

City of Lansing, KS

Mobile Food Vending Policy Manual



Per Ordinance # _____
Effective _____, 2024

City Clerk
800 1st Terrace
Lansing, KS 66043

Contents

Purpose	<u>2</u>
Definitions	<u>3</u>
Mobile Food Vending Business Permitted	<u>4</u>
License Application and General Standards	<u>5</u>
Application requirements	
Optional application information	
Requirements for food vending vehicle drivers	
Requests for information	
Issuance of Permit	
Substitution of permitted food vending vehicles	
Transfer of assets	
Mobile Food Vending Vehicle Operations	<u>8</u>
Compliance with state and local law	
Location of operations	
Public Property	
Private Property	
No interference with pedestrians or vehicles	
Food Safety and Serving Alcohol	<u>10</u>
Food hygiene standards	
Food safety certification	
Serving alcohol	
Permit denial, suspension, revocation, and appeals	<u>12</u>

Purpose

The City of Lansing establishes the Mobile Food Vending Policy Manual to support the growing mobile food vending businesses community. To incentivize mobile food vendors to continue providing much desired services to our area, the City of Lansing establishes standards to promote safe and healthy mobile food vending options.

Mobile food vendors are at our Fall Fest and Independence Day Celebrations and provide a variety of job opportunities, new food options, and create a draw for those looking to expand their business here in Lansing.

When properly licensed, mobile food vendors contribute to economic growth, community development, and culinary diversity, making them a valuable asset to our community. The City of Lansing looks forward to growing not only our brick and mortar businesses, but also our mobile vendors to enrich the whole community.

Definitions

The words and phrases in this section shall have the meanings given unless clearly indicated differently.

Applicant—A person applying to the City of Lansing to operate as a mobile food vendor.

Customer—Any person with whom a mobile food vendor conducts business, or any person who stops to contemplate conducting business with a mobile food vendor.

Food Vending Vehicle—Any vehicle used to sell food or beverages by a mobile food vendor including: food truck, mobile vehicle, trailer or cart.

Mobile Food Vendor—Any person who dispenses food or beverages from a food vending vehicle for immediate service and/or consumption.

Private Property—All property that is not public property that is privately owned.

Public Property—Any property owned and operate by the City of Lansing, including public right of ways.

Sell—To transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have in one's possession or control for the purpose of selling.

Mobile Food Vending Business License

No person may operate as a mobile food vendor in the City of Lansing without obtaining a mobile food vending license under this chapter and any other license or permits that may be required by other applicable state or county law. For special events, mobile food vendors may apply for a Temporary Special Event License which is only valid for the dates indicated on the application. In all other instances, a separate mobile food vending license shall be required for each food vending vehicle operated by a mobile food vendor. *The legal acquisition of a mobile food vending license does not permit mobile food vendors to operate during special events for which they are not a recognized vendor (e.g., Independence Day Celebration, Fall Fest, etc.)*

A violation of this Chapter may result in the suspension or revocation of a mobile food vending license and penalties as described in Article V of Lansing, Kansas Municipal City Code.

License Application and General Standards

Application requirements (Art 5; Sect 5-02):

An applicant may submit a paper or online application to the City of Lansing on a form provided by the City Clerk's office for a mobile food vending license. The application shall contain the following information:

- A. The applicant's name, address, email, and telephone numbers.
- B. The name, address, email, and telephone number of any associated entities or organizations that the applicant is representing and copies of documents verifying that relationship.
- C. The applicant's primary residence and/or business addresses.
- D. Whether the applicant was denied a permit/license to operate as a mobile food vendor or whether the applicant had a mobile food vending permit/license suspended or revoked and, if so, the reasons for the denial, suspension, or revocation.
- E. A copy of the business applicant's state sales tax certificate.
- F. A list of all vehicle permit numbers, vehicle descriptions, vehicle identification numbers, and vehicle registration for the food vending vehicles.
- G. Proof of vehicle insurance for the food vending vehicles.
- H. A copy or proof of any additional permits or permits required by the State, county, and or municipality for food vending vehicles to include license number, issue date, and expiration date.
- I. A copy of the State Health inspection passed within the last 12 months.
- J. Proof that mobile food vending vehicle is fully self-sufficient (i.e., no city services, including water or electric, will be provided).
- K. Expected hours of operation.

Food vending vehicle drivers requirements (Sect 5-503):

Any person who drives a food vending vehicle shall hold a current driver's permit with the classification/level required by the state for food vending vehicles.

Requests for information (Sect 5-504)

The applicant shall complete the application and provide additional documentation requested by the City of Lansing as required by this section. The applicant may submit one application for all vehicles requiring a permit but shall be charged a separate permit fee for each permit requested. Failure to submit a complete application may result in denial of a permit.

Issuance of Permit:

The City of Lansing shall issue a mobile food vending permit to the applicant upon submission of application and completion of successful city inspection.

Substitution of permitted food vending vehicles:

Licenses are not transferable, nor shall a license authorize the activities permitted by any person other than the permittee, except that the sale of a food vending vehicle identified in a license application, when replaced by another food vending vehicle on a one-for-one basis, will not invalidate the original license nor require a new license application. When replacing a food vending vehicle with another vehicle, the licensee shall provide the City of Lansing with all information required by this section.

Transfer of assets:

If a mobile food vendor transfers its mobile food vending business assets, the recipient of the assets shall, before operating, apply for and obtain a new mobile food vending permit from the City of Lansing.

Fees:

The City of Lansing is authorized to establish a schedule of fees for an initial mobile food vending permit of \$100 and yearly renewal fee of \$50. An applicant shall pay the license fee established by the City of Lansing unless otherwise exempted.

Unlawful conduct:

It is unlawful for any person to intentionally provide false information or to intentionally omit information on an application for a license. Intentionally providing false information or intentionally omitting information on an application for a license will result in denial of a license.

Mobile Food Vending Vehicle Operations

Compliance with State and Local Law

A mobile food vendor shall follow any applicable state and local laws, including without limitation all fire codes, zoning codes, occupational tax codes, and any other applicable state or local code provisions.

Location of operations

A mobile food vendor may operate in the following locations so long as a minimum of 24 hours advance notice is provided to the City of Lansing Community Development

Department:

Public Property

A mobile food vendor may operate on public property under the following circumstances after receiving a permit from the City:

1. On public property so long as the food vending vehicle is not parked within 20 feet of a crosswalk at an intersection.

However, food vending vehicles shall not park at the same location for more than three (3) consecutive calendar days (e.g., if a mobile food vendor begins operating on a Friday evening, the mobile food vending vehicle must be moved by end-of-day on Sunday.)

2. On public property within the C-2 Retail Business District so long as the location is requested by the adjacent property owner and/or organization(s) operating within the property. The mobile food vendor may then operate:

A. From legal parking stalls but may not operate from designated handicap parking stalls. This includes areas on public right-of-way not to exceed five parking spaces when parking parallel to the street.

**A mobile food vendor may only park parallel to the street and cannot park diagonally within a parking stall.*

**When operating on public property, a mobile food vendor is subject to the same parking rules, restrictions, and obligations that a commercial vehicle would be subject to if not used by a mobile food vendor.*

3. On public property at parking lots owned by the City of Lansing (adjacent to City Hall, 730 First Terrace, or other City Buildings and Parks) so long as the location is requested and approved by the City of Lansing Community and Economic Development Director and/or appropriately designated City Official.

**Food vending vehicles may only be parked in said parking lots with prior approval for the duration of an approved special event.*

Private Property

A mobile food vendor may operate on private property under the following circumstances after receiving a license:

1. The property is in a Commercial or Industrial Zoning District, and the vendor has written permission of the property owner and/or their designee;
2. The property is in a designated Residential Zoning District, and the mobile food vendor has written permission by a resident in that district to operate on their property for the purpose of serving food to that resident or their guests.
3. The vendor does not operate within the sight triangle of an intersection.

**A sight triangle is measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. At the intersection of arterial streets, the 90-foot distance is increased to 120 feet.*

No interference with pedestrians or vehicles

A mobile food vendor shall not interfere with or obstruct the passage of pedestrians or vehicles along any street, sidewalk, or parkway.

Hours of operation

A mobile food vendor may only operate between the hours of 7:00am to 10:00pm, Sunday through Saturday, except for when operating as part of an approved special event.

Operational Standards

When operating, a mobile food vendor shall:

1. Comply with all existing code regulating lighting and signage and maintain a food vending vehicle in good operating order and visual appearance, including removing any graffiti that is not part of the overall design or art featured on the vehicle;
2. Park so that its service window faces the sidewalk.
3. Serve customers through its service window, except for when making reasonable accommodations for customers with disabilities;
4. Provide a waste receptacle for customers which is clearly marked and request its use by customers;
5. Pick up, remove, and dispose of all refuse within 25 feet of vendor's operating area during and at the conclusion of service. Refuse is not to be disposed of in City of Lansing public trash receptacles;
6. Submit to and pass any required health inspections; and
7. Displays its mobile food vendor license, health certificate, and any State of Kansas issued licenses in a conspicuous location in its operating window for public view.

A mobile food vendor **shall not provide patrons with tables or seating accommodations in the public right-of-way, which includes public streets, alleys, and sidewalks. Tables and seating may be provided at the discretion of the City of Lansing when operating at parking lots owned by the City.*

Food Safety and Serving Alcohol

Food hygiene standards

Mobile food vendors shall follow all food hygiene standards as regulated by the Kansas Department of Agriculture.

Food safety certification

At all times, at least one person working in a food vending vehicle must hold a current food safety certification.

Serving alcohol

Mobile food vendors shall **NOT** sell or serve alcohol on public property unless within an approved beer garden and the vendors is licensed by the Department Alcohol and Beverage Control to sell and/or serve alcoholic beverages.

Mobile food vendors may sell or serve alcohol on private property if the are licensed by the Department of Alcohol and Beverage Control to sell and/or serve alcoholic beverages.

License Denial, Suspension, Revocation, and Appeals

The City Administrator, Community and Economic Development Director, and/or the Chief of Police of the City of Lansing may deny, suspend, or revoke a license issued under this Chapter. A license may be denied, suspended, or revoked only for the following reasons:

1. Fraud, misrepresentation, or false statement contained in the application for a permit.
2. Fraud, misrepresentation, or false statement made in connection with the selling of food.
3. Any facts or conditions that would justify the denial of the original application.
4. One or more violations of the terms set forth by the Mobile Food Vending Policy Manual.

Any person who has been notified regarding the denial of their mobile food vending application may appeal to the Board of Zoning Appeals within 30 calendar days of receipt of said notice. Upon receipt of a request for a hearing, the Board of Zoning Appeals shall hold a hearing within 30 calendar days and issue findings of fact, conclusions of law and a decision.

When circumstances demonstrate that continued operation by a mobile food vendor poses imminent threat to the public's health and safety, the mobile food vendor is engaged in criminal behavior, or the mobile food vendor has violated the terms set forth by the Mobile Food Vending Policy Manual, the City of Lansing may immediately suspend or revoke a mobile food vending license. The mobile food vendor may request a hearing before the Board of Zoning Appeals regarding the suspension or revocation within thirty (30) calendar days of receiving notice of the suspension or revocation. Any hearing regarding the

summary suspension or revocation of a license shall be held within 30 calendar days from the date the City of Lansing receives a mobile food vendor's request for a hearing. The Board of Zoning shall issue findings of fact, conclusions of law and a decision.

It is unlawful for a mobile food vendor whose license has been suspended or revoked to operate. If the City of Lansing suspends or revokes a license, the mobile food vendor shall immediately cease all food vending operations.

A mobile food vendor aggrieved by an order issued by the Board of Zoning Appeals may appeal the order to the Leavenworth County District Court.

The City of Lansing is excited to have new businesses joining our growing community.
We look forward to working with you!



City of Lansing, KS

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