



City of Leavenworth Food Truck Pilot Program 2024

The purpose of the pilot program is to explore allowing food trucks in downtown on-street parking spaces. The six month program will provide a limited number of permits under Chapter 22 Health and Sanitation, Article II Food, Division 4 Mobile Food Vending Section 22-108(f) allowing City Manager approval for parking on public property. The small number will allow staff to closely monitor the impact and capture information that will be used in program assessment.

All current food truck ordinances remain in place during the pilot program that allow for:

- Use of City-owned Haymarket Square with rental
- Food trucks during special events with a road closure and approved permit
- Parking on private property

Dates

May 1, 2024 – October 31, 2024 (public notification will begin April 1, 2024)

Eligibility

A brick and mortar downtown business or organization may obtain City Manager permission for one food truck to be parked in adjacent on street parking spaces.

Number of Permits

Up to seven permits may be approved for sponsoring businesses during the program period. No single business may be approved for more than two permits.

Review Process

Sponsoring local businesses will submit a permit application to the City Clerk's Office at least 20 days in advance of requested parking dates. The request shall include a map and specific parking spaces for food truck parking. Parking must be adjacent to the current brick and mortar downtown business or organization sponsoring the request. Requests will be reviewed by the Special Events Review Committee made up of various departments including the Police Department, the Fire Department, Public Works and the City Manager. Applications meeting all program guidelines and that do not have a significant public safety impact as determined by the Committee will be approved on a first-come, first serve basis. Once seven permits have been approved, the program will continue through October 31 but no further permits will be considered.

The decision of the City Manager to deny a permit is final, however, information regarding the request will be provided to the City Commission for consideration in future food truck ordinance updates after the six month program ends.

Restaurant Approval

Written approval is required from restaurants located within 100 feet of proposed food truck parking spaces if that parking will occur during their posted hours (hours as listed at the business or on their website). Signed approval from those establishments shall be submitted along with the permit application.

Food Trucks

Participating food trucks are required to obtain a City of Leavenworth Mobile Food Vendor License and meet all current requirements on food handling, health permits, insurance and trash pick-up found in Chapter 22, Article 4, Division 4 Mobile Food Vending Sections 22-106 and 22-107 of City ordinances. Food trucks must have the Mobile Food Vendor License at least 10 days in advance of any use of City parking.

Days/Times

Permits may be requested for Saturday, Sunday, Monday, and Tuesday. Saturday hours are allowed between noon and midnight. Sunday, Monday, and Tuesday hours are allowed between noon and 11 pm.

Permits will not be approved for any day with a City permitted downtown parade (ex. Mayor's Holiday Parade).

Frequency

Permits may be requested for a single day or as a multiple-day recurring item (ex. Mondays in July).

Location

Food truck parking is only allowed in the downtown area zoned Central Business District (CBD) on City-owned street parking spaces. No more than two parking spaces may be utilized for a food truck. The food or sales counter must face the sidewalk to avoid pedestrian use of the street. Current ordinances regulating food truck parking locations found in Chapter 22, Article 4, Division 4 Mobile Food Vending Section 22-108 Operating Conditions will apply.

In addition, food trucks are not allowed:

- On 4th Street
- On Delaware Street Between 6th and Esplanade Streets (One Way Section)
- On Cherokee Street between 7th and 4th Street
- In ADA parking spaces or any area that would impede ADA accessibility
- Along any construction detour route

Towing

The City will not tow privately owned vehicles parked in spaces approved for food truck parking through the pilot program's permit. The sponsoring business is allowed to reserve permitted spaces with orange traffic cones up to 10 hours in advance of permitted parking. The Police Department may provide a limited number of reserved parking signs if available.

Fees

There are no fees for applying for or receiving a food truck parking permit under the pilot program.

Notifications

The sponsoring local business is responsible for notifying addresses within 100 feet of the on-street food truck parking location, days and times at least 10 days in advance of the start of food truck parking. Notification should include contact information for the sponsoring business. Communication may be in the form of a written letter or door hanger. Leavenworth County provides a list based on their fee schedule. A copy of the list and the letter or door hanger shall also be provided to the City Clerk's Office.

Sidewalk Use Permit

No chairs, tents, tables, or other objects may be placed on the sidewalk without a Sidewalk Use Permit from the sponsoring business. Applications are available in the City Clerk's Office.

Fire Safety Requirements

Food trucks will maintain a 10 foot separation between other food trucks and structures (NFPA 96:7.8.2). The placement of the concession operation shall not interfere with fire lanes, firebreaks, fire hydrants, egress or exit access of any proximate structures (NFPA 1 18.2.4 - 13.1.3 - 4 - 5 Appendix D of the IFC & Chapter 3106 of IFC). Vehicles should also be readily mobile in case of an emergency requiring their removal during a fire-related or other emergency.

Law Enforcement Requirements and Safety Enforcement

The Police Department is authorized by ordinance to require any vehicles blocking City Right of Way or otherwise causing a traffic obstruction to move. The City will not be held liable for any loss incurred by the food truck or sponsoring business or any additional fees or inconveniences that arise as a result of enforcing mobile food vendor or traffic ordinances or non-compliance that results in permit revocation.

Chapter 44, Article 4, Division 1 Parking, Stopping and Standing and Chapter 44, Article 1, Division 1 Incorporating Standard Traffic Ordinances require the following:

- The City is authorized to remove or cause to be removed any vehicles parked or standing in the streets, alleys, public parks, public off-street parking facilities, or in any other public place in the city during emergencies pursuant to Chapter 44, Article 4, Division 1 Parking, Stopping and Standing.
- Mobile food vendors shall comply with parking regulations outlined in the Standard Traffic Ordinance for Kansas Cities, Section 85 Stopping, Standing or Parking Prohibited in Specified Places, as adopted by City ordinance, reference Chapter 44, Article 1, Division 1 Incorporating Standard Traffic Ordinances.
- **Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places.**
- Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
 - (a) Stop, stand or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;

- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers; or
- (11) At any place where official signs prohibit stopping.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
 - (1) In front of a public or private driveway;
 - (2) Within 15 feet of a fire hydrant;
 - (3) Within 20 feet of a crosswalk at an intersection;
 - (4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
 - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted; or
 - (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
 - (1) Within 50 feet of the nearest rail of a railroad crossing;
 - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)

Permit Revocation

An approved permit holder that does not comply with all requirements of the pilot program and City ordinances to include those referenced in this program may have their permit revoked with 5 days written notice. Permits that create the need for Police Department enforcement of City ordinances may have their permit revoked with 48 hours written notice.