

APPLICATION FOR ITINERANT SALES LICENSE

Read Ordinance No.2000-1 thoroughly. You will need to know all requirements and restrictions involved with having a license iss to you. If you do not follow all restrictions your license will be subject to revocation.

PLEASE PRINT OR TYPE ALL INFORMATION.

New
 Renewal

A. _____
Name

Home Address of Applicant

Home Phone Number of Applicant

B. Give a brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.

C. If employed by another, give the name and business address of the person, firm, association, organization, company or corporation.

Business Name

Business Address

Business Phone Number of Applicant

Name of Contact Person at Business

D. If a motor vehicle is to be used in the vending business:
1. _____
Description of the vehicle
2. _____
Motor vehicle registration number
3. _____
License number
4. _____
Provide a certificate of insurance on the vehicle.

E. Give a description of the proposed location of the vending business.

How long do you propose to conduct business at this location?

F. Provide your sales tax permit as required in Section 77-2705.

G. Provide a certificate of insurance or public liability bond in the amount of not less than \$300,000.00 for property damage and injuries, including injury resulting in death, caused by the operation of the vending business, (with City listed as certificate holder).

H. Provide and maintain a permit (or a certificate of health inspection) from the Nebraska Department of Health, if engaged in the sale of prepared food or beverages.

Costs	Licensing Fee	\$25.00		<u>\$25.00</u>
	Occupation Tax - Single Location.	\$20.00 per day. \$50.00 per week. \$250.00 for four months. \$500.00 per year.		_____ _____ _____ _____
	Occupation Tax - Door-To-Door	\$5.00 per day. \$250.00 for four months. \$500.00 per year.		_____ _____ _____
	Occupation Tax - Special Events	\$25.00 per event.		_____
	Subtotal Due PER Vendor			
	Number of vendors.	_____	x	_____
	Total Due.		=	_____

I certify that I have read Ordinance No. 2000-1 and the above information is true and complete.

Signature

Date

*****FOR OFFICE USE ONLY*****

App

ID

S.T. Permit

Ins.-Auto

Ins.-Liab.

H. Cert.

Fee Receipt # _____

Issued No. _____

Log

St of Ne-Dept of Rev Website:
www.revenue.state.ne.us/

PHONE #1-800-742-7474

ORDINANCE 2004-14

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, AMENDING CHAPTER 74 OF THE SOUTH SIOUX CITY MUNICIPAL CODE AS IT RELATES TO THE LOCATION OF ITINERANT VENDORS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

THE CITY COUNCIL HEREBY FINDS THAT:

- A. The primary purpose of the public streets, sidewalks and other public ways is for use by vehicular and pedestrian traffic;
- B. Reasonable regulation of vending on public ways is necessary to protect the public health, safety and welfare;
- C. Restricting the location of itinerant vendors to a specific location will enhance the overall appearance and environment along public streets, pedestrian ways and other public properties;
- D. Providing a location for vendors will promote economic development opportunities to small entrepreneurs in the City and will promote stable vendors who will enrich the City's ambiance and be assets to public security; and,
- E. The regulations contained in this ordinance are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA:

SECTION 1: That Article II of Chapter 74 of the South Sioux City Municipal Code be amended by adding thereto the following sections:

Section 74-89. Location of Vendors. All vendors, other than those operating from a motor vehicle or push cart, may sell their goods, wares or

merchandise only within districts, on streets or within open market areas which have or shall hereafter be so designated by the City Council. Said districts, streets or open market areas shall be designated by resolution adopted by the City Council.

Section 74-90. Special Events. Any vendor wishing to conduct business at a special event shall apply to the City Clerk for a temporary vending permit. Application for such permit must be made at least ten (10) days prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event which shall not exceed five (5) consecutive days. Fees for such permit shall be as specified in Sections 74-34 and 74-35 of the South Sioux City Municipal Code. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified.

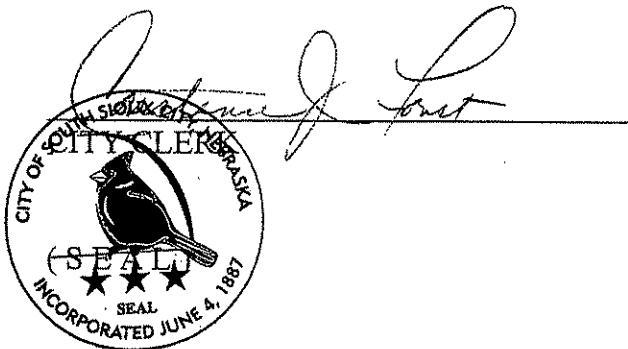
SECTION 2: That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 12th day of April, 2004.


MAYOR

ATTEST:



ORDINANCE 2001-1

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY,
NEBRASKA REGULATING STREET VENDORS;
PROVIDING FOR LICENSES, REVOCATION OF LICENSES
AND PENALTIES; REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND
PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE
IN FULL FORCE AND EFFECT.

The Mayor and City Council hereby find that:

- (a) The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic;
- (b) Vending on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment; and,
- (c) Reasonable regulation of vending on public ways is necessary to protect the public health, safety and welfare.

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

SECTION 1: *Purpose and Intent.* It is the intent of the Council in enacting this Ordinance:

- (a) To serve and protect the health, safety and welfare of the general public;
- (b) To establish a uniform set of rules and regulations that are fair and equitable;
- (c) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- (d) To provide economic development opportunities to small entrepreneurs in the City;
and,

- (e) To promote stable vendors who will enrich the City's ambiance and be assets to public security.

The regulations contained in this Ordinance are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

SECTION 2: Effective Date. This Ordinance becomes effective upon its passage, approval and publication as required by law.

SECTION 3: Definitions. When used in this Ordinance, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Board* means the City Council of the City of South Sioux City, Nebraska;
- (b) *Conveyance* includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels;
- (c) *Department* means the Office of the City Clerk;
- (d) *Director* means the City Clerk. "Director" includes the Director's authorized representative;
- (e) *Goods, wares, merchandise* shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks; EXCEPT that this Ordinance shall not apply to those residents of Dakota county, Nebraska, who are selling or delivering for sale fruits and vegetables;
- (f) *Motor vehicle* means any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state;

- (g) *Public space* includes all City-owned parks and City-owned property within street rights-of-way, including any roadways and sidewalks;
- (h) *Public way* means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings;
- (i) *Pushcart* means any wheeled vehicle approved by the City Clerk and in accordance with this Ordinance designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle;
- (j) *Sidewalk* means all that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property;
- (k) *Special event* means any occasion including but not limited to fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area of the City of South Sioux City, Nebraska for a period of time not to exceed three (3) days;
- (l) *Stand* means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk;
- (m) *Street* means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way;
- (n) *Vendor* means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of South Sioux City, Nebraska. A "vendor" also includes any street vendor, hawker, huckster, itinerant merchant or transient vendor; and,
- (o) *Vehicle* means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

SECTION 4: *License Required.* It shall be unlawful for any person to engage in the business of vending unless he has first obtained a license from the City Clerk. All licenses shall be issued according to regulations established by the City Clerk.

SECTION 5: Application for License. The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

- (a) The applicant's full name, current address, telephone number and proof of identity;
- (b) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (c) The specific location, if any, in which the vendor intends to conduct business;
- (d) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (e) If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and license number;
- (f) A sales tax permit as required by Neb. Rev. Stat., §77-2705; and,
- (g) Proof of a public liability bond or insurance policy in an amount not less than \$300,000.00 for property damage and injuries, including death, caused by the operation of the business.

SECTION 6: Health Inspection Certificate. Any application for a vending license to engage in the sale of prepared food or beverages shall be required to furnish and maintain a permit (or a certificate of health inspection) from the Nebraska Department of Health. The applicant's equipment shall be subject to inspections by the Health Department at the time of application and at periodic intervals thereafter.

SECTION 7: Issuance of License. The applicant shall be notified in writing by the City Clerk of the City's decision to issue or deny the vending license no earlier than three (3) days nor later than thirty (30) days after the applicant has filed a completed application with the City Clerk.

Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the

motor vehicle registration number. Each license shall also show the expiration date of the license and the vendor's plate number which is issued by the City.

In addition to the vending license and any other permit required by this Ordinance, the City Clerk shall issue a numbered identification badge to each vendor.

All licenses, permits and identification badges issued under this Section are valid for the term of the occupation tax paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

SECTION 8: *Special Events*. Any vendor wishing to conduct business at a special event shall apply to the City Clerk for a temporary vending permit. Application for such a permit must be made at least twenty-one (21) days prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Fees for such permit shall be as specified in Section 8 of this Ordinance. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified.

SECTION 9: *License Fees*. Any vendor granted a vending license under this Ordinance shall pay a license fee as established by resolution. Any vendor granted a temporary vending permit for special events shall be a fee for each day of vending permitted as established by resolution.

SECTION 10: *Display of Identification Badges and Other Permits*. Any license or permit issued by the City Clerk shall be carried with the licensee whenever he is engaged in vending. Identification badges and certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

An identification badge shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when attached to the

vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

SECTION 11: Notification of Name or Address Change. All vendors shall assure that a current and correct name, residence address and mailing address are on file with the City Clerk. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the City Clerk in writing within seven (7) days of such change and provide the same with the name change or address change.

SECTION 12: Exemptions. The provisions of this Ordinance do not apply to:

- (a) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (b) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;
- (c) The distribution of free samples of goods, wares and merchandise by any individual from his person;
- (d) Produce grown in Dakota County, Nebraska; or
- (e) Charitable organizations which have their principal office in Dakota County, Nebraska.

SECTION 13: Claims of Exemption. Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a license fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption. The City Clerk shall respond within thirty (30) days.

SECTION 14: Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of 8:00 A.M. and 8:00 P.M. No vending station, conveyance or

other item related to the operation of a vending business shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

SECTION 15: *Littering and Trash Removal.* Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 100 feet of any vending stand shall be collected by the vendor and deposited in a trash container.

Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

SECTION 16: *Vending Restrictions.* No vendor shall be permitted to operate in the following areas of public space:

- (a) Within fifteen (15) feet of any street intersection or pedestrian crosswalk;
- (b) Within fifteen (15) feet of any driveway, loading zone or bus stop;
- (c) Within fifteen (15) feet of another vending location assigned to another vendor on a public sidewalk;
- (d) Within a minimum of fifteen (15) feet of unobstructed pedestrian space;
- (e) In an area within fifteen (15) feet of a building entrance or exit or, in the case of a hotel or motel, within fifteen (15) feet of building entrances or exits;
- (f) On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza;
- (g) Against any display windows of fixed location businesses;
- (h) Any area within three hundred (300) feet of a hospital, college, university, elementary school, middle school or high school;

- (i) Within thirty (30) feet of any fire hydrant or fire escape; and,
- (j) Within twenty (20) feet of any parking space or access ramp designated for persons with disabilities.

SECTION 17: *Prohibited Conduct.* No person authorized to engage in the business of vending under this Ordinance shall do any of the following:

- (a) Obstruct traffic signals or regulatory signs;
- (b) Stop, stand or park any vehicle, pushcart or another other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings;
- (c) Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight;
- (d) Use any conveyance that when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant;
- (e) Sell any goods, wares or merchandise within districts or on streets that have been or shall be hereafter so designated by the City Council;
- (f) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate noise regulations of the City Code; and,
- (g) Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

SECTION 18: *Penalties.* The penalty for violating any provision of this Ordinance or any other applicable section of the South Sioux City Code shall be, in addition to any other sanctions provided, a fine not exceeding five hundred dollars (\$500.00) for each offense together with revocation or suspension of the vendor's license. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. Each day of violation shall be deemed a separate offense.

SECTION 19: *Suspension and Revocation of License*. In addition to the penalties contained in Section 18, any license issued under this Ordinance may be suspended or revoked for any of the following reasons:

- (a) Fraud, misrepresentation or knowingly false statement contained in the application for the license;
- (b) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
- (c) Conducting the business of vending in any manner contrary to the conditions of the license; or
- (d) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

The City Clerk shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his or her right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

If the City revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this Section may not apply for a new license for a period of one (1) year from the date that the revocation took effect.

SECTION 20: *Appeals*. If the City Clerk denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the City Clerk's decision to the City Council of the City of South Sioux City.

The filing of an appeal stays the action of the City Clerk in suspending or revoking a license or permit or any part of the business operation being conducted under such license or permit until the City Council makes a final decision, unless the City Clerk determines that continued operation

of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City Clerk shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.


SECTION 21: **Renewals.** A vending license may be renewed, provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The City Clerk shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this Ordinance, shall issue a new license.

SECTION 22: **Construction.** No part of this Ordinance or the Ordinance itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or their successors in interest under the law of real property or the laws of the State of Nebraska shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

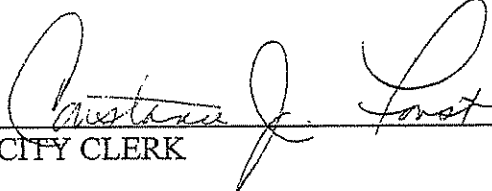
SECTION 23: **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

SECTION 24: **Repealer.** All ordinances, resolutions or policies, or parts thereof, in conflict herewith are hereby repealed.

PASSED AND APPROVED this 13th day of February, 2001.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

RESOLUTION KK-15

RESOLUTION ESTABLISHING LICENSING FEES FOR STREET VENDORS.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH SIOUX CITY, NEBRASKA:

SECTION 1: That a licensing fee to cover the processing of the application and enforcement of the ordinance in the amount of \$25.00 shall be collected from each applicant for a street vendor's license.

SECTION 2: For the purpose of raising revenue, an occupation tax is hereby levied upon street vendors as follows:

(a) Single location:

Daily rate -----	\$ 20.00
Same, per week -----	\$ 50.00
Same, for four (4) months -----	\$250.00
Same, per year -----	\$500.00

(b) Vendor licensed for door-to-door solicitations:

Per day per person -----	\$ 5.00
Same, per four (4) months per person	\$250.00
Same, per year per person -----	\$500.00

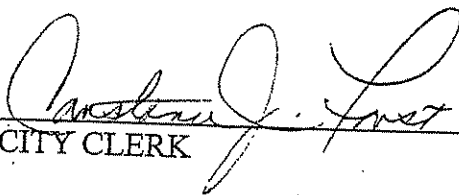
(c) Special events:

Per event (including license fee) -----	\$ 25.00
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PASSED AND APPROVED this 13th day of February, 2001.


MAYOR

ATTEST:


CITY CLERK

(SEAL)