Kansas, this 6th day of October, 2014.

AUTHENTICATED AS PASSED



Jason K. Ward, Mayor

ATTEST



Nathan D. McCommon, City Clerk

