

The City of Lindsborg Mobile Food Vending Policy Manual

Version 3.0 (Ord No. 5443 est. by City Council Sept. 5, 2023)



MOMO MOBILE /mōmō/
THE MOM YOU EAT, THE MOM YOU WANT

Tibetan Steamed Dumpling
Beef Momos (8 pieces) \$10
(with mild or hot dipping sauce)
made with Locally Sourced Beef

Soft Drinks = \$1
Fruit Nectar = \$2
WATER = \$1
Ice Cream = \$1

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1.0 Purpose

The City of Lindsborg has established its third Mobile Food Vending Policy Manual in response to the rapidly expanding mobile food vending market and growing demand for mobile food vending in the community. Community members, local businesses, and regional mobile food vendors have requested The City of Lindsborg to establish policy to promote mobile food vending in the community. This policy manual was written in direct response to those requests.

Mobile food vending is a popular and exciting feature of many thriving communities around the country. Whether it be as part of a festival or everyday commerce, mobile food vending regularly attracts customers to popular commercial districts and public venues while providing unique offerings to local patrons and tourists. Importantly, promoting mobile food vending in Lindsborg directly supports goals and objectives outlined in “Chapter 1: Community Identity” of the Lindsborg, Kansas Comprehensive Plan. Specifically, the presence of mobile food vendors in Lindsborg has the potential to "increase the number of visitors and the City's tax base through unique attractions and community events (Objective 1)" and "increase resident and tourist visits to Downtown Lindsborg (Objective 2)."

When conducted safely and legally, mobile food vending in Lindsborg has the potential to bring life and energy to our downtown commercial district, increasing foot traffic and visibility for downtown businesses while also creating positive sum effects for local sales tax revenue. The City of Lindsborg welcomes local, regional, and national food vendors to share in the prosperity of our community and experience all that Lindsborg has to offer. The City looks forward to working with mobile food vendors and established businesses to provide a safe, legal, and prosperous environment in which to conduct business.

2.0 Definitions

The following words and phrases in this section shall have the meanings given, except where the context clearly indicates a different meaning:

Applicant: A person applying to the City of Lindsborg 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.

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 operated by the City of Lindsborg, including the public right of way.

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.

3.0 Mobile Food Vending Business Permitted

No person may operate as a mobile food vendor in the City of Lindsborg without obtaining a mobile food vending permit under this chapter and any other permits or permits that may be required by other applicable state or county law. For special events, mobile food vendors may apply collectively under a single permit which is only valid for the duration of the special event. In all other instances, a separate mobile food vending permit shall be required for each food vending vehicle operated by a mobile food vendor. The legal acquisition of a mobile food vending permit does not permit mobile food vendors to operate during special events for which they are not a recognized vendor (e.g., Hyllningsfest, Midsummer, etc.).

A violation of this Chapter may result in the suspension or revocation of a mobile food vending permit and penalties as described in Sec. 1-15 – General Penalty of the Lindsborg, Kansas Code of Ordinances.

4.0 Permit Application and General Standards

4.1 Application requirements.

An applicant shall submit an online application to the City of Lindsborg on a form provided by the City of Lindsborg for a mobile food vending permit. The application shall contain the following information:

1. The applicant's name, address, email, and telephone number;
2. 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;
3. The applicant's primary residence and/or business addresses;
4. The nature of the food or beverages that the applicant will sell for the purpose of the City of Lindsborg establishing the applicant's food type classification;
5. Whether the applicant was denied a permit to operate as a mobile food vendor or whether the applicant had a mobile food vending permit suspended or revoked and, if so, the reasons for the denial, suspension or revocation;
6. A copy of the applicant businesses sales tax certificate;
7. The dimensions of the mobile food vending vehicle to be used to conduct business (i.e. length x width of the mobile food vending vehicle in feet);
8. A list of all vehicle permit numbers, vehicle descriptions, vehicle identification numbers, and vehicle registration for the food vending vehicle(s);
9. Proof of vehicle insurance for the food vending vehicle(s);
10. A copy or proof of any additional permits or permits required by the State, county, and/or municipality for food vending vehicle(s). If yes, include license number, issue date, and expiration date; and
11. A copy or proof that the applicant's food vending vehicle(s) has passed a health inspection. Permits shall be valid for one year.
12. Proof that mobile food vending vehicle is fully self-sufficient (note: no city services, including electric or water, will be provided).

4.2 Optional application information.

An applicant shall submit an online application to the City of Lindsborg on a form provided by the City of Lindsborg for a mobile food vending permit. The application can contain the following information, which The City will use to promote mobile food vendors:

1. A copy of the menu of items being sold;
2. The point of sale (POS) used to conduct business (e.g. card, cash only, contactless payment, etc.);

3. A list of employee requirements (e.g., use of personal protective equipment (PPE), food handling certificates, etc.);
4. Marketing tools, social accounts, and pictures (e.g., Instagram, Facebook, TikTok, website, etc.); and
5. Expected hours of operation.

4.3 Requirements for food vending vehicle drivers.

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

4.4 Requests for information.

The applicant shall complete the application and submit additional information requested by the City of Lindsborg as allowed by this section. The applicant may submit one application for all vehicles which require a permit but shall pay a separate permit fee for each permit. Failure to submit a complete application may result in denial of a permit.

4.5 Issuance of Permit

The City of Lindsborg shall issue a mobile food vending permit to the applicant upon receipt of a complete application.

4.6 Substitution of permitted food vending vehicles

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

4.7 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 Lindsborg.

4.8 Fees

The City of Lindsborg is authorized to establish a reasonable schedule and classifications of fees not to exceed twenty-five dollars (\$25) for a mobile food vending permit. An applicant shall pay a permit fee established by the City of Lindsborg unless otherwise exempted.

4.9 Unlawful conduct

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

5.0 Mobile Food Vending Vehicle Operations

5.1 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.

5.2 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 Lindsborg Community Development Department:

5.21 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 adjacent to and/or within Lucia Park, Swensson Park, or Riverside Park, so long as the food vending vehicle is not parked within 20 feet of a crosswalk at an intersection.
 - a. Notice: Food vending vehicles shall not park at the same location for more than three 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 the public right of way not to exceed five parking spaces when parking parallel to the street.
 - b. Notice: A mobile food vendor may only park parallel to the street and cannot park diagonally within a parking stall.
 - c. Notice: 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 Lindsborg (next to City Hall and next to the USD400 Building) so long as the location is requested and approved by the City of Lindsborg Community Development Director and/or appropriately designated City official.

- a. Notice: Food vending vehicles may only be parked in said parking lots with prior approval or for the duration of an approved special event (i.e., Food Truck Friday, MidSummer's, Street Dance, etc.).

5.22 Private property

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

1. The property is in a Commercial or Industrial Zoning District, and the vendor has 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 been invited 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. Note: 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 major or arterial streets, the 90-foot distance is increased to 120 feet.

5.23 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.

5.3 Hours of operation

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

5.4 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 a part of the overall design or art featured on the vehicle;
2. Park so that its service window faces the sidewalk when parallel parking.
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 the vendor's operating area during and at the conclusion of service. Refuse is not to be disposed of in City of Lindsborg public trash receptacles;
6. Submit to and pass any required health inspections; and
7. Display its mobile food vendor permit, 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 Lindsborg when operating at parking lots owned by the City of Lindsborg.

6.0 Food Safety and Serving Alcohol

6.1 Food hygiene standards

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

6.2 Food safety certification

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

6.3 Serving alcohol

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

Mobile food vendors may sell or serve alcohol on private property if they are licensed to sell and/or serve alcoholic beverages.

7.0 Permit Denial, Suspension, Revocation, and Appeals

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

- 1) Fraud, misrepresentation, or a false statement contained in the application for a permit.
- 2) Fraud, misrepresentation, or a 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 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 14 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 an 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 Mobile Food Vending Policy Manual, the City of Lindsborg may immediately suspend or revoke a mobile food vending permit. The mobile food vendor may request a hearing before the Board of Zoning Appeals regarding the suspension or revocation within fourteen (14) calendar days of receiving notice of the suspension or revocation. Any hearing regarding the summary suspension or revocation of a permit shall be held within 30 calendar days from the date the City of Lindsborg 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 permit has been suspended or revoked to operate. If the City of Lindsborg suspends or revokes a permit, 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 McPherson County District Court.