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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, making permanent many of the “Streets for People” changes previously approved and adding new language, amending **Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, 32-103, 32-127, 32-182, 32-183, 32-185, 32-186, 32-187, 32-188, 32-380 and 32-381** to, and removing **Sections 32-180 and 32-382** from, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 32, Article III – Streets and Sidewalks, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

**Sec. 32-62. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, or waterway.

Food means and includes any articles sold for human consumption, the sale of which is not prohibited by law.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Ice cream truck means any motor vehicle required by state statutes to be licensed and which is used for vending ice cream, or nonalcoholic beverages.

Ice cream truck vendor means any person who owns or operates an ice cream truck.

License administrator means the director of the license division or his designated representative.

Licensee means an applicant who has obtained a license pursuant to this article to own and operate a vending vehicle.

Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the WIC package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Operator means any person who operates a vending vehicle or vending stand for the purpose of vending food, beverage or product therefrom.

Owner means any person who owns or controls one or more vending vehicles and:

- (1) Conducts, permits or causes the operation of such vending food, beverage or product;
- (2) Owns, operates, controls or manages such vending vehicle; or
- (3) Contracts with persons to vend food, beverage or product from such vending vehicle.

Owner's license means a license issued by the unified government authorizing the holder to engage in the business of vending food, beverage or product from a pushcart or vending vehicle or vending stand. This includes an owner's ice cream license, as defined herein.

Prepared food vending vehicle means a self-propelled, hitched trailer, or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or an ice cream product truck.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Residential area means any street where over 50 percent of the front footage of either side of the block is devoted to single-family and multiple-family dwellings, dormitories, or mobile homes, or is otherwise zoned with a residential classification.

Sidewalk vending means the peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value upon a sidewalk of the city.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
  - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
  - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
  - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
  - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
  - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for sections 32-380 and 32-381.

Uniform means, at a minimum, a shirt containing the logo, insignia, name or other identifying characteristic of the owner or a badge prominently displayed on the person operating the pushcart or vending vehicle identifying the operator with a photograph and name and telephone number to contact the owner.

Vend means offering food, beverage or product of any kind for sale from a vending vehicle on any sidewalk, street, alley, park, highway, or unenclosed place open to the public, whether publicly or privately owned, including the movement or standing of a vending vehicle for the purpose of searching for, obtaining or soliciting retail sales of products.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a pushcart or a prepared food vending vehicle.

### **Sec. 32-93. – Fees.**

Each application shall be accompanied by a nonrefundable fee, as follows:

- (1) The fee for a license shall be \$100.00, valid for one year from January 1 through December 31, or any part thereof.

(2) The fee for a special event license shall be \$30.00 for a permit valid for three days.

**Sec. 32-96. – General prohibitions.**

- (a) No person shall sell or offer for sale any food, beverage or prepared food product from any portable box, stand, bag or similar container other than a vending vehicle or on any street, park, parkway or sidewalk, or in any unenclosed area open to the public.
- (b) No licensee shall allow, direct or otherwise cause any other person to vend or offer to vend any food, beverage or product in violation of any provision of this article or regulations promulgated pursuant to section 32-153.
- (c) No person shall operate or allow to be operated in the city a vending vehicle that is not licensed pursuant to the provisions of this article or without any other business tax, license or permit required elsewhere by this Code for each and every pushcart, prepared food vending vehicle or vending stand.
- (d) No person shall operate or vend from a pushcart, vending vehicle or vending stand in violation of any license restriction placed upon such pushcart owner's license.
- (e) No person shall employ or retain any person to operate a vending vehicle for the purpose of vending unless the person so employed or retained has been listed as an operator on the owner's license application pursuant to the provisions of this article.
- (f) No person shall operate or vend from a vending vehicle within 15 feet of any intersection, driveway, building entrance, or in any space designated for vehicular parking.
- (g) No person shall store, park or leave any stand on any public property after the authorized hours of operation.

**Sec. 32-97. - Vending vehicle standards and conditions.**

- (a) Each pushcart or prepared food vending vehicle shall have affixed to it in plain view the owner's license and other licenses or permits required by this article.
- (b) The maximum dimensions of any pushcart shall be eight feet in length and five feet in width.
- (c) The operator of a vending vehicle, if such a person is an employee, contractee, or lessee of an owner, shall be required to wear a uniform badge or clearly visible identification.
- (d) No artificial lighting on any pushcart is permitted.
- (e) No noise-making devices shall be used in conjunction with pushcart vending except one bell with a maximum diameter of two inches.
- (f) The licensee shall maintain the unit in good repair and keep it from defects that may present a hazard to life or property.
- (g) The licensee shall make the unit available for inspection by the license administrator, the health officer, fire marshal or their representatives at any time while the unit is in operation. No notice prior to such an inspection shall be required.
- (h) The licensee shall thoroughly clean the unit and drain and flush the liquid waste tanks each day that the unit is operated.
- (i) The licensee shall provide a current description or list of all foods to be sold and the proposed hours of operation.
- (j) The licensee must comply with all other applicable state and unified government rules and regulations specifically including all food or health-related ordinances of the unified government and all state and federal food labeling laws. The unit itself and licensee must

meet all applicable requirements for the operation of mobile food units and food establishments as set out in this Code at all times.

- (k) Each unit shall be clearly marked with the name and phone number of the licensee and the phone number of the license administrator.
- (l) The licensee shall serve, store, and display food on or in the unit itself and shall not use, set up, or attach any crate, carton, rack, table, or other device to increase the selling or display capacity of his unit. The licensee shall be allowed the use of two coolers for the purpose of selling nonalcoholic beverages.
- (m) The licensee shall not use the unit or allow anyone else to use the unit to sell, distribute, or give away any foods other than those stated in the application for the permit. The licensee is not authorized to and shall not sell any nonfood items.
- (n) The size and location of sites must be such that they will not pose a hazard to vehicular or pedestrian traffic.
- (o) In the event that activities at any site should cause undue vehicular and pedestrian traffic congestion or any other unsafe condition, the license administrator or any law enforcement officer of the unified government may direct the licensee to temporarily vacate the site until the situation has abated, and the licensee shall comply.
- (p) The licensee shall not allow the unit to remain unattended. All equipment and materials shall be removed from the site at any time that the licensee or operator is not physically present upon the site. If equipment and materials are left unattended, they may be removed. The licensee shall then be liable for all reasonable removal and storage charges.
- (q) Sales of food or merchandise shall be made only to pedestrians. No food or merchandise shall be offered or sold to any occupant of any vehicle.

#### **Sec. 32-100. - Findings and purpose.**

It is found and declared that:

- (1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, sidewalk dining, food trucks, vending stands, and vendor persons is to provide additional space for sales of goods through an open-air extension while contributing to activity, attracting patrons, extending their visits, and enhancing overall community quality of life.
- (2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

#### **Sec. 32-101. Definitions.**

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this section are defined by state law, such definitions shall apply to the use of such words and phrases in this section and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Alcohol means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

Applicant means a person who applies for a permit as provided in this section.

Building means any building or permanent structure in which the business in question regularly and primarily operates.

Farmers' market means a seasonal outdoor market where fresh produce, animal food products, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, and salsa. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food establishment means a business where prepared food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. Examples of a food establishment may include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, coffee and tea shops, and ice cream parlors. Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.

Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale will be WIC-approved food types. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

NACTO standards means the construction and design standards set forth in "Urban Street Design Guide," published by the National Association of City Transportation Officials.

Non-profit organization means an entity that is registered as a 501(c)(3) organization with the State of Kansas.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Parklet means an on-street public parking space converted to be used for public dining or sales purposes. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, between the parklet and additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

Parklet elements means all tables, chairs, fencing and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

Prepared food vending vehicle means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle

transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.

Public right-of-way means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants; and any other privately-owned property comprising the outdoor café or outdoor tavern.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending vehicle means a pushcart or a prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

### **Sec. 32-102. Applicability and enforcement.**

- (a) Outdoor sales are allowed under this division, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the right-of-way shall continue to apply, unless there is a conflict in law, in which situation these sections shall supersede.
- (b) Businesses. Only businesses that have successfully received an occupation tax number with the business license department and which remain current and in good standing with all occupation tax payments may operate an outdoor café, walk-up market, outdoor tavern or outdoor retail space under the ordinance from which sections derive. Vending, soliciting, or giving away goods or items without a business license as required is prohibited.
  - (1) All persons and entities are prohibited from operating an outdoor café, walk-up market, outdoor tavern, and/or sidewalk vending under this division in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.
  - (2) Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.

- (c) Non-profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in this division under the following conditions:
  - (1) The entity be a registered with the state and whose status as a 501(c)(3) organization remains current and in good standing; and
  - (2) Has permission from the property owner adjacent to the on-street parking, right-of-way clearance; and
  - (3) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food or other merchandise or otherwise fundraise, subject to all regulations regarding food establishments in this article, or take donations on-site; and
  - (4) Does not violate any other requirements in this article, including, but not limited to, spacing, hours of operation, and parking spaces.
  - (5) Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.
- (d) Rights-of-way.
  - (1) Right-of-way permits.
    - a. Right-of-way permits otherwise required for work or activities allowed in this section are waived, except for the permits needed to construct a permanent or semi-permanent parklet, obtain a special events permit, or a street closure permit.
    - b. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in chapter 6 of the Unified Government Code of Ordinances.
    - c. No open flames shall be allowed under any use in the article, except for any open flame on a vending vehicle allowed by another ordinance.
  - (2) Any damage to the right-of-way as a result of uses under this section, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.
- (e) Enforcement.
  - (1) Power of local health officer.
    - a. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3 and sections 32-100 to 32-185.
    - b. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.
    - c. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.
  - (2) Power of zoning and code enforcement.
    - a. zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.



- b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.
- (3) Fire safety
  - a. Power of fire department.
    - 1. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).
    - 2. Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.
  - b. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.
- (f) Food establishments, food service, and outdoor taverns.
  - (1) Applicability.
    - a. Outdoor cafés. For any food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments, no permit is required to operate an outdoor cafe.
    - b. Walk-up markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market.
      - 1. A food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments; or:
      - 2. An entity that which is registered as a 501(c)(3) organization with the state whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.
    - c. Outdoor taverns. For businesses that fulfill the following conditions, a permit is not required to serve cereal malt and/or alcoholic beverages in the public right-of-way, subject to this section. This section applies to all businesses that:
      - 1. Has received a license from the state department of revenue for the sale of cereal malt and/or alcoholic beverages for consumption on the premises; and
      - 2. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.
        - (i) For the purposes of this section, sales on the premises may include allowable outdoor sales, which are defined in the section 32-102(h)(2) and section 32-102(h)(7).
  - (2) Allowed areas.
    - a. One or more of the following areas may be utilized for a food establishment or tavern as an outdoor café or walk-up market and/or outdoor tavern:
      - 1. Property line-to-curb area. From the building to the curb of the street, subject to the following conditions:
        - (i) A clearance parallel to the street and at least four feet in width must be maintained for use under the ADA;
        - A. A sidewalk, or

- B. A designated path, if there is no sidewalk.
    - (ii) All outdoor café elements must be at least four feet from street furniture and designated fire lanes; and
  - 2. A parklet, subject to the following conditions:
    - (i) One of the following is allowed to be used as a parklet:
      - A. One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
      - B. If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
    - (ii) Parklets and parklet barriers should be constructed and arranged to NACTO standards.
    - (iii) No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an outdoor café.
    - (iv) Only one parklet is allowed per building. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this parklet.
    - (v) No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
    - (vi) All seating within the parklet must be at least three feet from passing automobile traffic.
    - (vii) No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
  - b. All outdoor cafes or outdoor taverns must:
    - 1. Provide designated seating for all customers; and
    - 2. Waitstaff or other employees for the food establishment or tavern must serve all food and drink to the customers at their designated seating.
  - c. All outdoor cafes, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
  - d. The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
  - e. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
  - f. No outdoor café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
  - g. No outdoor café or other area designated for customer dining shall be located within 30 feet of a dumpster.
- (3) Public health.
- a. All food establishments and outdoor taverns are responsible for ensuring compliance with any and all local, state or federal restrictions.
  - b. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in

contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating an outdoor café, walk-up market, vending stand or outdoor tavern.

1. The business property, or any public or private area utilized by the business for the purposes of an outdoor café, walk-up market, vending stand and/or outdoor tavern, including but not limited to, the property line-to-curb area, parklets, or on-street parking, shall be kept free of trash and debris at all times. Confirmed reports shall be prima facie evidence of the business's failure to comply with this section.
2. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any outdoor café, walk-up market, vending stand, and/or outdoor tavern operated by the business.

(4) Structures.

- a. Permanent/semi-permanent structures may be used for parklets that fulfill the requirements for an outdoor café, outdoor tavern, vending stand, and/or walk-up market.
  1. A business may erect a permanent or semi-permanent parklet and designate it as such.
  2. Any parklet structure must be built to be level with the sidewalk adjacent to it.
  3. Any parklet structure must be built to fit within the dimensions of one parking space.
  4. All parklets must comply with NACTO standards.
- b. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. Temporary structures may be used for property line-to-curb areas, and parklets.
  1. Temporary or semi-permanent structures that provide shade for retailers and customers ~~made~~ may be erected. Use of umbrellas are encouraged.
    - (i) "Pop up" tents are allowed only in areas between the property line and the curb. The tent must be at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
  2. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. Weights are encouraged to be used to secure temporary or semi-permanent structures.
  3. Outside the defined hours of operation, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code. Permanent/semi-permanent structures, including parklet structures, may remain in a parklet at all times.
  4. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
    - (i) All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
    - (ii) Signs cannot be attached to public infrastructure.

- (iii) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- 5. Any permanent/semi-permanent structure constructed or erected in the property line-to-curb area is subject to an administrative review by the planning director.
  - (i) For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
    - A. A foundation is installed; or
    - B. Poles are installed ~~for~~ more than four inches in the ground, whether for structural support or to hold up a sign; or
    - C. A hard-sided roof is installed; or
    - D. Construction of the structure would require a building permit outside of this section.
  - (ii) For an administrative review, applicant must provide the following:
    - A. Site plan of the property, including the permanent/semi-permanent structure; and
      - i. Setbacks and ADA-compliant paths must be marked and measurements provided.
      - ii. For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.
    - B. Elevations of the structure, drawn to scale.
- (5) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.
- (6) Hours of operation.
  - a. Food establishments shall not operate an outdoor café or walk-up market outside of the food establishment's published hours of operation.
  - b. Taverns shall not operate an outdoor tavern in the public right-of-way outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations in the public right-of-way by no later than 10:00 p.m.
- (7) Alcohol sales. Establishments may serve alcohol under the following conditions:
  - a. Outdoor cafes.
    - 1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
    - 2. All alcohol must be served to the customer in an open container.
    - 3. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
    - 4. Under this section, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food

establishment. If the business fails to qualify as a food establishment, then the subsection regulating outdoor taverns applies.

- b. Outdoor tavern.
    - 1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
    - 2. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
  - c. No portion of this subsection may be construed to supersede ABC regulations. If any portion of this section is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.
- (8) Lighting. Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.
- a. Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings or adjacent traffic.
  - b. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the outdoor café, parklet, or parking lot being used for outdoor sales.
- (9) Noise levels and noise disturbance.
- a. No music shall be played or produced through external amplified speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10:00 p.m., whichever time is earlier.
  - b. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as an outdoor café, walk-up market, vending stand, and/or outdoor tavern.
- (10) Mobile vending.
- a. See section 32-187 for additional mobile market regulations.
  - b. See section 32-188 for additional mobile vending regulations.

**Sec. 32-103. – Maintaining sidewalks overnight.**

- (a) All sidewalk sales must be removed and cleared at the close of each business day. No vending signs, structures, or elements may be left in the right-of-way overnight, except for those elements specifically allowed by this division.

**Sec. 32-127. - License.**

- (a) An application for a license to vend from a vending vehicle at a special event for a period of time no less than two days, not to exceed ten days shall be filed with the license administrator not less than 14 nor more than 60 days in advance of the scheduled events.
- (b) The license issued shall be subject to the same requirements for issuance and standards of operation as prescribed in section 32-97 for the issuance of vending vehicle license.
- (c) The license fee shall be \$10.00 per day but in no event more than \$30.00.
- (d) Licenses to vend from a vending vehicle in a park may upon approval of the park board for designated special events be issued by the license administrator.

**Sec. 32-182. - Pedestrian traffic set aside.**

Any sale of nonfood merchandise under this section shall reserve a minimum of ~~72~~48 inches for the passage of pedestrian traffic. The 48-inch distance shall be measured from the curb to the front of the merchandise offered for sale.

**Sec. 32-183. - Fee.**

The county administrator shall establish a reasonable administrative fee based on the cost of regulation for each sale.

**Sec. 32-185. Retail.**

- (a) Applicability. For entities that fulfill the following conditions, no permit is required to operate outdoor retail. This section only applies to any business that:
  - (1) Sells items and/or services typically and regularly sold at the establishment; and
  - (2) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.
  - (3) Unless otherwise provided by this chapter, operation of outdoor retail or outdoor sales on the private property of the business shall be subject to section 27-622.
- (b) Allowed arrangements. Businesses may engage in outdoor sales, subject to the following conditions:
  - (1) The outdoor sale must operate as an open-air market.
  - (2) Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
    - a. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and
    - b. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
  - (3) Any retail that is allowed under another section of the Code of Ordinances, subject to all regulations under this section.
- (c) Types of retail allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
  - (1) Food and beverages;
    - a. All food and beverages must be prepackaged before being shipped to the business to be sold. If food and/or beverages are fresh or pre-packaged after being shipped to the business's physical location, then the subsection of the ordinance regulating food establishments applies.
  - (2) Books and other paper goods;
  - (3) Potted plants, cut or arranged flowers, or gardening seeds;
  - (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
  - (5) Jewelry and other wearable accessories;
  - (6) Homemade goods and crafts;
  - (7) Clothing;
    - a. Changing rooms in an open-market are prohibited.
  - (8) Office services;
  - (9) No repair work of any kind is allowed in an open-air market.

- (d) Allowed areas.
  - (1) One or more of the following areas may be utilized for an allowed business as an open-air market:
    - a. From property line to the curb of the street, subject to the following conditions:
      - 1. A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four feet in width must be maintained for use under the ADA; and
      - 2. All open-air market elements must be at least four feet from street furniture and designated fire lanes.
    - b. A parklet, subject to the following conditions:
      - 1. One of the following is allowed to be used as a parklet by a food establishment:
        - (i) One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
        - (ii) If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
      - 2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.
      - 3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an open-air market.
      - 4. Only one parklet is allowed per building. If there is more than one business per building, then the property owner or the property owner's designee may decide which business may use the parklet.
      - 5. No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
      - 6. All seating within the parklet must be at least three feet from passing automobile traffic.
      - 7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
  - (2) The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
  - (3) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
  - (4) No outdoor retail space as allowed under this section shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
- (e) Temporary Structures may be used for outdoor retail in the right-of-way.
  - (1) Temporary structures that provide shade for retailers and customers made be erected. Use of umbrellas is encouraged.
    - a. "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least ten feet from the

curb and does not interfere with any building or its functions, including drainage and access to light.

- (2) No temporary structure may be secured in any manner that damages the right-of-way or private property. Weights are encouraged to be used to secure temporary structures.
- (3) Outside the hours of operation, as defined in this section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.
- (4) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
  - a. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
  - b. Signs cannot be attached to public infrastructure.
  - c. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- (f) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.
- (g) Hours of operation shall be the business's regular published hours.
- (h) Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.

**Sec. 32-186. - ~~Review and sunset.~~ Farmers' markets.**

(a) Administrative review.

- (1) Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. All other persons or entities vending, distributing, or otherwise operating within a farmers' market must conduct such operation under one of the following:
  - a. A valid and current business license specific to the person(s) or entity; or,
  - b. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas.
- (2) A farmers' market may operate for no more than three consecutive days, and no more than four days per week at one location.
- (3) Hours of operation for the farmers' market begin no earlier than 6:00 a.m. and end no later than 8:00 p.m.
- (4) The applicant must submit a special event permit for all proposed farmers' market locations within the public right-of-way. The special event permit may place restrictions on the farmers' market greater than that of this section.
- (6) The farmers' market must receive a right-of-way permit from the public works department.
- (7) The applicant must make the approved special event permit and the right-of-way permit available to any enforcement officer upon request. The administrative review of the special event permit can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted and substantiated.
- (8) The operator of the farmers' market is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or



- other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event and the site returned to a public right-of-way.
- (b) Allowed areas. The entirety of the farmers' market must take place within the public right-of-way.
    - (1) Any portion of public right-of-way used for a farmers' market must be approved by a right-of-way permit and special event permit.
    - (2) No item(s) for sale or on display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.
    - (3) Unless otherwise provided by this chapter, operation of a farmers' market on private property shall be subject to section 27-618.
  - (c) Temporary structures.
    - (1) Only temporary structures may be erected in the public right-of-way.
    - (2) No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
    - (3) Temporary structures may not be erected within the public right-of-way outside of the hours of operation designated by the right-of-way permit. At no time may a temporary structure be placed outside of the boundaries designated by the public right-of-way.
    - (4) Unless otherwise provided by this chapter, operation of a temporary structure in on private property shall be subject to section 27-618.
  - (d) Signage.
    - (1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
      - a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
      - b. Signs cannot be attached to public infrastructure.
    - (2) Sandwich boards are allowed in connection with the farmers' market activity.
      - a. Sandwich boards must be placed within five feet of the farmers' market stand and do not interfere with the flow of pedestrian and/or automobile traffic.
      - b. Sandwich boards are otherwise subject to all other sign code regulations.

### **Sec. 32-187. - Mobile markets.**

This section is for mobile markets within the public right-of-way. For mobile markets on private property, see section 27-619.

- (a) Administrative review.
  - (1) Any persons or entity operating a mobile market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
  - (2) Mobile markets must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.
  - (3) Mobile markets may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.
- (b) Allowed areas.

- (1) Mobile markets are allowed upon any public right-of-way upon being granted a right-of-way permit by the public works department, subject to the following exceptions:
  - a. Any portion of right-of-way where the speed limit is greater than 40 miles per hour;
  - b. Any portion of the right-of-way that has been designated as “no parking”;
  - c. Within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law; and,
  - d. Within 20 feet of an intersection or street corner.
- (2) Parking.
  - a. A mobile market vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a mobile market vehicle to operate outside of the hours of operation in this subsection.
  - b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;
  - c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
  - d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
  - e. No mobile market vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
  - f. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.

**Sec. 32-188. - Mobile vending.**

This section is for mobile vending within the public right-of-way. For mobile vending on private property, see section 27-620.

(a) Administrative review.

- (1) Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
- (2) Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.
- (3) Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.

(b) Allowed areas.

- (1) Mobile vending is allowed adjacent to any non-residential zoning district upon obtaining a business license or non-profit status as addressed in subsection (1).
- (2) If a street is designated by the Major Street Plan a local or neighborhood street, or is otherwise unidentified, and one or more residential properties abut said street, then the mobile vending vehicle is prohibited from parking, operating, or otherwise vending at that location. A mobile vending vehicle or prepared food vending vehicle

- may only park and operate on said street if the vehicle operator is invited for a block party. The mobile vending vehicle may only stay for the duration of the block party.
- (3) All mobile vending vehicles and prepared food vending vehicles must comply with the following standards:
- The vehicle may only park on paved surfaces.
  - The vehicle is not parked in a designated ADA parking space or in an access aisle.
  - The vehicle is not parked in a no-parking zone.
  - No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
  - There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.
  - Any portion of right-of-way where the speed limit is greater than 40 miles per hour.
  - Mobile vending vehicles may not park for more than four hours at any one site.
- (4) Mobile vending activity includes the use of the mobile vendor vehicles or prepared food vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following:
- A mobile vending vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a mobile vending vehicle to operate outside of the hours of operation in this subsection.
  - No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;
  - No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
  - All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian walkway remains ADA-compliant.
  - Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
  - All fire lanes must remain clear and unencumbered.
  - No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
  - No mobile market vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
  - All areas designated for or reasonably designated for queueing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.
  - Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile vendor vehicle or prepared food vending vehicle. Any and all signage, temporary or other structures, and other elements of the mobile vending must be removed at the end of each mobile vending event.
- (c) Temporary structures.
- (1) No permanent structure or improvement shall be installed.
  - (2) No temporary structure may be secured in any manner that damages the right-of-way. Weights are encouraged to be used to secure temporary structures.

- (3) No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- (d) Signage.
  - (1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
    - a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
    - b. Signs cannot be attached to public infrastructure.
  - (2) Sandwich boards are allowed in connection with the mobile vendor vehicle or prepared food vending vehicle.
    - a. Sandwich boards must be placed within five feet of the mobile vendor vehicle or prepared food vending vehicle and do not interfere with the flow of pedestrian or automobile traffic.
    - b. Sandwich boards are otherwise subject to all other sign code regulations.

### **Sec. 32-380. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this article are defined by state law, such definitions shall apply to the use of such words and phrases in this article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Open street means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open street block captain means the individual serving as the applicant, point of contact, and responsible party for an open street.

### **Sec. 32-381. Open streets.**

- (a) Applicability.
  - (1) Any block that qualifies as an open street is allowed to be applicant for an open street permit.
    - a. The street must be designated a residential, local, or neighborhood street that has at least one occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.
    - b. Any street or right-of-way that is not designated by section 27-763 or the major streets plan as a highway, freeway, expressway, Class A thoroughfare, Class B thoroughfare, Class C thoroughfare, or collector street.
    - c. An alley cannot be an open street.
  - (2) The purpose of an open street is to provide a temporary space for recreational use by the residents, business owners, and the public.
  - (3) No language in this section should be construed to waive enforceability of public nuisances.
- (b) Application process.
  - (1) Parties allowed to be an open street block captain.

- a. A property owner of a non-vacant property that abuts the affected block; or
  - b. With written permission by the property owner, a residential or commercial tenant in a property that abuts the affected block.
- (2) The open street block captain must completely and accurately fill out the entire open street permit application.
- (3) The open street block captain must sign the waiver of responsibility for the street barricades.
- (4) Proper notice. Proper notice is defined as providing sufficient notice and information. Proper notice must be given in the following manners before the application is turned in to the county engineer:
  - a. At least one property owner of all non-vacant properties. If the property is tenant-occupied, at least one adult member of a tenant family must be given proper notice;
  - b. All local neighborhood groups, including homeowners' associations (HOAs) and neighborhood business and revitalization organizations (NBRs), that serve the affected block; and
  - c. The county engineer.
- (c) Duties of the open street block captain.
  - (1) The open street block captain must maintain the barricades as follows:
    - a. Remove or arrange for and ensure the removal of barricades no more than 30 minutes before ~~by~~ sunset every day;
    - b. Ensure the integrity of the barricades before being reposition on the right-of-way after 8:00 a.m. and maintain a reasonable watch on the barricades throughout the day;
    - c. Address qualifying damage to the barricades as follows:
      - 1. Qualifying damage to a barricade includes:
        - (i) Inability to stand properly;
        - (ii) Inability to stay upright under reasonable circumstances, including a moderate wind;
        - (iii) Defacement of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
        - (iv) Defacement to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
        - (v) Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.
      - 2. If a barricade suffers qualifying damage, the open street block captain may first attempt to repair the damage. If the damage cannot be repaired quickly, all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.
  - (2) Removal of litter and debris.

- a. The open street block captain is responsible for removal of any litter, debris and other materials from the street around the barricades.
  - b. If the open street block captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the open street block captain.
- (3) The open street block captain will be subject to all responsibilities enumerated in Section 32-181(c).
- (4) The open street block captain will serve as the point of contact during the open street application process and for the open street permit so long as the permit is in effect.
  - a. The open street block captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the open street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block.
- (d) Open street barriers.
  - (1) Proper barriers for an open street must meet the following requirements:
    - a. The barriers must be painted orange; and
    - b. Measure at least 48 inches in height; and
    - c. Of each set of two barriers at an intersection, the barrier closer to the intersection shall carry a sign.
      - 1. The sign must be made of durable material.
      - 2. Markings on the sign should be legible, easy to see, and resistant to sunlight, precipitation, and wind.
      - 3. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.
  - (2) Arrangement.
    - a. Four barriers must be used to signify a street block as an open street.
    - b. Barrier must be arranged in the following manner:
      - 1. The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24 inches by 36 inches that reads "Local Traffic and Deliveries Only" and faces the intersection.
      - 2. The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.
      - 3. The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.
    - c. Barricades shall be placed at contiguous intersections (either three-way or four-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.
    - d. Maintaining vehicular access.

1. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the open street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.
  2. Access to residences and businesses on an open street block.
    - (i) Access must be granted to businesses and residences on the open street block as needed; and
    - (ii) The open street block captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the open street block.
- (e) Term of permit.
- (1) Barricades may not be erected on the right-of-way before 8:00 a.m. and after sunset or 10:00 p.m., whichever is earlier.

**Secs. 32-383—32-399. Reserved.**

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30TH DAY OF JUNE, 2022.

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Tyrone A. Garner, Mayor/CEO

Attest:

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Unified Government Clerk

Approved as to Form:

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Chief Counsel