

**Chapter 5.60**  
**SALES ON PUBLIC RIGHTS-OF-WAY**

Sections:

- 5.60.010 Mobile Vehicle Operations Defined.
- 5.60.020 Compliance with Chapter Required.
- 5.60.030 Vehicle License Permit Procedure. (Repealed)
- 5.60.040 Operator's License Required.
- 5.60.050 Liability Insurance Required.
- 5.60.060 Parking to Dispense Products in Public Rights-of-way.
- 5.60.070 Sign Required for Vehicles Delivering Products.
- 5.60.080 Huckstering or Peddling near Intersections.
- 5.60.090 Dispensing Products from Mobile Vehicle in Park.
- 5.60.100 Persons Allowed in Vehicle.
- 5.60.110 Vehicle to Be Stationary for Sales.
- 5.60.120 Sales to Take Place on Right of Vehicle.
- 5.60.130 Selling from Vehicle near School.
- 5.60.140 Sound Devices. (Repealed)
- 5.60.150 Hours Sales Unlawful from Vehicles.
- 5.60.160 Enforcement of Rules - Equipment Inspections.
- 5.60.170 Violation-Penalty.

**5.60.010 Mobile Vehicle Operations Defined.**

For purposes of this chapter, a "mobile vehicle operation" is one conducted from a truck, trailer or other vehicle that travels from place to place and from which food, beverages, or products, of any nature whatsoever, are sold or distributed.

(History: Ord. SPS-553 ' 2, 69)

**5.60.020 Compliance with Chapter Required.**

It is unlawful for any person, firm, partnership, or corporation to conduct, hold, carry on, pursue, or operate a business of huckstering, peddling, or similar enterprise, for selling anything of any nature upon or within any public right-of-way, public street, alley, avenue, boulevard, or sidewalk within the corporate boundaries of the City unless the regulations set forth and contained in this chapter following hereafter are complied with and followed.

(History: Ord. SPS-553 ' 1, 69)

**5.60.030 Vehicle License Permit Procedure.**

Repealed.

(History: Ord. SPS-1405 ' 1,86; SPS-553 ' 3, 69)

**5.60.040 Operator's License Required.**

No person shall operate any vehicle under this chapter unless the person is the holder of a valid motor vehicle operator's license.

(History: Ord. SPS-553 ' 4, 69)

**5.60.050 Liability Insurance Required.**

There shall be filed with the City Clerk a certificate of insurance covering all vehicles operated under this chapter in such form as the City Clerk may deem proper, issued by an insurance company approved by the Insurance Commissioner of the state and authorized to do business in the state, insuring the public against injury, loss or damage resulting to persons or property from the use, maintenance and operation of any vehicle operated under this chapter for which such permit is granted in an amount of not less than fifty thousand dollars for injury to any one person and an amount of not less than one hundred thousand dollars for injury to all persons injured in any one occurrence; and property damage not less than ten thousand dollars per each occurrence; provided further that a certificate of insurance shall be filed with the City Clerk insuring the public against injuries or damage resulting from the use or consumption of any product dispensed under this chapter in an amount of not less than fifty thousand dollars for injury to any one person; and one hundred thousand dollars for injury to all persons injured in any one occurrence. (History: Ord. SPS-553 ' 5, 69)

**5.60.060 Parking to Dispense Products in Public Rights-of-way.**

It is unlawful for the operator of a mobile vehicle unit to stop, stand or park such vehicle in any street, alley, avenue, boulevard or sidewalk or other public right-of-way for the purpose of dispensing its products to customers, so as to obstruct the free flow of traffic in the street; provided that an operator may stop, stand or park such vehicle with its right wheels next to the curb, but that no vehicle will remain standing in any one location for a period exceeding five minutes.

(History: Ord. SPS-553 ' 6, 69)

**5.60.070 Sign Required for Vehicles Delivering Products.**

It is unlawful for any vehicle to be operated upon any street, alley, avenue, boulevard, sidewalk or other public right-of-way delivering or dispensing any goods or products of any nature whatsoever unless there is clearly marked upon such a vehicle a prominent sign visible to both the front and rear with the wording "Caution - Children."

(History: Ord. SPS-553 ' 7, 69)

**5.60.080 Huckstering or Peddling near Intersection.**

It is unlawful for the operator of any vehicle dispensing food, beverages or products of any kind whatsoever to engage in the business of huckstering or peddling any product or food of whatsoever nature within one hundred twenty-five feet of any street intersection within the city boundaries.

(History: Ord. SPS-553 ' 8, 69)

**5.60.090 Dispensing Products from Mobile Vehicle in Park.**

It is unlawful for any person to dispense food, beverages or any product of any kind whatsoever from a mobile vehicle in any public park of the City or public parking lot within the City unless express permission is granted by the Governing Body of the City.

(History: Ord. SPS-553 ' 9, 69)

**5.60.100 Persons Allowed in Vehicle.**

No person, other than the authorized operator of a vehicle and other persons expressly authorized by the owner or lessee of a vehicle, shall be in or upon the vehicle.

(History: Ord. SPS-553 ' 10, 69)

**5.60.110 Vehicle to be Stationary for Sales.**

Every vehicle shall be stationary while in the process of selling or dispensing food, beverages or products of any kind whatsoever while upon a public street, alley, avenue, boulevard, sidewalk or other public right-of-way within the City.

(History: Ord. SPS-553 ' 11, 69)

**5.60.120 Sales to Take Place on Right of Vehicle.**

Whenever any vehicle is used for the sale or dispensing of food, beverages or products of any nature whatsoever upon a public street, alley, avenue, boulevard, sidewalk or other public right-of-way within the City, the transaction shall occur on the right side of any such vehicle.

(History: Ord. SPS-553 ' 12, 69)

**5.60.130 Selling from Vehicle near School.**

Whenever a vehicle is used for selling or dispensing food, beverages or products of any nature whatsoever, no transaction will occur within 125 feet from the boundaries of public or private school property for a period commencing 30 minutes before the regular school day of any such school and continuing until 30 minutes after the adjournment of the regular school day of any such school.

(History: Ord. SPS-553 ' 13, 69)

**5.60.140 Sound Devices.**

Repealed.

(History: Ord. NOI-2287 §11, 2001; SPS-553 ' 14, 69)

**5.60.150 Hours Sales Unlawful from Vehicles.**

It is unlawful for any person, firm, partnership or corporation to sell or distribute food, beverages or products of any kind whatsoever upon or within any public right-of-way, public street, alley, avenue, boulevard or sidewalk within the City boundaries between 8:30 p.m. of each day and continuing until 10 a.m. on the following day.

(History: Ord. SPS-553 ' 15, 69)

**5.60.160 Enforcement of Rules - Equipment Inspections.**

The director of the health department of the City is authorized to enforce the rules and regulations of the department and to conduct periodic inspections of all vehicles and equipment used in the sale or distribution of any food, beverage or product of any nature whatsoever, for the purpose of enforcing the rules and regulations.

(History: Ord. SPS-553 ' 16, 69)

Chapter 5.60

**5.60.170 Violations-Penalty.**

Any person, firm, partnership or corporation violating any of the provisions and sections of this chapter is guilty of a public offense and upon conviction thereof shall be punished as provided in Section 1.12.010.

(Amended during codification in accordance with K.S.A. 12-3015; Ord. SPS-553 ' 17, 69)

*[Next Page is 5-2100]*