

CITY OF SOUTH SIOUX CITY
APPLICATION FOR A “MOTOR VEHICLE”
DEALERS PERMIT”

THE UNDERSIGNED respectfully request a permit for the operation of a **“Motor Vehicle Sales Lot”** as defined in **Chapter 22, Article II, Sections 22-31 through 22-61 of the South Sioux City Municipal Code of Ordinances**. Authorization is hereby given for complete inspection of the establishment by the Building Inspector or his authorized representative prior to granting of this permit and at any reasonable time during the existence of the permit. I further certify that the said establishment is in complete compliance as briefly outlined below:

1. Fee shall be \$100.00
2. I certify that my application is accompanied by a sketch showing size and location of all structures, type of lot surface, and location of all signs, lighting, utilities, driveways, and off street parking.
3. I certify that my lot is covered with concrete or asphalt as approved by the Building Inspector, and kept clean from weeds, rubbish, and debris.
4. I certify that my lot does have a sales office on the premises, constructed to all applicable City Building Codes.
5. I certify that my lot is equipped with adequate toilet and other sanitary facilities to serve employees and customers.
6. I certify that there is adequate driveway access to adjoining streets and in compliance to ordinances relative to driveway access.
7. I certify that there is adequate drainage from my lot to the adjoining street and storm sewer system of the City.
8. I certify that off street parking is available in accordance with applicable ordinance of the City.
9. I certify that there is adequate night-time lighting and so shaded to prevent shining on adjacent premises.

10. I certify that no vehicles on the lot are displayed beyond the property line or within two feet of the sidewalks or carriage walk around the perimeter of the lot.
11. I certify that there will be no demolishing, dismantling, wrecking, or junking of motor vehicles on my lot.
12. I certify that no repairs are or will be made to motor vehicles except minor repairs; provided the lot has an enclosed garage or building for which major repairs can be made.
13. I certify that there are no motor vehicles on my lot which are not in a condition ready for use, or any abandoned, junked, or partially disable vehicles on my lot.

.....

**NAME OF
BUSINESS:** _____

**ADDRESS OF
BUSINESS:** _____

**NAME OF
PROPRIETOR:** _____

**ADDRESS OF
PROPRIETOR:** _____

**NAME OF
OWNER:** _____

**ADDRESS OF
OWNER:** _____

IS THIS A: () PARTNERSHIP () CORPORATION

**GIVE FULL NAMES AND ADDRESS OF ALL PARTNERS OR OFFICERS
OF THE CORPORATION:**

STATE LICENSE NO.: _____ **DATE:** _____

FEE: \$ _____
(signature of propriety or owner)

(Building Inspector) (City Clerk)

Date Approved By City Council: _____

*****See attached City Council minutes for approval action and any
additional conditions, restrictions or comments regarding this
license*****

South Sioux City, Nebraska, Code of Ordinances >> - CODE OF ORDINANCES >> **Chapter 22 - BUSINESSES** >> **ARTICLE II. - MOTOR VEHICLE SALES** >>

ARTICLE II. - MOTOR VEHICLE SALES ^[2]

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- Sec. 22-58. - Penalties.
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- Sec. 22-61. - Penalty.
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Sec. 22-31. - 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:

Motor vehicle dealer means any person engaged in the business of selling or exchanging new or used motor vehicles and trailers; and any person who buys, sells or exchanges three or more new or used motor vehicles in any one calendar year shall be deemed to be a motor vehicle

dealer and subject to the provisions of this article. Nothing in this article shall apply to the state or any of its agencies or subdivisions. No insurance company, finance company, public utility company, fleet owner or other person coming into possession of any motor vehicle, motorcycle or trailer, as an incident to its regular business, who shall sell or exchange such motor vehicle, motorcycle or trailer shall be considered a dealer.

(Code 1975, § 10-339)

Cross reference— Definitions generally, § 1-2.

Sec. 22-32. - Permit required.

No person shall engage in the business of selling or dealing in motor vehicles in the city without first obtaining a permit for the fiscal year, which permit for the purposes of identification shall be known and described as a motor vehicles dealer's permit. A person who operates more than one motor vehicle sales lot within the city shall have in effect a separate permit for each such lot if such lots are located more than 275 feet from each other.

(Code 1975, § 10-340; Ord. No. 93-42, § 1, 10-19-93)

Sec. 22-33. - Reserved.

Editor's note—

At the request of the city this section was removed. Formerly said section pertained to motor vehicle license and inspection fee which derived from Code 1975, § 10-341.

Cross reference— Fee schedule, app. A.

Sec. 22-34. - Application of permit.

Any person desiring to engage in the business of selling or dealing in motor vehicles shall make application to the city clerk in writing for a permit or renewal permit. This application shall set forth in full the name and the residence of such applicant if an individual or partnership, or if a corporation with full name of the corporation and the location and address of such corporation, the names of the principal officers of such corporation, and in all cases, the location where it is desired to locate or maintain and operate a new or used car lot. After the filing of the application, the application shall be referred to the code official for investigation; and upon the investigation and the report of the code official, which report shall be filed with the city clerk, who shall refer the application and report to the city council. The city council shall determine if a permit shall be issued to the applicant.

(Code 1975, § 10-342; Ord. No. 93-42, § 3, 10-19-93; Ord. No. 2012-2, § 1, 3-12-12)

Sec. 22-35. - Permit not transferable.

No permit issued under this article shall be transferred or assigned or used by any other person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(Code 1975, § 10-343; Ord. No. 93-42, § 4, 10-19-93)

Sec. 22-36. - Plan.

Each application for a permit required by this article shall be accompanied by a plat or sketch showing the size and location of all buildings and structures to be located upon the sales lot, type of lot surface and the location of all signs, lighting devices, utilities, driveways and off-street parking.

(Code 1975, § 10-344)

Sec. 22-37. - Lot surface.

Each sales lot approved under this article shall have a surface that is covered with concrete, asphalt or similar paving, or gravel as approved by the city council; and such sales lot shall at all times be kept clean and free from weeds, rubbish and debris.

(Code 1975, § 10-345; Ord. No. 93-42, § 5, 10-19-93)

Sec. 22-38. - Sales office.

Each lot approved under this article shall have a sales office located on the premises, which is built and constructed according to all applicable city building codes.

(Code 1975, § 10-346; Ord. No. 93-42, § 6, 10-19-93)

Sec. 22-39. - Sanitary requirements.

No premises shall be operated as a motor vehicle sales lot unless they are equipped with adequate toilet and other sanitary facilities to serve the employees and customers. All such sanitary facilities shall be properly connected with the sanitary sewer system of the city if the premises are located on a street served by such sewer.

(Code 1975, § 10-347)

Sec. 22-40. - Driveways.

Each motor vehicle sales lot shall have adequate access to adjoining streets. No driveway to a motor vehicle sales lot shall be constructed except in full compliance with the ordinances relative to the installation of driveways; and it shall be the duty of the permittee of each such motor vehicle sales lot to maintain the sidewalk and parkway over which such driveway passes in good condition.

(Code 1975, § 10-348; Ord. No. 93-42, § 7, 10-19-93)

Sec. 22-41. - Drainage.

All such motor vehicle sales lots shall be constructed in such a manner as to adequately drain stormwater from the surface of the lot to the adjoining street and storm sewer system of the city.

(Code 1975, § 10-349)

Sec. 22-42. - Off-street parking.

Each approved motor vehicle sales lot shall provide off-street parking in accordance with the terms and conditions of the applicable ordinances of the city.

(Code 1975, § 10-350; Ord. No. 93-42, § 8, 10-19-93)

Sec. 22-43. - Signs.

All signs or other forms of advertising on premises approved under this article must be in full compliance with the applicable city ordinances.

(Code 1975, § 10-351; Ord. No. 93-42, § 9, 10-19-93)

Sec. 22-44. - Lights.

All approved motor vehicle sales lots shall be kept adequately lighted at nighttime, but such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises.

(Code 1975, § 10-352; Ord. No. 93-42, § 10, 10-19-93)

Sec. 22-45. - Parking of vehicles.

No motor vehicle offered for sale or parked upon an approved motor vehicle sales lot shall be parked or displayed beyond the property line of the sales lot or within two feet of the sidewalk or carriage walk around the perimeter of the sales lot.

(Code 1975, § 10-353; Ord. No. 93-42, § 11, 10-19-93)

Sec. 22-46. - Demolishing and wrecking motor vehicles.

There shall be no demolishing, dismantling, wrecking or junking of motor vehicles upon an approved motor vehicle sales lot.

(Code 1975, § 10-354; Ord. No. 93-42, § 12, 10-19-93)

Sec. 22-47. - Repairs.

There shall be no repairs made to any motor vehicle upon any approved motor vehicle sales lot, except minor repairs; provided that any approved motor vehicle sales lot that has enclosed garage or other building may make major repairs in such garage or building.

(Code 1975, § 10-355; Ord. No. 93-42, § 13, 10-19-93)

Sec. 22-48. - Condition of vehicles.

It shall be unlawful to park or store on any approved motor vehicle sales lot any motor vehicle that is not in a condition ready for use, or to permit the parking of any abandoned, junked or partially disabled vehicle on any such lot.

(Code 1975, § 10-356; Ord. No. 93-42, § 14, 10-19-93)

Sec. 22-49. - Inspections.

It shall be the duty of the code official to make inspections for the purpose of seeing that the provisions of this article are complied with by all permittees.

(Code 1975, § 10-357; Ord. No. 93-42, § 15, 10-19-93)

Sec. 22-50. - Revocation and suspension of permit.

When the code official determines that the public interest so requires, he shall revoke or suspend any permit issued under this article when he finds, after due investigation, that:

- (1) The permittee or any agent or officer of the permittee who takes part in the operation of the approved business has failed to comply with this article or any provision of law applicable to the premises, equipment or operation of the approved business;
- (2) The permittee, or any officer, agent or employee of the permittee, in the course of the approved business, has mutilated or altered the engine or serial number of any motor vehicle; has made wrongful use of any motor vehicle entrusted to the permittee; has victimized, injured or abused any member of the public in a manner amounting to a crime (other than a minor traffic violation); or has endangered the life or safety of any person willfully or through gross negligence;
- (3) The permittee, or any officer, agent or employee of the permittee, in the course of the approved business, has been found guilty of defrauding any person financially concerned with payment for goods or services of the permittee;
- (4) The permittee has obtained his permit through any fraud or misstatement; or
- (5) The approved business is being conducted in a manner detrimental to the health, safety or general welfare of the public; is a nuisance; is being operated in any unlawful manner; or is no longer being operated.

(Code 1975, § 10-358; Ord. No. 93-42, § 16, 10-19-93)

Sec. 22-51. - Hearing on granting, denial, renewal or revocation of permit.

- (a) Any person aggrieved by an order of the code official or city council granting, denying, renewing or revoking a permit for a proposed or existing business or activity subject to the provisions of this article, may file a written request for a hearing before the city council within ten days after issuance of such order. The city council shall give notice of a public hearing upon this request to be held in not less than 15 days after service of the notice on the person requesting the hearing. The city council shall also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the city council shall determine whether the granting, denial, renewal or revocation of the permit was in accordance with the provisions of this article and shall issue a written findings of fact, conclusions of law, and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the city clerk and served by the city clerk upon all parties appearing or represented at the hearing.
- (b) The city attorney shall furnish such assistance and advice to the city council as the city council shall request.

(Code 1975, § 10-359; Ord. No. 93-42, § 17, 10-19-93; Ord. No. 2012-2, § 3, 3-12-12)

Sec. 22-52. - Permit; time.

The permit required by this article shall remain in effect for such time as the permittee remains in full compliance with all requirements contained in this Code as it relates to motor vehicle sales. If the permittee does not actively engage in the business of selling or dealing in motor vehicles upon the permitted premises for a period in excess of 30 days, the permit shall be automatically revoked. Currently licensed motor vehicle sales lots located in a zoning district other than a highway service business district are considered to be an allowable nonconforming use.

When a permit is revoked in accordance with this section, no new motor vehicle sales permit shall be issued until such time as the premises is properly rezoned to highway service business.

(Ord. No. 94-57, § 3, 7-5-94)

Sec. 22-53. - Nuisance.

All motor vehicle sales lots and operations within the corporate limits of the city who operate without the permit required in this article are declared to be a nuisance, and it shall be unlawful for any person to operate or suffer or permit the sales lot to remain at any place within the corporate limits of the city. The city may apply to the district court of the county for an injunction to abate such nuisance and for such other relief as may be necessary or proper; provided, this prohibition shall not apply to any motor vehicle sales lot or dealer operating a business pursuant to a permit granted under this article.

Sec. 22-54. - Selling on consignment.

The provisions of this article shall also apply to any person accepting used motor vehicles for sale on consignment. As used in this section, "consignment" means accepting possession without purchasing, with the objective of selling and receiving a commission or percentage when the sale is made. Each person accepting motor vehicles for sale on consignment shall keep accurate records of the names, addresses and descriptions of persons placing cars for sale on consignment. Such records for each motor vehicle shall be kept for at least one year after the motor vehicle is sold or withdrawn from sale.

(Ord. No. 94-57, § 3, 7-5-94)

Sec. 22-55. - Other arrangements.

The provisions of this article shall apply to all real estate, and the owners thereof, displaying cars under other arrangements, such as rental of spaces in a lot to display cars for sale or allowing the display of cars for sale by persons other than the owner of the real estate.

(Ord. No. 94-57, § 3, 7-5-94; Ord. No. 2002-1, § 1, 2-11-02)

Sec. 22-56. - Records.

Any person engaged in the business of dealing in secondhand motor vehicles shall keep a record of all motor vehicles offered for sale, exchange or disposal to the public, which record shall show the make of the motor vehicle, the year of its manufacture, its serial number and the vehicle identification number, which record shall always be kept available for the chief of police or any patrolman or police officer within the city and opened to their inspection at any time. It shall be the further duty of every such person dealing in used motor vehicles to immediately report to the chief of police the presence in his place of business of any motor vehicle on which the serial or engine number has been defaced or altered.

(Ord. No. 94-57, § 3, 7-5-94)

Sec. 22-57. - Location of sales lots.

No premises shall be operated as a motor vehicle sales lot unless it is located within a C-4 business district as defined in section 11-312 of the South Sioux City Municipal Code. Any person

operating a motor vehicle sales lot within another zoning district on the effective date of the ordinance from which this section derives shall not be affected by the restrictions contained in this section. Additional motor vehicle sales lots will not be allowed on Dakota Avenue without prior approval by the city council and the lots currently located on Dakota Avenue will not be allowed to expand their location.

(Ord. No. 96-18, § 1, 6-10-96; Ord. No. 2012-2, § 2, 3-12-12; Ord. No. 2012-7, § 1, 6-25-12)

Sec. 22-58. - Penalties.

Notwithstanding any other penal provisions of this article, any person who violates any provision of this article shall, upon conviction, be punished by a fine of not less than \$50.00 nor more than \$100.00; and each day's failure to comply with any provision of this article shall constitute a separate violation.

(Code 1975, § 10-361; Ord. No. 94-57, § 2(10-361), 7-5-94)

Sec. 22-59. - Parking on private property.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

(Ord. No. 2010-27, § 1, 12-13-10)

Sec. 22-60. - Owner.

In the event the identity of the driver of such vehicle is unknown, the owner or person in whose name such vehicle is registered shall be prima facie deemed to be in violation hereof.

(Ord. No. 2010-27, § 1, 12-13-10)

Sec. 22-61. - Penalty.

Any person violating the provisions of sections [22-59](#) and [22-60](#) shall be fined not less than \$100.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 2010-27, § 1, 12-13-10)

Secs. 22-62—22-90. - Reserved.

FOOTNOTE(S):

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Cross reference— Traffic and vehicles, ch. 110. [\(Back\)](#)

AUTO DEALER INSPECTION CHECK LIST

Dealer Name: _____ Date Inspected: _____

Address: _____ Date Passed: _____

Date Application Received: _____ Amt. Received: \$ _____

| Minimum Requirements | Pass | Fail | Comments |
|--|------|------|----------|
| Lot surface covered with concrete or asphalt and free of Weeds, rubbish, and debris. | | | |
| Sales office on premises and constructed to all applicable City Building Codes | | | |
| Equipped with adequate toilet and other sanitary facilities to serve employees and customers | | | |
| Adequate driveway access to adjoining streets | | | |
| Adequate drainage to adjoining street and storm sewer | | | |
| Available off street parking in accordance with City Code | | | |
| Adequate night time lighting | | | |
| No vehicles displayed beyond the property line or within 2 ft. of the sidewalk | | | |
| No demolished, dismantled, disabled, wrecked, or junked Vehicles on lot. All vehicles must be in a condition ready for use | | | |
| No repairs being made to vehicles unless repairs are made in enclosed garage | | | |
| All signs or other forms of advertising in compliance with City Codes | | | |

Additional comments:

Inspected by: