

conditioned by the City with reasonable reporting requirements and time periods for corrections. The failure to successfully complete the requirements of the probation status shall be grounds for the initiation of the revocation of the license granted pursuant to this Article.

- (C) The public officer, or the Governing Body upon the conclusion of a requested hearing, shall have the authority to revoke a license granted pursuant to this Article or place the property owner on probation status. In determining whether to revoke a license or place the property owner on probation status, the public officer or the Governing Body shall take into account mitigating circumstances, including the legal authority of the property owner to order the vacation of the property by tenants whose conduct has caused the violation(s).

6-1309

VIOLATION OF THIS ARTICLE, MUNICIPAL OFFENSE.

The violation of any provision of this Article shall be deemed a municipal offense. Any person violating the provisions of this Article shall, upon an adjudication of guilt or a plea of no contest, be fined a minimum of \$250.00 to a maximum of \$1,000.00. Each separate day of violation shall constitute a separate offense. The municipal court judge shall have no authority to suspend all or a portion of the minimum fine.

6-1310

VIOLATION OF THIS ARTICLE; GROUNDS FOR TERMINATION OF CITY UTILITY SERVICES.

The Governing Body finds that the occupancy or habitation in a dwelling in violation with the provisions of this Article constitutes a hazard to the public health, safety and welfare, and that the provision of City water, sanitary sewer and/or sanitation services is reasonably related to the ability to inhabit or occupy such dwelling. After lawful notice to the customer and the property owner concerning the proposed disconnection of City water, sanitary sewer and/or sanitation services, the public officer enforcing the provisions of this Article shall have the authority to order the disconnection of City water, sanitary sewer and/or sanitation services serving dwellings in violation of this Article. The disconnection of City utility services pursuant to this Section shall only be ordered if the public officer makes specific findings concerning the dwelling that the disconnection of City water, sanitary sewer and/or sanitation services is necessary to deter occupancy or habitation in a structure in which the public health, safety or welfare is harmed or endangered by continued occupancy or habitation.

6-1311

Article 13, Section 6-1301 through Section 6-1310 shall take effect on and after February 1, 2002.

ARTICLE 14. LICENSED STREET VENDORS

6-1401

STREET VENDOR DEFINED.

Street vendor shall mean and include any person authorized to sell food, flowers, or non-alcoholic beverages from a cart or stand temporarily located on certain sidewalks of this City as authorized by this Article of the Code. (Ord. 7616)

6-1402

STREET VENDOR LICENSE.

Upon application to the City Clerk, the City Commission may grant a street vendor license, subject to the provisions of this Article, to use the sidewalks in the following locations for the sale of food, flowers or non-alcoholic beverages: (Ord. 7616)

- (1) Either southwest or northeast corner of 7th and Massachusetts Streets;
- (2) Either southwest or northeast corner of 8th and Massachusetts Streets;

- (3) Either southwest or northeast corner of 9th and Massachusetts Streets;
- (4) Either southwest or northeast corner of 10th and Massachusetts Streets;
- (5) West side of the 800 block of Massachusetts Street near the center block cross walk area.

The governing body reserves the right to reject any or all applications and to restrict or prohibit the use of the right-of-way at the above locations at any time.

6-1403

LICENSE APPLICATION.

(Ord. 7616)

- (A) An applicant for a street vendor license shall present a statement of intention to all businesses within seventy-five (75) feet of the location for which the applicant seeks the license. The applicant shall obtain said business owners' signatures of approval and submit the signatures to the City Clerk. The applicant shall instruct said business owners to submit in writing to the City Clerk all comments regarding the applicant's statement of intention. The applicant shall provide the names and addresses of each business owner the applicant notified pursuant to this paragraph to the City Clerk.
- (B) An applicant for a street vendor license shall provide proof of current liability insurance issued by a company authorized to issue insurance in the State of Kansas, insuring the applicant, and the City of Lawrence as an additionally named insured, in an amount of not less than \$500,000.00 for a single incident, for any liability associated with the failure of the licensee, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk.
- (C) An applicant for a street vendor license shall provide proof of a Kansas Retail Sales Tax Number.
- (D) An applicant for a street vendor license shall submit a photograph or drawing of the proposed cart or stand with the application.
- (E) Applications for a street vendor license shall be accepted by the City Clerk's office, during regular business hours, Monday through Friday, throughout the year.
- (F) The fee for the license required by this Article shall be as prescribed by Section 6-108.18.

6-1404

LICENSES VALID FOR ONE YEAR; RENEWALS.

(Ord. 7616)

- (A) A licensed street vendor shall be limited to one licensed location per year.
- (B) A street vendor license shall be valid for one calendar year (January 1 through December 31). All licenses obtained on January 1st or at anytime thereafter shall expire on December 31st of the same year. Non-use of the approved location for a period of thirty (30) days or longer anytime between April 1st and October 31st of the year shall constitute a revocation of the license.

- (C) A license may be renewed by making application to the City Clerk on forms provided for that purpose from January 1 to January 31st of each year. The fees for the renewal of a license shall be as prescribed by Section 6-108.18.

6-1405

RESTRICTIONS ON SIZE OF CART, STAND, SIGNS.

(Ord. 7616)

- (A) The street vendor's cart or stand shall not be more than eight (8) feet high, not including the height of an umbrella attached to the cart or stand. Any umbrella attached to the cart or stand shall not damage or interfere with any street trees. The size of a cart or stand, excluding the hitch, shall not exceed forty (40) square feet.
- (B) Signs shall be limited to one per location. Signs shall conform to the Downtown Design Guidelines and shall be approved by the Historic Resources Commission. A sign permit shall be obtained from the Neighborhood Resources Department.

6-1406

DUTIES OF STREET VENDORS.

(Ord. 7616)

- (A) The licensed street vendor shall sell only those products (food, flowers or non-alcoholic beverages) specified on the vendor's street vendor license application and for which the license has been issued.
- (B) A licensed street vendor must prove current State of Kansas Health Department Certificate of Approval if selling food or non-alcoholic beverages, and must prove any other licenses or certificates that are required by the State of Kansas.
- (C) A licensed street vendor, before using any heating devices at the licensed location, shall be inspected by the Lawrence-Douglas County Fire and Medical Department and receive approval from them for the use of said device.
- (D) The licensed street vendor, or his or her designee, shall remove the cart or stand from the licensed location no later than 9:00 p.m. each day.
- (E) No more than two (2) employees of the licensed street vendor shall be at the licensed location at one time.
- (F) All sales shall be confined to the approved, licensed location.
- (G) The licensed street vendor shall use only non-breakable containers at the licensed location.

6-1407

DISTURBING THE PEACE.

No street vendor, nor any person in his or her behalf, shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Ord. 7616)

6-1408

REVOCATION, SUSPENSION OF LICENSE.

The City Manager or designee, the Chief of Police or the Codes Enforcement Manager, may suspend or revoke a license issued under this Article if: (Ord. 7616)

- (1) The licensed street vendor violates any provision of this Code or other ordinance of the City governing the activities permitted by the license; or,
- (2) The license was obtained by fraud or misrepresentation.

6-1409

APPEAL.

Any person may appeal to the City Commission from the denial, suspension or revocation of a street vendor license. Notice of such appeal must be given in writing to the City Clerk within fifteen (15) city business days of the denial, suspension or revocation. (Ord. 7616)

6-1410

PENALTY.

Any person who violates the requirements of this Article shall, upon conviction, be fined not less than \$20.00 nor more than \$500.00. Each day that a person violates the requirements of this Article shall constitute a separate offense. (Ord. 7616)

ARTICLE 15 TEMPORARY SPECIAL EVENTS

6-1501

TEMPORARY SPECIAL EVENTS: PURPOSE AND INTENT.

The purpose and intent of this section is to provide for the temporary use of private property for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use. Finally, it is the intent of this section to preserve the public health, safety and convenience. (Ord. 8089)

6-1502

SPECIAL EVENT DEFINED.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these zoning regulations, for one or more of the following types of activities: (Ord. 8089)

Type 1: Fundraising or non-commercial events for nonprofit religious, educational or community service organizations; including any structures in conjunction with the event.

Type 2: Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as outdoor entertainment or display booths.

Type 3: Outdoor commercial activities intended to sell, lease, rent or promote specific merchandise or services [such as a tent sale, farmers market or product demonstration] or indoor seasonal events which will draw additional visitors to a property [such as haunted houses], and including licensed transient merchants requiring use of a tent or structure.

Type 4: Christmas tree sales.