

ORDINANCE NO. 23-02

AN ORDINANCE PERTAINING TO MOBILE FOOD VENDORS; AMENDING OLATHE MUNICIPAL CODE SECTIONS 5.30.010 AND 5.30.020 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTION 5.30.060.

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

SECTION ONE: Section 5.30.010 of the Olathe Municipal Code is hereby amended to read as follows:

“5.30.010 Definitions.

The words and phrases listed below when used in this Chapter shall have the following meanings:

“City Approved Event” shall mean:

(A) any ~~Any~~ event sanctioned by a Permit or License issued by the City, ~~including but not limited to a Temporary Sales & Event Permit and/or a Temporary Concession License; or~~

(B) Any event the City organizes or assists in organizing where the City has approved vending by specific Mobile Food Vendors at such event.

“Mobile Food Vendor” or “Vendor” shall mean any person, corporation, association, or other entity, however organized, that offers food and/or beverage for sale from a Mobile Food Unit.

“Mobile Food Unit” or “Unit” shall mean any self-contained vehicle, trailer, cart, or other type of conveyance from which food and/or beverage is offered for sale.

“Public property” shall include all City streets, alleys, rights-of-way, parking lots, and parking spaces, but shall not include any City parks and/or

recreational areas as defined in Section 12.21.010 of the Olathe Municipal Code.

“Vending location” shall mean any of the following locations where food and/or beverage is offered for sale from a Mobile Food Unit:

(A) Any single lot, tract, or parcel of private property;

(B) Any single City parking lot; or

(C) Any single block of a City street, alley, right-of-way, or line of parking spaces.”

SECTION TWO: Section 5.30.020 of the Olathe Municipal Code is hereby amended to read as follows:

“5.30.020 Operating ~~Conditions~~ Regulations and Requirements.

(A) In addition to any other applicable laws or regulations, Mobile Food Vendors ~~may operate within the City under~~ must comply with the following ~~conditions~~ regulations and requirements while operating within the City:

(1) *Location.* Mobile Food Vendors may vend on ~~Public~~ public or private property in accordance with this Chapter. ~~Mobile Food Units may not be parked on Public property where a line of customers would hinder the flow of traffic on any street, the flow of bicycles within any bike lane or route, 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 either (a) instruct customers to move to a safe location outside of the flow of traffic, bicycles, and pedestrians, (b) temporarily stop vending from its Unit, or (c) move its Unit to a different location.~~

(a) *Movement Required.* Mobile Food Units are prohibited from remaining at a single vending location for more than ten (10) hours out of any 24-hour period during which vending from the Unit occurs at such location.

(b) *Distance from Restaurants.* No Mobile Food Vendor may vend on public or private property within a one hundred fifty foot (150') radius from a brick and mortar restaurant during such restaurant's posted hours of operation unless the Mobile Food Truck Vendor has written permission from the restaurant owner and maintains a record of such permission in its Unit for inspection.

(c) *Flow of Traffic & Pedestrians.* Mobile Food Units may not be parked on public or private property where a line of customers would hinder the flow of traffic on any street, the flow of bicycles within any bike lane or route, or the flow of pedestrians along any sidewalk.

(d) *Accessible Routes.* 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 either (a) instruct customers to move to a safe location outside of the flow of traffic, bicycles, and pedestrians, (b) temporarily stop vending from its Unit, or (c) move its Unit to a different location.

(e) ~~(2)~~ *Paved Surfaces.* All Mobile Food Vendor operations must occur on paved surfaces constructed in accordance with Section 18.30.160 of the Unified Development Ordinance, ~~unless as part of a City Approved Event.~~

~~(3) *Distance from Restaurants.* No Mobile Food Vendor may vend on public or private property within a one hundred fifty foot (150') radius from a brick and mortar restaurant during such restaurant's posted hours of operation unless the Mobile Food Truck Vendor has written permission from the restaurant owner and maintains a record of such permission in its Unit for inspection.~~

~~(4)(2) *Hours of Operation-Sale of Alcoholic Beverages.* Mobile Food Vendors are prohibited from offering for sale any food and/or beverage from a single property for more than four (4) hours out of every day, or outside the hours of 7:30 A.M. to thirty (30) minutes after sunset except as part of a City Approved Event.~~ Mobile Food Vendors are prohibited at all times from selling or offering for sale alcoholic beverages.

~~(5)(3) *Signage.*~~ Except as otherwise provided herein, no sign or device prohibited by Section 18.50.190 of the Unified Development Ordinance may be erected, placed, installed, and/or maintained in association with a Mobile Food Unit. Signage mounted on a Mobile Food Unit shall not exceed the dimensions of the Unit by more than one (1) foot in any direction. No sign on a Mobile Food Unit may be illuminated. A maximum of one detached "A" Frame Sign may be permitted with a maximum area of eight (8) square feet and a maximum overall height of four (4) feet. "A" Frame Signs must be located within fifteen (15) feet of its associated Unit and may not 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. "A" Frame Signs may only be used during the hours its associated Unit is conducting business.

~~(6)(4) *Lights.*~~ No flashing lights or attention-attracting devices (as defined in Section 18.50.190 of the Unified Development Ordinance) are permitted on or in association with the use of a Mobile Food Unit. No direct light may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles or pedestrians from a Mobile Food Unit.

~~(7)(5) *Accessory Structures.*~~ Unless otherwise provided in this Section, no tables, chairs, or other accessory structures may be erected by a Mobile Food Vendor outside of a Mobile Food Unit.

~~(8)~~(6) *Trash and Recycling.* Trash and recycling receptacles shall be provided with each Mobile Food 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.

~~(9)~~(7) *Restoration of Site.* Immediately upon cessation of vending, the Mobile Food Vendor shall return the site to its previous condition, including the removal of all litter, repair of any damage, or other evidence of the vending. If the site is not returned to its previous condition, the City will restore the site at the expense of the vendor.

(8) Exemptions. The regulations and requirements in this Section shall not apply to the following activities:

(A) Ice cream vendors licensed under Section 5.28.040 of the Olathe Municipal Code;

(B) Caterers licensed under Chapter 7.10 of the Olathe Municipal Code;

(C) Vendors selling as part of a City Approved Event;

(D) Vendors selling at the Olathe Farmers' Market;

(E) Vendors selling on public or private school property with the permission of any such school; or


(F) Vendors selling pursuant to an approved preliminary or final site development plan or a temporary sales and events permit.”

SECTION THREE: Existing Sections 5.30.010, 5.30.020, and 5.30.060 are hereby repealed.

SECTION FOUR: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

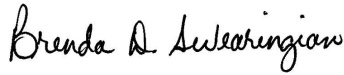
PASSED by the Governing Body this 17th day of January, 2023.

SIGNED by the Mayor this 18th day of January, 2023.


John W. Bacon (Jan 18, 2023 10:25 CST)

Mayor

ATTEST:



City Clerk



(SEAL)

APPROVED AS TO FORM:


Ron Shaver (Jan 18, 2023 14:41 CST)

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

First published in The Legal Record, Tuesday, January 24, 2023.

PUBLICATION SUMMARY OF ORDINANCE NO. 23-02, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 17th DAY OF JANUARY 2023.

SUMMARY

On January 17, 2023, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 23-02 amending Chapter 5.30 of the Olathe Municipal Code pertaining to Mobile Food Vendors.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

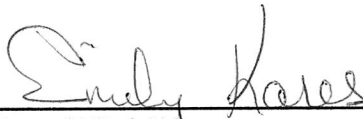
This summary is certified this 18th day of January 2023.

/s/ Robert G. Gallimore
Robert G. Gallimore
Assistant City Attorney
1/24

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Emily Kares, of lawful age, being first duly sworn, deposes and says that she is Editorial Manager for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

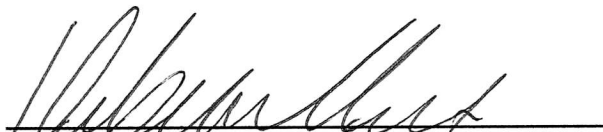
ORDINANCE NO. 23-02
1/24/23



Emily Kares, Editorial Manager

Subscribed and sworn to before me on this date:

January 24, 2023



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L10849
Publication Fees: \$18.59