

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 260277

Amending Chapter 50, Code of Ordinances, by repealing Section 50-453, Conditions, and enacting in lieu thereof a new Section 50-453, for the purpose of enlarging the prohibition of street vending, including food items, to within 300 feet of related businesses open business hours.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances, is hereby amended by repealing Section 50-453, Conditions, and enacting in lieu thereof a new Section 50-453, said section to read as follows:

Sec. 50-453. Conditions.

(a) ~~The~~ The following conditions are made applicable to street vending within the city:

- (1) Any lawful service or item may be sold, hawked or peddled, or offered for sale, hawking or peddling, except that any items other than newspapers, magazines, periodicals, flowers, food or beverage may be sold, hawked or peddled, or offered for sale, hawking or peddling only from a ~~push cart~~ pushcart or from the street vendors person.
- (2) Any person engaging in street vending must apply for and obtain all business licenses and permits required by ~~chapter~~ Chapter 40 of this Code, and must maintain those licenses and permits in a current state.
- (3) Any person engaging in street vending who offers to the public any food or beverage item must also apply for and obtain all licenses and permits required by ~~chapter~~ Chapter 30 of this Code, and must maintain those licenses and permits in a current state.
- (4) A vendor certificate including all required licenses and permits must be prominently displayed on the vehicle or ~~push cart~~ pushcart from which the street vendor operates, and in a manner prescribed by the directors of the department of finance and department of health, or the department of parks and recreation, as applicable. If a street vendor vends without a ~~push cart~~ pushcart or mobile unit, the street vendor must prominently display a hanging street vendor certificate upon his or her person. It shall be a violation of this article to vend without a properly displayed vendor certificate.
- (5) Any person engaging in street vending shall have prominently displayed upon the side of the vehicle or ~~push cart~~ pushcart from which the street vendor operates his

or her name or the name of his or her business, if registered with the secretary of state, in letters not less than four inches in height.

- (6)_ Any street vendor who changes his or her place of residence or business, or who transfers ownership of the vehicle or ~~push-cart~~pushcart from which the street vendor operates, shall notify the department of finance and department of health of the change or sale, as applicable, within 15 days.
- (7)_ Street vendors shall not sell or attempt to sell any item or attempt to make any sale within one block of a school on a day in which school is in session during the 30- minute period preceding school or the 30- minute period after adjournment.
- (8)_ No person under the age of 16 years, other than the street vendor or the street vendors employees, shall be allowed in or upon any vehicle or ~~push-cart~~pushcart engaged in street vending.
- (9)_ No street, alley or way, public or private, shall be blocked by the street vendors vehicle or ~~push-cart~~pushcart, or by anything being offered for sale, hawking or peddling.
- (10)_ Where the street vending occurs on a public sidewalk, a three-foot passageway for pedestrians shall be left open, and all merchandise shall be securely and adequately placed so as not to endanger a passerby or protrude into any street, alley or way.
- (11)_ Street vendors shall not sell, hawk or peddle, or offer to sell, hawk or peddle any service or item in a manner which causes a nuisance, creates a fire hazard, interferes with the flow of vehicular and pedestrian traffic, or interferes with ingress or egress to or from any occupied building.
- (12)_ Street vendors shall not sell, hawk or peddle, or offer to sell, hawk or peddle any service or item in a manner or location that would result in the street vendors violation of any ordinance, including but not limited to those ordinances pertaining to parking and traffic control.
- (13)_ Street vendors selling, hawking or peddling, or offering to sell, hawk or peddle 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.
- (14)_ Street vendors offering food or beverage shall provide a trash receptacle and must clean the litter and food deposits from that receptacle as often as necessary to ensure compliance with all applicable health code ordinances and regulations, but in no event less than once per day.
- (15)_ Street vendors shall not sell, hawk or peddle, or offer to sell, hawk or peddle any service or item within ~~50~~300 feet of a public entrance of an established business primarily offering similar products to the public during the hours that the business

is open to the public. For purposes of this article, one cannot sell, hawk or peddle food items within ~~50~~300 feet of a restaurant, deli, cafeteria or other ~~eating~~permitted food establishment selling food items during the time it is open for business.

(b)~~_~~The failure of a street vendor to satisfy any of the conditions established by this article shall render the street vending unlawful.

Approved as to form:

Joseph A. Guarino
Senior Associate City Attorney