

*(Summary Published in the Leavenworth Times on October 28, 2022)*

**ORDINANCE NO. 8198**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 22 HEALTH AND SANITATION, SECTIONS 22-25, 22-107 AND 22-134 CHANGING THE LICENSE/PERMIT PERIOD, AND ESTABLISHING NEW AND REPLACEMENT SECTIONS.**

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

**Section 1.** Section 22-25 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

**Sec. 22-25. Health Permit.**

No food or drinking establishment shall operate within the city without first obtaining a health permit. When a food or drinking establishment is in violation of this article, including any rules adopted by reference herein, the city health officer is authorized to suspend, or revoke the permit of the food or drinking establishment. Each owner or operator of a food or drinking establishment shall pay an annual health permit fee as provided in the city fee schedule. The annual permit fee shall be payable to the city clerk before the permit is issued. The health permit shall be renewed and the permit fee paid prior to May 1 each year. Proof of a valid food safety license issued by the state department of agriculture must be provided to the city clerk. The city health permit application shall be made upon a form prescribed by the city and submitted and filed with the city clerk. Such form shall include the following:

- (1) Name and permanent address and contact information of the applicant and the business. If the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
- (2) Valid state sales tax ID number; and
- (3) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for health permit certifying that all of the information provided in the application is true and correct.

**Section 2.** Section 22-107 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

**Sec. 22-107. Registration application.**

- (a) All applications for new or renewal license for mobile food vending shall be made upon a form prescribed by the city and submitted and filed with the city clerk. All mobile food vending licenses are for a period of May 1 – April 30. License fees are not prorated. All applications shall be reviewed and approved by the city health officer prior to issuance of the license.
- (b) License or permit is non-transferable. Such form shall include the following:
- (1) Name and permanent address of the applicant and the business, showing proof of identification, if the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
  - (2) The name of the owner and the type, make and registration number and description of the vehicle to be used;
  - (3) Valid state sales tax ID number;
  - (4) A statement as to whether or not the applicant has ever had a mobile food vending registration or other similar license or permit revoked or suspended by the city or any other city. Such a revocation or suspension may result in the city's refusal to process the application;
  - (5) A statement that the applicant understands and agrees that registration will not be used or represented in any way as an endorsement of the applicant by the city or by an department, officer, or elected or appointed official of the city;
  - (6) Proof of a valid driver license for operation of the class of vehicle identified in the application for the applicant and any agent or employees of the applicant who will be involved in driving the identified vehicle;
  - (7) Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintain for the entire length of the registration, written by an insurance carrier licensed to do business in the state, with minimum limits of \$1,000,000.00 combined, single limit for bodily and property damage, each occurrence and \$2,000,000.00 in the general aggregate. In the description of operations section shall include the following: "Mobile Food Vending" and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis". Evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with application. Such insurance certificate shall not be cancelled without prior written notice to the city; and

- (8) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for mobile food vending certifying that all of the information provided in the application is true and correct.

**Section 3.** Section 22-134 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

**Sec. 22-134. Registration application.**

- (b) All applications for new or renewal license for and ice cream vendor shall be made upon a form prescribed by the city and submitted and filed with the city clerk. All ice cream vendor license or permits are for a period of May 1 – April 30. License or permit fees are not prorated or refundable. All applications shall be reviewed and approved by the city health officer and police chief prior to issuance of the license.

- (b) License or permit is non-transferable. Such form shall include the following:

- (1) Name and permanent address of the applicant and the business, showing proof of identification, if the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
- (2) The name of the owner and the type, make and registration number and description of the vehicle to be used;
- (3) Valid state sales tax ID number;
- (4) A statement as to whether or not the applicant has ever had an ice cream vending registration or other similar license or permit revoked or suspended by the city or any other city. Such a revocation or suspension may result in the city's refusal to process the application;
- (5) A statement that the applicant understands and agrees that registration will not be used or represented in any way as an endorsement of the applicant by the city or by an department, officer, or elected or appointed official of the city;
- (6) Proof of a valid driver license for operation of the class of vehicle identified in the application for the applicant and any agent or employees of the applicant who will be involved in driving the identified vehicle;
- (7) Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintain for the entire length of the registration, written by an insurance carrier licensed to do business in the state, with minimum limits of \$1,000,000.00 combined, single limit for bodily and property damage, each occurrence and \$2,000,000.00 in the

general aggregate. In the description of operations section shall include the following: “Ice Cream Vendor” and “City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis”. Evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with application. Such insurance certificate shall not be cancelled without prior written notice to the city; and

(8) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for ice cream vendor license or permit certifying that all of the information provided in the application is true and correct.

(c) No license shall be issued under this division 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 in the past three year of any law prohibiting leaving the scene of an accident; driving under the influence of alcohol or drugs; reckless; fleeing or eluding a police officer; driving while license is suspended or revoked; failure to report an accident; or five or more traffic violations (not including parking violation).

**Section 4.** Sections 22-25, 22-107 and 22-134 of the Leavenworth Code of Ordinances, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 5.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the 25th day of October, 2022.

/s/ Camalla M. Leonhard

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

/s/ Sarah Bodensteiner

Sarah Bodensteiner, CMC, City Clerk