

## Chapter 5.28 DRIVE-IN RESTAURANTS

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### **5.28.010 Generally - Defined.**

The following regulations for the operation of drive-in restaurants and the following standards of conduct in drive-in restaurants are established. "Drive-in restaurant," as used in this chapter, means those places of business where food is or may be consumed in cars parked on the premises, whether or not the premises have inside facilities for eating.

(History: Ord. DIR-382 ' 1, 66)

### **5.28.020 Screening - Fencing required in R-1 or R-2 zone.**

Any drive-in restaurant adjacent to R-1, single family residential property, or adjacent to R-2, duplex property, shall be screened or fenced so that no light shall be cast upon such adjacent property.

(History: Ord. DIR-382-A ' 1, 66; DIR-382 ' 2, 66)

### **5.28.030 Hours.**

No drive-in restaurant may remain open past the hour of one a.m., with the exception that indoor facilities may remain open after the hour of one a.m., provided that no food is consumed other than within the indoor facilities.

(History: Ord. DIR-382-A ' 2, 66; DIR-382 ' 3, 66)

### **5.28.040 No trespassing signs required after hours.**

At all times during the nighttime hours that such drive-in restaurant is not open for business, "No Trespassing" signs must be posted at all drive-in parking lot entrances.

(History: Ord. DIR-382-A ' 3, 66; DIR-382 ' 4, 66)

### **5.28.050 Loudspeakers.**

Repealed.

(History: Ord. NOI-2287 §11, 2001; DIR-382 ' 5, 66)

**5.28.060 Loud noises.**

Repealed.

(History: Ord. NOI-2287 §11, 2001; DIR-382 ' 6, 66)

**5.28.070 Patrolling premises.**

The owner or operator of any drive-in restaurant shall regularly patrol the premises and cause a surveillance to be kept thereon in order to regulate the conduct of persons on the premises and maintain order, pursuant to this chapter.

(History: Ord. DIR-382 ' 7, 66)

**5.28.080 Fencing to prevent litter from scattering.**

All drive-in restaurants shall be fenced so that litter and debris will not blow or be cast upon adjacent premises.

(History: Ord. DIR-382 ' 8, 66)

**5.28.090 Emerging or exiting.**

Every driver of a vehicle emerging or exiting from a drive-in restaurant shall stop before entering the street and shall yield the right-of-way to any vehicle or vehicles approaching on the street so closely as to constitute an immediate hazard, and shall yield the right-of-way to any pedestrian approaching the exit.

(History: Ord. DIR-382 ' 9, 66)

**5.28.100 Trash containers - Prevention of trash scattering.**

The owner or operator of any drive-in restaurant shall furnish sufficient trash containers for use on the premises and shall not cause or permit trash or debris to be scattered about the premises.

(History: Ord. DIR-382 ' 10, 66)

**5.28.110 Behavior of persons on premises.**

Repealed.

(History: Ord. NOI-2287 §11, 2001; DIR-382 ' 11, 66)

**5.28.120 Violation - Penalties.**

Violation of this chapter is a public offense, and any person, firm or corporation convicted of the violation of this chapter shall be fined in a sum of not less than \$5.00 and not more than \$200.

Each day upon which such a violation occurs constitutes a separate violation.

(Amended during codification in accordance with K.S.A.12-3015; Ord. DIR-382 ' 12, 66)

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