

ORDINANCE NO. 2398

AN ORDINANCE TO AMEND CHAPTER 28 TO ENACT ORDINANCES TO PROVIDE REGULATIONS AND REQUIREMENTS FOR MOBILE VENDORS INCLUDING FOOD TRUCKS; TO PROVIDE FOR A PENALTY FOR THE VIOLATION OF THIS ARTICLE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA:

Section 1. Chapter 28 shall be amended as follows:

Chapter 28

MOBILE VENDORS, PEDDLERS AND PERMIT REQUIREMENTS

1. Sec. 28-1 MOBILE VENDORS; DEFINITIONS; PERMIT REQUIREMENTS.

A. "Mobile Vendor" means any person, firm, organization, or corporation that sells, offers for sale, or solicits orders for the sale of food, beverages, goods, wares, merchandise, or services from a mobile unit or conveyance, including but not limited to motor vehicles, trailers or other movable structures, that is not permanently affixed to real property and is capable of being moved from place to place.

This term includes, but is not limited to, food trucks, ice cream trucks and mobile retail vendors, whether stationary for a limited period or traveling from place to place.

The term does not include:

- delivery services making deliveries to customers who previously ordered goods,
- persons acting under a special event permit issued by the City,
- vendors at a farmers market,
- vendors operating exclusively on private property with the consent of the property owner and not engaging in sales to the general public,
- vendors authorized by any other public entity.
- Solicitations, sales or distributions made by charitable, educational or religious organizations.

B. An application in writing shall be filed with the City Clerk for a mobile vendor permit prior to the sale of any item or food sold out of any vehicle, cart or stand on public or private property within the city limits. The application shall provide the following information:

- Personal information including business name, address, phone, email, etc.
- Vehicle license number(s), description(s) for all vehicles that will be used to sell the items/food and names of individual(s) expected to drive the vehicle(s).
- Description of the location of where the vender will be doing business.
- If selling food, documentation of Temporary Food Establishment Permit or Mobile Food Unit Permit issued by the Nebraska Department of Agriculture - Food Safety & Consumer Protection.
- Copy of sales tax permit.
- Proof of liability insurance.
- Special liquor license (if applicable).
- Written permission as required in Section G (if applicable).

C. The City Clerk, upon review of the application with the police department and any other appropriate department or agency, shall determine whether a license will be issued to the applicant. In making his/her decision, the Clerk shall consider the following factors:

- All information required has been provided and the application is complete;
- The required fee is paid;
- The application is in conformance with the municipal code;
- The applicant has not been convicted of two or more separate violations of the provisions of the code within twelve (12) months preceding application submittal.

D. Upon the City Clerk deciding the factors have been satisfied by the applicant, a license shall be issued upon payment of the fee provided in section K in advance. Said permit and, if selling food, either their Temporary Food Establishment Permit or Mobile Food Unit Permit issued by the Nebraska Department of Agriculture - Food Safety & Consumer Protection shall be exhibited on the vendor's vehicle or trailer at all times during operation within the city limits. The vendor's proof of a State of Nebraska sales tax permit or proof of tax exemption shall also be available upon request of any city official or customer.

E. The City shall revoke any and all permits based on fraud or misrepresentation in the original application or related to the selling of items/food, any violation of municipal code, etc. Upon revocation, the vendor shall not be allowed to reapply for a permit for a period of thirty (30) days for the first offense and twelve (12) months for a second offense.

F. Reporting sales tax is the responsibility of each permit holder and must be accomplished by the normal channels used to pay the State of Nebraska. Vendors must include York in the location section of the Nebraska Department of Revenue form.

G. Permit holders are prohibited from conducting business within fifty (50) feet of the main entrance used by customers to enter/exit a permanent business during the establishment's normal business hours. Exceptions can be made if the vendor provides the city with documentation showing that he/she has written permission from the permanent business owner to locate closer than fifty (50) feet.

H. Parking of mobile trucks:

- An approved mobile vendor may do business from a location in a city right-of-way that is open to traffic only where motor vehicles are allowed to park by law, signage or permit. Parking in prohibited places or blocking access to designated handicap parking areas unless such area is closed for a special event is not permitted.
- Mobile vendors are restricted from parking within twenty-five (25) feet of the corner of a block.
- Vendors shall be responsible for their own electricity.
- Mobile vendors shall only be allowed to remain parked in a parking site for eight hours at a time unless the street is closed for a special event. In cases of a special event, the vendor may remain from two hours prior to the special event until two hours after.
- All items/food shall be sold to customers on the sidewalk so that customers are not waited on or served while standing on any portion of the street unless the street is closed for a special event.
- The vendor shall provide trash receptacles sufficient to serve the customers and shall be required to pick up and dispose of any trash, litter, etc. within twenty (20) feet of their vehicle or trailer.
- The public works or police department shall have the authority to order a mobile vendor to move from or leave a specific location if the operation at that location causes an obstruction to vehicular or pedestrian traffic, violates any section of the municipal code (including noise), or otherwise endangers the health, safety, or welfare of the public. Should the vendor fail to refuse to move, the City shall move or tow the vendor's vehicle to another location.

I. No alcoholic beverages shall be sold unless there is a street closure and the vendor has a special liquor license for the event.

J. Any vendor who requests an exception to the rules outlined herein, or who wishes to appeal from the denial of a permit by the City Clerk, shall make a

written request to the city council and attend the council meeting in which the council reviews the request or appeal.

K. Fees.

Before any permit shall be issued under the provisions of this division the applicant shall pay a fee, based upon the period the applicant desires to engage in business in the city as follows:

- (1) Per day: \$5.00
- (2) Per week: \$10.00
- (3) Per month: \$25.00
- (4) Per year: \$100.00

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance take effect and be in full force and effect from and after its passage, approval, and publication pursuant to law.

Section 4. Penalty. Any violations of this ordinance shall be subject to a penalty as provided by section 1-9 of this Code.

PASSED AND APPROVED by the York City Council this ____ day of _____, 2025.

Barry Redfern, Mayor

ATTEST:

Amanda Ring, City Clerk

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