



ORDINANCE NO. 639

AN ORDINANCE OF THE CITY OF WHITEWATER, KANSAS, ESTABLISHING REQUIREMENTS FOR MOBILE FOOD VENDORS

WHEREAS, on the 23rd day of June, 2025, the Governing Body of the City of Whitewater, Kansas did then and there by vote of the Council find it advisable to adopt this ordinance relating to establishing certain requirements for mobile food vendors in the City of Whitewater, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WHITEWATER, KANSAS THAT the following be adopted:

1. **PURPOSE.** The Governing Body finds that to advance the health, safety, and welfare of the residents of the City of Whitewater, Kansas, it is necessary to regulate various activities, including those of Mobile Food Vendors.
2. **DEFINITIONS.** The following words, terms, and phrases, when used in this Ordinance, shall, except where the context clearly indicates otherwise, have the following meanings:
 - a. City Clerk, for the purpose of this Ordinance, shall mean the City Clerk, the interim City Clerk, anyone fulfilling the duties of the City Clerk on either a temporary or a permanent basis, or any designee of the City Clerk.
 - b. Mobile Food 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.
 - c. Mobile Food Unit shall mean any self-contained vehicle, trailer, cart, or other type of conveyance from which food and/or beverage is offered for sale.
 - d. City Approved Event shall mean any event sanctioned by a Permit issued by the City, including but not limited to a Temporary/Special Event Permit or a Temporary Use of Public Right of Way agreement.
 - e. Public Property shall mean and includes streets, alleys and public ways of the City, county or School District owned public property, State and Federal highways within the Corporate Limits of the City, off-street parking facilities of businesses, churches and schools, private parking areas specifically designed for the parking of motor vehicles, public parks, public playgrounds, church playgrounds, church playgrounds, school and church driveways, service stations, food and beverage drive-ins, drive-in laundries, and automobile, implement and machinery sales display lots.

3. **MOBILE FOOD VENDOR'S LICENSE REQUIRED.** No person, corporation, association, or other entity, however organized, shall operate within the corporate limits of the City as a Mobile Food Vendor without first obtaining a valid Mobile Food Vendor's License.
4. **MOBILE FOOD VENDOR'S LICENSE FEE.** The application fee for a Mobile Food Vendor's License is as follows:
 - a. \$400.00 per year. All year long licenses shall run from January 1 to December 31 each year. This fee shall not be pro-rated or refunded for any reason, including denial of an application or revocation of a license.
 - b. \$25.00 per day.
 - c. \$100.00 per week. All permits shall run for seven (7) consecutive days from date of issuance.
5. **MOBILE FOOD VENDOR'S LICENSE APPLICATION.** Application for a Mobile Food Vendor's License shall be made to the City Clerk on a form provided by the City Clerk for that purpose. In addition to paying the Mobile Food Vendor's License Fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following information:
 - a. The applicant's full legal name.
 - b. The applicant's permanent address, business mailing address, and telephone number.
 - c. A copy of the applicant's government-issued photo identification.
 - d. A copy of the applicant's valid Kansas sales tax number and certificate.
 - e. A brief description of the nature of the business and the food and/or beverage to be offered for sale.
 - f. A photograph of each Mobile Food Unit and, if licensed, the license plate number of each Mobile Food Unit.
 - g. A copy of a valid State of Kansas license for food service establishments, if such is required.
 - h. Proof of general liability insurance in the amount of \$500,000.00 or more.
 - i. A statement indicating whether or not the applicant has had a Mobile Food Vendor's License, or any similar license, revoked in this jurisdiction within the preceding two (2) years.
 - j. The applicant's signature.
6. **MOBILE FOOD VENDOR'S LICENSE ISSUANCE; DENIAL.** (a) The City Clerk shall review each application for a Mobile Food Vendor's License. Within ten (10) days of application, the City Clerk shall approve the application and shall issue to the applicant a Mobile Food Vendor's License together with an official copy of each Mobile Food Unit identified in the application unless:

- a. The application is incomplete.
- b. The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement.
- c. The applicant has had a Mobile Food Vendor's License revoked by the City for any reason within the preceding two (2) years.

If the application is deficient for any of the reasons set forth in Section 5-806(a) of this Ordinance, then the City Clerk shall deny the application by giving written notice of denial to the applicant.

Notice of Denial shall be in writing, shall be mailed to the applicant at his/her given address, shall inform the applicant of the reason for denial, and shall inform the applicant that he/she has fourteen (14) days from the date of the Notice of Denial in which to appeal the denial of the application to the Governing Body. The City Clerk shall maintain a copy of the Notice of Denial in their files.

7. **MOBILE FOOD VENDOR'S LICENSE APPEARANCE; DURATION.** (a) The Mobile Food Vendor's License shall contain the seal of the City, the name of the licensee, and the expiration date of the license. (b) The Mobile food Vendor's License shall be valid for a period not to exceed one year and shall expire on December 31 of the year in which it is issued.
8. **MOBILE FOOD VENDOR'S LICENSE DISPLAYED.** Mobile Food Vendor's shall display the Mobile Food Vendor's License in a prominent place on a Mobile Food Unit at all times that Mobile Food Unit is engaged in any of the activities licensed by the City.
9. **MOBILE FOOD VENDOR'S LICENSE NON-TRANSFERABLE.** No Mobile Food Vendor's License issued in accordance with the provisions of this Ordinance shall be issued by any person other than the person, corporation, association, or other entity, however organized, to whom it was issued.
10. **MOBILE FOOD VENDOR'S LICENSE RESTRICTIONS.**
 - a. Mobile Food Vendor's shall obtain the permission in writing of the property owner before engaging in any activities licensed by this Ordinance.
 - b. Mobile Food Vendor's may only engage in activities licensed by this Ordinance on improved surfaces in commercial, industrial, and public use zoning districts as defined in the Zoning Regulations of the City of Whitewater, as amended.
 - c. Mobile Food Vendor's are prohibited from offering for sale any food and/or beverage from a public right of way, including public sidewalks, except as part of a City Approved Event.

- d. Mobile Food Vendor's are prohibited from offering for sale any food and/or beverage from any unoccupied or vacant lot, except as part of a City Approved Event or pursuant to a City approved Sketch Plan establishing a location for Mobile Food Vendors as a permanent or seasonal element of the site in accordance with subsection (g) of this Section.
- e. No more than two (2) Mobile Food Units may be operated at the same time on any single property, except as part of a City Approved Event or pursuant to a City-approved Sketch Plan establishing a location for Mobile Food Vendors as a permanent or seasonal element of the site in accordance with subsection (g) of this Section.
- f. Mobile Food Vendor's are permitted to offer for sale any food and/or beverages from a single property between the hours of 6:00 a.m. to 10:00 p.m. except as part of a City Approved Event or pursuant to a City-approved Sketch Plan establishing a location for Mobile Food Vendors as a permanent or seasonal element of the site in accordance with subsection (g) of this Section.
- g. The City may approve a Sketch Plan establishing a location for Mobile Food Vendors as a permanent or seasonal element of a site only when the following conditions are met:
 - i. The owner must submit to the City, for its approval, a standard Sketch Plan showing, among other things, the location on the site of Mobile Food Vendor's as either a permanent or seasonal element of the site;
 - ii. Address and location on the site, with distances to property lines.
 - iii. Use and number of parking spaces blocked shall be approved by business owner adjacent to the intended vending site but shall not impact the streets or traffic.
 - iv. Plan must indicate no negative impacts to pedestrian, bicycle, or motor vehicle traffic circulation or cause safety issues.
 - v. Plan for litter control.
 - vi. Additional lighting planned, if any.
 - vii. Use of amplification or items generating noise.
 - viii. The real property that is the subject of the Sketch Plan must be located in a zoning district where the licensed activity is a permitted use.

11. MOBILE FOOD UNIT STANDARDS. All Mobile Food Units shall comply with the following standards:

- a. All Mobile Food Units shall be maintained in good, operable condition and shall, at all times, be capable of being moved.
- b. The exterior of all Mobile Food Units shall be maintained in good repair, shall be sound, shall be free from peeling or flaking paint, and shall be clean and sanitary so as not to pose a threat to the public health, safety, and welfare.

- c. All Mobile Food Units, unless completely self-contained, shall be located in close proximity to and shall be connected safely to electricity and other necessary utilities, such that they do not pose a threat to the public health, safety, and welfare.
- d. Signs shall be limited to: one (1) portable pedestrian sign per food truck, which may only be displayed during hours that the Mobile Food Unit is being operated. The portable pedestrian sign must meet all requirements of the Zoning Regulations, as amended, of the City of Whitewater.

12. MOBILE FOOD VENDOR LICENSE REVOCATION.

- a. The City Clerk may revoke any Mobile Food Vendor's License issued under this Ordinance for one or more of the following reasons:
 - i. Fraud, misrepresentation, or false statement contained in the application for the Mobile Food Vendor's License;
 - ii. Any violation of the provisions of this Ordinance;
 - iii. Conducting a licensed activity in an unlawful manner, in a manner that disturbs the peace, or in a manner that is injurious to the health, safety, or welfare of the residents of the City;
 - iv. Unauthorized use of a public right of way;
 - v. Violation of a Sketch Plan requirement for an existing land use or for any other violation of the Zoning Regulations, as amended; or
 - vi. Revocation or denial of any license issued by the State of Kansas for food service establishments.
- b. Notice of Revocation shall be in writing, shall be mailed to the applicant at his/her given address, shall inform the licensee of the reason for revocation, and shall inform the licensee that he/she has fourteen (14) days from the date of the Notice of Revocation to appeal the revocation to the Governing Body. The City Clerk shall maintain a copy of the Notice of Revocation in their files.

13. MOBILE FOOD VENDOR'S LICENSE APPEAL. Any person aggrieved by the action of the City Clerk in denying the application for a Mobile Food Vendor's License or in revoking a Mobile Food Vendor's License shall have the right to appeal that action to the Governing Body. Such appeal shall be taken by filing with the City Clerk a Notice of Appeal within fourteen (14) days of the date of the Notice of Denial or the Notice of Revocation. The Notice of Appeal must be in writing and must set forth why the applicant or the licensee believes that the denial or the revocation is erroneous. After the Notice of Appeal is filed, the Governing Body shall set a time and place for hearing the appeal. Notice of the hearing shall be given to the applicant or licensee in the same manner as the Notice of Denial or the Notice of Revocation. The Governing Body's decision and order on such appeal shall be the final order of the City.

14. MOBILE FOOD VENDOR'S LICENSE MUNICIPAL OFFENSE. Operating as a Mobile Food Vendor without a Mobile Food Vendor's License shall be a municipal offense. Any person, upon an adjudication of guilt or the entry of a plea of no contest, shall be subject to a fine of a minimum of \$500.00 and a maximum of \$1,000.00. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine.

15. MOBILE FOOD VENDOR'S LICENSE EXEMPTIONS. The provisions of this Ordinance shall not apply to the following activities:

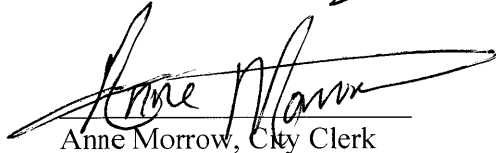
- a. Vendors selling at the Farm and Craft Market.
- b. Vendor's selling on the Fred Fest.
- c. Vendor's selling as part of a City Approved Event.
- d. Mobile ice cream vendors.

16. EFFECTIVE DATE. This ordinance shall become effective from and after its passage, approval and publication one time in the official newspaper of the City.

PASSED AND APPROVED by the Governing Body of the City of Whitewater, Kansas, this 23rd day of June, 2025.


Brady Gragg, Mayor

ATTEST:


Anne Morrow, City Clerk