

**CITY OF BROKEN BOW
ORDINANCE NO. 1203**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, ADDING SECTION 113.13: MOBILE FOOD VENDORS; PROVIDING RULES AND REGULATIONS GOVERNING MOBILE FOOD VENDORS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Section 1. That Section 113.13 of the Municipal Code be added to read as follows:

Mobile food vendors shall comply with the following regulations:

- a. A mobile food vendor shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase, including but not limited to any such person engaged for the purposes of any public or private event occurring within the corporate limits of the City of Broken Bow, Nebraska. The following activities are excluded from such definition: (a) the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her; (b) the sale or offer for sale of food by a caterer who is hired to transport ready-to-eat food to an event; (c) the sale or offer for sale of homemade items, such as bread, pies, etc. for a Farmers Market event; or (d) the sale or offer for sale of food by non-profit groups.
- b. A special event shall mean any occasion including but not limited to farmers market, fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area within the jurisdiction of the City of Broken Bow, for a specific period of time.
- ~~c. A mobile food vendor shall not sell nor offer to sell food from a location within 150 feet of the main entrance used by customers to enter or exit a permanent food establishment during the hours food is sold within such permanent food establishment, unless each such permanent food establishment within such area has provided written consent.~~
- d. A mobile food vendor shall not sell nor offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic.
- e. Mobile food vendors may park in the same spot for not more than 24 hours at the City Square.

- f. It shall be unlawful for a mobile food vendor to sell or offer to sell alcoholic drinks.
- g. The mobile food unit and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.
- h. Mobile food vendors shall comply with all City ordinances.
- i. All Mobile Food Vendor Permits must be paid prior to parking the mobile food unit. Permit applications for vendors wishing to sell food on Saturday and Sunday must be submitted by 4:30 pm Friday prior to the date that the food will be sold.
- j. Mobile food vendors may park parallel to the curb on the south side of the City Square, unless there is a City event.
- k. A mobile food vendor may sell or offer to sell food seven (7) days a week from 7:00 am to 11:00 pm.
- l. Prior to leaving a location the mobile food vendor shall pickup and dispose of any trash.
- m. An application for a Mobile Food Vendor Permit under this article shall be accompanied by a nonrefundable processing fee of \$125.00 for a year permit or nonrefundable processing fee of \$25.00 per day for a day permit.
- n. A Mobile Food Vendor Permit application shall include a certificate from the State of Nebraska (Dept. of Agriculture) Health Department showing its approval of the applicant's sales of food, a copy of the State of Nebraska sales tax permit, or proof of an applicable sales tax exemption for the applicant, and a copy of the vehicle registration and proof of insurance, and a copy of photo ID.
- o. A Mobile Food Vendor Permit shall expire on December 31 of each year, unless renewed by the permit holder. The permit holder shall renew the license for the following year by filing with the City Clerk, on or before December 31, a registration updating or confirming the information provided in the immediately preceding permit application. The registration shall be on a form provided by the City Clerk. At the time of registration, the permit holder shall pay a renewal fee of \$125.00. Any application received after December 31 shall be processed as a new application.
- p. Violation of any of these items due to fraud or misrepresentation will be cause for revocation of the permit.
- q. Mobile food vendors that have current Peddlers Permits, at the time of passage of this ordinance, shall use their current permits until December 31, 2019. Beginning January 1, 2020, a Mobile Food Vendor permit is required to sell or

offer for sale food for these vendors. All new Mobile Food Vendors shall be required to obtain a Mobile Food Vendor permit.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 9th day of July, 2019.

Jonathon Berghorst, Mayor

ATTEST:

Stephanie M. Wright, City Clerk

