

ORDINANCE NO. 4272

An Ordinance Amending Article XI, Transient Vendor License, and Creating a New Category for a Food Truck Vendor License

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Article XI shall be re-titled to read Transient Vendor and Food Truck Vendor Licenses.

Section 2. City Code Section 62-330 is amended to read as follows:

Section 62-330. License Required.

No person, firm or business who is either a transient vendor or a food truck vendor, as defined in Section 62-331, shall do business within the city without first applying for and being issued a license to conduct, pursue or operate such business within the city as provided herein. A transient vendor license or a food truck vendor license shall be in lieu of a the business license otherwise required under Section 62-27.

Section 3. Under City Code Section 62-331 the definition for transient vendor is amended to read as follows:

Transient vendor. A transient vendor is any person, firm or business, other than a food truck vendor, who does not have an established place of business within the corporate limits of the city, who sells or offers to sell to the general public, goods, wares, merchandise or personal property of any nature whatsoever from any conveyance, stand, table or other means set up or located on the streets and sidewalks within the city or on the property within the city owned by another.

Section 4. City Code Section 62-331 is amended to add the following definitions:

Food truck vendor. A food truck vendor is any person, firm or business who does not have an established place of

business within the corporate limits of the city, who sells or offers to sell food and/or beverages from any vehicular truck, enclosed trailer, or other mobile unit approved by the Governing Body which is parked, and not moving, within the city limits along a street, parking lot, or on private property but with the written consent of the owner of the property where situated. In the case of a street or other publicly owned property, such written consent must be obtained from the Governing Body.

Vehicular truck. A vehicular truck is any motor vehicle equipped to sell food and/or beverages from its interior.

Enclosed trailer. An enclosed trailer is any trailer with an outer shell protecting it from environmental elements that can be hitched to a truck or other vehicle but capable of being a freestanding structure while selling the business's food and/or beverages.

Section 5. There are no changes or amendments to City Code Section 62-332.

Section 6. New. The following language shall be added to the City Code as

Section 62-333, Food Truck Vendor License Application:

Applications for food truck vendor licenses shall be submitted to the City Clerk in writing on forms provided by the City Clerk and signed by the applicant. The application shall contain the following information:

- (1) Name, date of birth, social security number and applicant's permanent address.
- (2) Address for location where applicant intends to offer food and/or beverages for sale along with the written consent of the owner of the location.
- (3) Full legal of business, name of business owner, and driver's license number of the owner/operator.
- (4) Vehicle information including: type of vehicle, model, VIN number, insurance policy name and number, name of owner of vehicle.

(5) Sales tax certificate designating the city and as applicable the county as recipients of local sales tax collected.

(6) Description of the nature of the business to be conducted and goods to be sold.

(7) Length of stay at the designated location.

(8) Copy of health permit from the Kansas Department of Health & Environment.

(9) Copy of fire safety permit from the Independence Fire Department.

Section 7. The previously numbered City Code Section 62-333 is reassigned as City Code Section 62-334, Licensing Procedure.

Section 8. The previously numbered City Code Section 62-334 is reassigned as City Code Section 62-335, Fees, and is amended to read as follows:

The fees for a transient vendor license and a food truck vendor license shall be as set forth in Appendix D to the City Code.

Section 9. The previously numbered City Code Section 62-335 is reassigned as City Code Section 62-336, Exemptions, and is amended to read as follows:

All carnivals, farmers' markets, public events or activities as defined in Section 62-331 in which the activity is on public property and the use of the public property has been approved by the Governing Body are exempt from the transient vendor licensing requirement under this ordinance. Sales conducted by motorized vehicles as defined in Section 62-331 are exempt from the transient vendor licensing requirement under this ordinance, however, the requirement for a business license set forth in Section 62-27 shall be applicable to vendors selling from motorized vehicles. Any person, firm or business who is required to pay rent for the use of a public building or facility for conducting business activities is not exempt from the

requirement of this ordinance or any other applicable sections of the City Code requiring a business or occupation license. Food truck vendors who participate in public festivals or events such as Neewollah which have been approved by the Governing Body shall be exempt from the food truck vendor licensing requirement under this or ordinance.

Section 9. The previously numbered City Code Section 62-336 is reassigned as City Code Section 62-337, Penalty.

Section 10. The previously numbered City Code Section 62-337 is reassigned as City Code Section 62-338, Revocation.

Section 11. Effective Date. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 26th day of July, 2018.


LEONHARD CAFLISCH, Mayor

ATTEST:


MICHAEL A. BOROVETZ, City Clerk

