

ORDINANCE NO. 771

AN ORDINANCE AMENDING SECTIONS 5-101, 5-102, 5-106, 5-107, 5-109, 5-110, AND ARTICLE 2 OF CHAPTER 5, PERTAINING TO GENERAL REGULATIONS AND LICENSES FOR CERTAIN BUSINESS ACTIVITIES WITHIN THE CITY OF SOLOMON, KANSAS, INCLUDING SOLICITING, AND REPEALING THE EXISTING SECTIONS AND ARTICLE 2, AND CREATING A NEW ARTICLE 6, CHAPTER 5 PERTAINING TO LICENSES AND OPERATIONAL REQUIREMENTS APPLICABLE TO MOBILE FOOD VENDORS IN THE CITY OF SOLOMON, KANSAS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF SOLOMON, KANSAS:

SECTION 1. Section 5-101 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-101. License required.

It shall be unlawful for any person to conduct, pursue carry on or operate any activity in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city under this chapter.

SECTION 2. Section 5-102 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-102. Application for license.

Every person, firm or corporation desiring to a license under this chapter shall apply to the city clerk for a license on such form(s) as the city clerk may prescribe. Upon approval, the city clerk shall issue to the applicant a license which shall be signed by the city clerk.

SECTION 3. Section 5-106 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-106. License fees.

Unless otherwise provided, each applicant seeking to obtain a license pursuant to this chapter shall pay a non-refundable fee to the city clerk in an as prescribed in section 1-118.

SECTION 4. Section 5-107 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-107. Time period.

- (a) Licenses shall be renewed on or before the expiration date of the current licenses.
- (b) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.
- (c) The license for a day shall expire at midnight.

SECTION 5. Section 5-109 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-109. Contents of license.

Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business authorized and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named.

SECTION 6. Section 5-110 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

5-110. Record book.

The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire.

SECTION 7. Existing Article 2 of Chapter 5 of the City Code of the City of Solomon, Kansas is hereby amended to read as follows:

ARTICLE 2. SOLICITORS

5-201. Definitions.

For the purpose of this article, the following words shall be considered to have the following meanings:

- (a) " Dwelling " shall mean a building or portion thereof, including residential-design manufactured homes, mobile homes and manufactured homes, designed or used for a residential occupancy. For the purposes of this chapter, this term shall include common areas of multifamily residential structures.
- (b) " Solicit " shall mean travelling from dwelling to dwelling, offering the sale of goods, wares, merchandise, food, or services.
- (c) " Solicitor " shall mean any person who solicits, except the term shall not include a person who has been specifically invited by an occupant of a dwelling to solicit at the dwelling.

5-202. License required; exceptions.

- (a) It shall be unlawful for any person to solicit within the corporate limits of the city without having first obtain a license as required in this article.
- (b) A license shall not be required for a person who solicits within the city on behalf of a non-profit organization exempt from taxation under the Internal Revenue Code, if a letter is submitted to the city clerk certifying the organization's tax-exempt status and describing the dates and nature of the planned soliciting activities on behalf of the organization.

5-203. License application.

- (a) The application for a license to solicit shall be on a form provided by the city clerk, and a complete application shall be submitted to the city clerk, accompanied by the appropriate fee. The application form shall obtain the information necessary to conduct a criminal background check on each person listed as a solicitor on the application to ensure compliance with this section.
- (b) No license shall be issued under this chapter to any person who:
 - (1) Is required to register pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq., or pursuant to an offender registration act of any state;
 - (2) Has been convicted of a felony;
 - (3) Has been convicted in the past five years of a misdemeanor or ordinance violation involving force, violence, deceit, or fraud; or
 - (4) Has been convicted of any law regulating the act of soliciting within the past five years.
- (c) The application shall be accompanied by a fee as prescribed in section 1-118, for each day, or portion thereof, that the licensee shall solicit within the city limits. The maximum fees to be collected from a licensee during any six-month period of time shall be as prescribed in section 1-118.

5-204. Issuance.

- (a) Upon receipt of the above application from an applicant, the city clerk shall cause an investigation of the facts stated therein to be made within not to exceed five days.
- (b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the city clerk shall notify the applicant in writing that his or her application is disapproved, stating the reasons therefore and that no license will be issued.
- (c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the city clerk shall, upon payment of the fees prescribed, issue a license to the applicant to engage in soliciting as described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

5-205. Time limits; exemptions.

- (a) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license.
- (b) Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.

5-206. Renewal.

All licenses issued shall be subject to renewal upon a showing of compliance with section 5-203 of this article within a six-month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 or an additional

investigation under sections 5-204 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.

5-207. Denial, revocation or suspension of license; notice.

The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of engaging in soliciting.
- (c) Any violation of this article.
- (d) Soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city.

Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.

5-208. Appeal to governing body.

- (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.
- (b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
- (c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
- (d) The decision and order of the governing body on such appeal shall be final and conclusive.

5-209. Regulations.

It shall be unlawful for any licensee:

- (a) To make false or fraudulent statements concerning the quality of nature of the solicitor's goods, wares and merchandise for the purpose of inducing another to purchase the same;
- (b) To fail to exhibit the solicitor's license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same;
- (c) To enter upon the private premises of any dwelling when the premises are posted with a sign stating, "No Peddling," "No Solicitations" or any other words to such effect;
- (d) To solicit upon, or refuse to leave, any premises after having been asked by the owner or occupant thereof to leave the premises.

SECTION 8. New Article 6 of Chapter 5 of the City Code of the City of Solomon, Kansas is hereby established to read as follows:

ARTICLE 6. MOBILE FOOD VENDORS

5-601. Definitions.

For the purpose of this article, the following words shall be considered to have the following meanings:

- (a) "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.
- (b) "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.

5-602. Mobile food vendor's license required; exemptions.

- (a) It shall be unlawful for any person to operate within the corporate limits of the city as a mobile food vendor without having first obtain a license as required in this article.
- (b) The provisions of this article shall not apply to the following activities:
 - (1) Ice cream vendors licensed under this article.
 - (2) Mobile food vendors selling at fairs or festivals.
 - (3) Mobile food vendors selling at a farmers' market, as defined in K.S.A. 2-3802, as amended.

5-603. Mobile food vendor's license fee.

The application fee for a mobile food vendor's license shall be as prescribed in section 1-118. The fee shall not be pro-rated or refunded for any reason, including denial of an application or revocation of a license.

5-604. 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:

- (1) The applicant's full legal name, date of birth, place of birth and Social Security Number.
- (2) The applicant's permanent address, business mailing address and telephone number.
- (3) A copy of the applicant's government-issued photo identification.
- (4) The applicant's valid Kansas sales tax number
- (5) A brief description of the nature of the business and the food and/or beverage to offered for sale.
- (6) A photograph of each mobile food unit and, if licensed, the license plate number of each mobile food unit.
- (7) A copy of a valid State of Kansas license for food service establishments, if such is required.
- (8) Proof of general liability insurance in the amount of \$500,000.00 or more.

- (9) 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.
- (10) The applicant's signature.

5-605. Mobile food vendor's license issuance; denial.

- (a) The city clerk shall review each application for a mobile food vendor's license. Within five (5) business days of the 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 for each mobile food unit identified in the application unless:
 - (1) The application is incomplete;
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement; or
 - (3) The applicant has had a mobile food vendor's license revoked by the city for any reason within the preceding two (2) years.
- (b) If the application is deficient for any of the reasons set forth in subsection (a), then the city clerk shall deny the application by giving a notice of denial to the applicant. The notice of denial shall be in writing, shall be mailed to the applicant at his or her given address, shall inform the applicant of the reason for denial, and shall inform the applicant that he or she has fourteen (14) days from the date of the 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 his or her files.

5-606. 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 up to one year in which case it shall expire no later than December 31 of the year in which it is issued.

5-607. Mobile food vendor's license subsequent mobile food unit.

A licensed mobile food vendor shall not use a mobile food unit that was not identified in an application for the mobile food vendor's license, unless the mobile food vendor shall, before using said mobile food unit, present to the city clerk a photograph of the mobile food unit, the license plate number, if licensed, and a copy of the original mobile food vendor's license. Upon receipt of that information, the city clerk shall issue to the licensee an official copy of the mobile food vendor's license for the new mobile food unit.

5-608. Mobile food vendor's license displayed.

Mobile food vendors shall display the mobile food vendor's license in a prominent place on a mobile food unit at all times that the mobile food unit is engaged in any of the activities licensed by this section.

5-609. Mobile food vendor's license restrictions.

- (a) Mobile food vendors shall obtain the permission of the property owner before engaging in any activities licensed by this section.

- (b) Mobile food vendors may only engage in activities licensed by this section on improved surfaces in commercial, industrial, and other nonresidential zoning districts.
- (c) Mobile food vendors are prohibited from offering for sale any food or beverage from a public right of way, except as part of a City-approved street closure.
- (d) Mobile food vendors are prohibited from offering any food or beverage from any unoccupied or vacant lot, except as part of a City-approved Site Plan establishing a location for mobile food vendors as a permanent or seasonal element of the site in accordance with subsection (f) of this section.
- (e) No more than two (2) mobile food units may be operated at the same time on any single property, except pursuant to a city-approved site plan establishing a location for mobile food vendors as a permanent or seasonal element of the site in accordance with subsection (f).
- (f) The City may approve a site plan establishing a location for mobile food vendors as a permanent or seasonal element of a site only when the following conditions are met:
 - (1) The owner must submit to the City, for its approval, a standard Site Plan showing, among other things, the location on the site of mobile food vendors as either a permanent or seasonal element of the site;
 - (2) The proposed site plan must meet all requirements of the Zoning Code of the City of Solomon, as amended, and the provisions of this section.

5-610. Mobile food unit standards.

All mobile food units shall comply with the following standards:

- (1) All mobile food units shall be maintained in good, operable condition and shall, at all times, be capable of being moved.
- (2) 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.
- (3) 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 public health, safety, and welfare.
- (4) Signs shall be limited to those that may be mounted or incorporated on the mobile food unit. Signs shall not exceed the dimensions of the mobile food unit by more than one (1) foot in any direction. No flashing signs shall be permitted. Illuminated signs are permitted, provided that the signs are only illuminated when the mobile food unit is stationary, that such signs are only illuminated during hours that the mobile food unit is being operated, and that any such signs, within five hundred (500) feet of any traffic signal, are not green, amber, or red in color. When the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building or into any residential neighborhood or street.

5-611. Mobile food vendor's license revocation.

- (a) The city clerk may revoke any mobile food vendor's license issued under this section for one or more of the following reasons:
 - (1) Fraud, misrepresentation, or false statement contained in the application for the mobile food vendor's license;
 - (2) Any violation of the provisions of this section;

- (3) 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;
 - (4) Unauthorized use of a public right of way;
 - (5) Violation of a site plan requirement for an existing land use or for any other violation of the zoning code; or
 - (6) 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 licensee at the licensee's address shown on the permit application, shall inform the licensee of the reason for revocation, and shall inform the licensee that the licensee 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 his or her files.

5-612. Mobile food vendor's license appeal.

- (a) Any person aggrieved by the action of the city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.
- (b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
- (c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
- (d) The decision and order of the governing body on such appeal shall be final and conclusive.

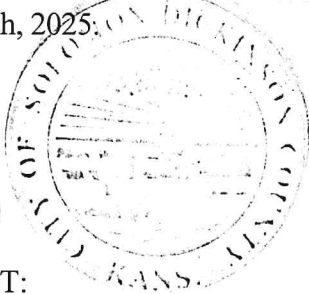
SECTION 9. Existing Sections 5-101, 5-102, 5-106, 5-107, 5-109, 5-110, and Article 2 of Chapter 5, of the City Code of the City of Solomon, Kansas are hereby repealed.

SECTION 10. This ordinance shall be in full force and effect following its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 771 Summary

On March 3, 2025, the City Council passed Ordinance No. 771. The ordinance amends City Code Sections 5-101, 5-102, 5-106, 5-107, 5-109, 5-110, and Article 2 of Chapter 5, pertaining to general regulations and licenses for certain business activities within the city of Solomon, Kansas, including soliciting, and creates a new Article 6, Chapter 5 pertaining to licenses and operational requirements applicable to mobile food vendors in the city of Solomon, Kansas. A complete copy of the ordinance is available online at www.solomon-ks.com or in the office of the City Clerk, 116 W. Main, in Solomon, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the City Council of the City of Solomon, Kansas, this 3rd day of March, 2025.



(SEAL)



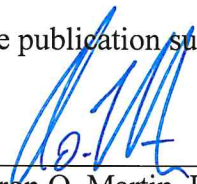
Brandy Gray, Mayor

ATTEST:



Andrea McCook, City Clerk

The publication summary set forth above is certified this 3rd day of March, 2025.



Aaron O. Martin, Legal Counsel