

ORDINANCE 986

AN ORDINANCE TO AMEND SECTION 2-107; TO ADD SECTIONS; TO RENAME SECTION 2-108; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PUBLISH IN PAMPHLET FORM, AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Section 2-107 of the Municipal Code of Central City, Nebraska, is amended to read as follows:

SECTION 2-107: SOLICITING ON PUBLIC PROPERTY

It shall hereafter be declared unlawful for any persons, firm or corporation to offer for sale or sell, barter or trade any article, commodity or thing of any nature whatsoever upon any of the streets, sidewalks, curbs or other public property within the City, exclusive of community rooms or facilities designated for such purposes, except by special permit of the City Council according to the terms and conditions in Sections 2-108 to 2-114. These sections shall not apply to the sale of tickets or token of appreciation on the sidewalks adjacent to philanthropic institutions.

Section 2. Sections 2-108 through 2-114 of the Municipal Code of Central City, Nebraska, shall read as follows:

SECTION 2-108: DEFINITIONS

Food Vendor: shall mean any person, firm or corporation who engages in the sale of food or drink in which such food or drink is prepared, packaged, served and/or sold by such person, firm or corporation from a temporary or mobile facility, and is sold or offered for sale on the streets, alleys, easements, or other public or private property in the City of Central City. The sale or offer of sale of freshly grown whole produce shall be exempt from this definition.

Street Vendor: shall mean any person, firm or corporation who engages in the sale of merchandise or commercially prepared, pre-packaged, non-potentially

hazardous food or drink on the streets, alleys, easements, or other public property in the City of Central City.

SECTION 2-109: FOOD VENDOR PERMIT; GENERAL RULES

All food vendors shall make application, pay a permit fee and obtain a permit from the Central District Health Department prior to the sale of food or drinks on any street, alley, easement, or other public or private property in the City of Central City.

SECTION 2-110: STREET VENDORS; GENERAL RULES

(A) All street vendors shall make application to the City Clerk, pay a permit fee and obtain a permit prior to using the streets, alleys, easements or other public property in Central City to sell merchandise or commercially prepared, pre-packaged food or drinks.

(B) The owner of each company making application for a street vendor permit shall show proof of identity with a photo identification card, and shall pay a nonrefundable application fee to the City Clerk in accordance with the Fee Schedule at the time of making such application.

(C) Street Vendor Permits shall be in effect for 30, 90 or 365 consecutive days from the date of issuance as requested by the vendor and upon payment of the applicable permit fee of \$5.00 for a 30 day permit, \$10.00 for a 90 day permit and \$15.00 for a 365 day permit.

(D) Street vendors may conduct business only between the hours of 8:00 a.m. and 9:00 p.m.

(E) A person shall vend only from the side of the vendor's truck away from moving traffic and at the curb or edge of the roadway and shall vend only when the vendor's truck is lawfully parked or stopped.

SECTION 2-111: FARMERS MARKET

Farmers Market means a designated area where, on designated days and times, growers and producers may sell directly to the public, in accordance with city regulations. The city shall have the right to relocate or discontinue the market, to specify the days and times of its use and to stipulate what goods may be sold. Any

person may offer for sale articles for human consumption, such as fruits, vegetables, edible grains, nuts and berries, apiary products, maple sugars, syrups, jams and jelly, eggs, cheese products, sausage, or nonedible articles such as cut or potted flowers, which articles have been raised or prepared by the grower or producer, by members of their family or by persons in their employ. All articles offered for sale by the grower or producer must be grown or processed in the state.

SECTION 2-112: RULES APPLICABLE TO ALL.

The following rules shall apply to all persons conducting business in accordance with this Article:

(A) A valid permit shall, at all times, be in the possession of the person authorized to operate such business, and shall be subject to inspection upon request.

(B) Vendors may use any of the streets in the City except those streets which have been designated as highways or arterial streets.

SECTION 2-113: USE OF SIRENS OR LOUDSPEAKERS

It shall be unlawful for any person engaged in any business pursuant to this Article while traveling about the City by motor vehicle or other conveyance, to use sirens or loudspeakers for the purpose of advertising such business.

SECTION 2-114: WHEN CONCESSIONS GRANTED TO OTHERS

(A) No person shall engage in sales of food or drink at any City park or recreational facility without first obtaining permission from the City Council. The City Council shall have authority to limit the number of street vendors or food vendors doing business at any City park or recreation facility and the manner and time that such sales are conducted.

(B) It shall be unlawful for any person authorized to do business under this Article to carry on such business at any City park or recreation facility, baseball or football game, or any athletic contest where an exclusive concession to carry on a similar business has been granted by the City.

SECTION 2-115: VIOLATIONS

It shall be the duty of any police officer of the city to enforce the provisions of this

Article against any person found to be violating the same. Any violation of the provisions of this Article may result in the immediate seizure of such permit by the Police Department, and may result in prosecution.

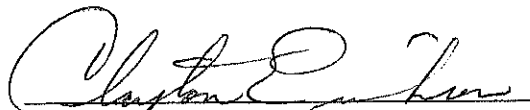
Section 3. Section 2-108: DISCHARGE OF FIREARMS of the Municipal Code of Central City, Nebraska, is re-numbered as follows: Section 2-116: DISCHARGE OF FIREARMS.

Section 4. Any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 5. This ordinance shall be published in pamphlet form.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication, and as required by law.

Passed and approved this 13th day of July, 2015.


Clayton Erickson, Mayor

Attest:


Linda Jensen, City Clerk