



City of Grand Island

Tuesday, May 11, 2004

Council Session

Item F3

#8904 - Consideration of Amending Chapter 32 of the Grand Island City Code Relative to Solicitor, Street, and Food Vendor Permits

Staff Contact: Doug Walker

Council Agenda Memo

From: Paul Briseno, Administrative Assistant

Meeting: May 11, 2004

Subject: Consideration of Amending Chapter 32 of the Grand Island City Code Relative to Solicitor, Street, and Food Vendor Permits

Item #'s: F-3

Presenter(s): Paul Briseno, Administrative Assistant

Background

Pursuant to discussion that took place at the Study Session of the City Council on May 4, 2004, revisions have been made to the Grand Island City Code Chapter 32 relative to Solicitor, Street, and Food Vendor Permits.

Discussion

Pursuant to the discussion at the May 4th City Council Study Session, changes to Chapter 32 have been drafted. The proposed ordinance streamlines the permitting process and focuses on efficiency and safety concerns within the community.

The following changes are being proposed:

Food Vendor Permits:

1. Issued by the Central District Health Department
2. Fee to be determined by the Health Department Board
3. Exclusive Concessions in parks will be granted by the Parks and Recreation Department
4. Violations will be the immediate seizure of the permit by the Police Department

Solicitor Permits:

1. Issued by the Police Department
2. Photo ID required
3. Nonrefundable application fee
4. Background check

5. Application will be processed within 3 days
6. Application having a felony conviction will be denied
7. Permits in effect for 30 consecutive days
8. Hours 8:00 a.m. to sunset
9. Permit required for residents or nonresidents

Street Vendors:

1. Issued by the Police Department
2. Photo ID required
3. Nonrefundable application fee
4. Background check
5. Application will be processed within 3 days
6. Application having a felony conviction will be denied
7. Permits in effect for 30 consecutive days
5. Hours 8:00 a.m. to 9:00 p.m.
6. Permit required for residents or nonresidents

Discussion from the May 2, 2004 Study Session concerning Street Vendors in the downtown areas are regulated under City Code Chapter 13 – Downtown and Business Improvement Districts. Street Vendors and Solicitors are not allowed to do business under City Code Section 13-17 Congested Parking Area. Any event within the downtown area is regulated by the Downtown Business Improvement Districts.

Also at the May 2, 2004 Study Session, discussion was held concerning the hours of operation of Street Vendors at the parks. Section 32-50 of the proposed ordinance addresses those issues.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the ordinance as drafted
2. Disapprove or /Deny the ordinance
3. Modify the ordinance to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve Ordinance #8904 as drafted.

Sample Motion

Approve the revisions to the Grand Island City Code Chapter 32 relative to Solicitor, Street, and Food Vendor Permits as set forth in Ordinance #8904.

ORDINANCE NO. 8904

An ordinance to amend Chapter 32 of the Grand Island City Code; to amend Article IV. and Sections 32-43 through 32-51 pertaining to street vendor, food vendor, and solicitor permits and regulations; to repeal Article IV. and Sections 32-43 through 32-51 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Article IV. of Chapter 32 is hereby amended to read as follows:

Article IV. Street Vendors and Solicitors

§32-43. 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 Grand Island. The sale or offer of sale of freshly grown whole produce shall be exempt from this definition.

Solicitor: shall mean any person that travels from house to house taking or attempting to take orders for the sale of goods, wares or merchandise, subscriptions or personal property of any nature whatsoever. An exception shall be granted to residents of Grand Island giving, selling or offering for sale goods, wares or merchandise who qualify as bona fide nonprofit organizations and operate exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes.

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 Grand Island.

§32-44. Food Vendor Permit; General Rules

(A) 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 Grand Island.

(B) The amount of the permit fee shall be established and approved by the Health Board.

§32-45. Solicitors; General Rules

(A) All solicitors shall make application to the Grand Island Police Department prior to the commencement of any house-to-house sale of goods, wares or merchandise, subscriptions or personal property of any nature whatsoever.

(B) Each person shall show proof of identity with a photo identification card, and shall pay a nonrefundable application fee to the Grand Island Police Department in accordance with the Grand Island Fee Schedule at the time of making such application.

ORDINANCE NO. 8904 (Cont.)

(C) Processing of such application shall be completed within three working days (Monday-Friday), and shall include a background check of the person submitting such application. Applicants having a felony conviction will be denied a Solicitor's Permit.

(D) Solicitor's Permits shall remain in effect for 30 consecutive days from the date of issuance.

(E) Solicitors may conduct business, door-to-door, only between 8:00 a.m. and sunset. This regulation does not apply where the solicitor is on the property by the express, prior invitation of the person residing on the premises.

§32-46. Street Vendors; General Rules

(A) All street vendors shall make application to the Grand Island Police Department, pay a permit fee and obtain a permit prior to using the streets, alleys, easements or other public property in the City of Grand Island 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 Grand Island Police Department in accordance with the Grand Island Fee Schedule at the time of making such application.

(C) Processing of such application shall be completed within three working days (Monday-Friday), and shall include a background check of the owner of the company submitting such application. Applicants having a felony conviction will be denied a Street Vendor Permit.

(D) 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.

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

(F) A person shall vend only when the vendor's truck is lawfully parked or stopped.

(G) 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.

§32-47. 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) Except as provided in §32-48, every person authorized by the Grand Island Police Department or the Central District Health Department to engage in any business allowed by this Article may use any of the streets in the City except those streets which have been designated as highways or arterial streets.

§32-48 Downtown Business District Streets

It shall be unlawful for any person authorized to do business under this Article to conduct such business on any street listed in §13-17 Congested Parking Area of this code.

§32-49. Use of Sirens, Loudspeakers, Bells, Etc.

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.

§32-50. 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 written permission from the Parks and Recreation Director. The Parks and Recreation Director 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 Parks and Recreation Director.

(C) Any person that has been refused permission to engage in sales of food or drink at any City park or recreational facility by the Parks and Recreation Director may request a hearing before the Mayor and City Council on the issue of whether the refusal was arbitrary, capricious or unreasonable.

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§32-51. 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 Grand Island Police Department, and may result in prosecution.

Article IV. Street Vendors

§32-43. Prerequisites to Engaging in Business

~~_____ No person shall engage in any business as described by §32-46 without first making application to and obtaining a permit from the City Clerk or his/her designee for permission to use the streets of the City for such purpose and without first paying the occupation tax provided for in the City of Grand Island Fee Schedule.~~

§32-44. Use of Streets; Exception

~~_____ Except as provided by §32-43, every person authorized by the mayor and council to engage in any business as described by §32-46 may use any of the streets in the City except those streets which have been designated as highways or arterial streets.~~

§32-45. Downtown Business District Streets

~~_____ It shall be unlawful for any person authorized to do business under this article to offer merchandise, food or drinks for sale on any street listed in §13-17 Congested Parking Area of this code.~~

§32-46. Occupation Tax

~~_____ There is hereby levied upon every person engaged in the business of traveling about the City selling merchandise, food or drinks, on streets, alleys, easements or other public property, an annual occupation tax in accordance with the City of Grand Island Fee Schedule, payable in advance, which tax shall become due and payable on May 1 and shall expire on April 30 of each year.~~

§32-47. Tax; To Whom Paid; Disposition

~~_____ The occupation tax provided for by §32-46 shall be paid to the city treasurer and shall be credited to the general fund of the City.~~

§32-48. Health Certificate

~~_____ Any person, prior to engaging in sales of food or drink pursuant to this article, shall obtain a Food and Drink Permit from the Grand Island Hall County Department of Health.~~

§32-49. Use of Sirens, Loudspeakers, Bells, Etc.

~~_____ 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, loudspeakers, or music makers of any kind for the purpose of advertising such business. It shall, however, be lawful to softly ring a bell. Such bell shall first be approved by the chief of police. No such device shall be approved if the same is an annoyance to any person.~~

§32-50. Littering Streets

~~_____ It shall be unlawful for any person engaged in any business pursuant to this article to throw upon the streets of the City any paper, bottles, bottle caps, cartons, or any ice cream or other merchandise in violation of the provisions of this Code.~~

§32-51. 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 written permission from the Parks and Recreation Director and the City Administrator. The Parks and Recreation Director and the City Administrator shall have authority to limit the number of street 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~~

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~~concession to carry on a similar business has been granted by the Parks and Recreation Director and the City Administrator or the entity or person in charge of such facilities or event.~~

~~_____(C) Any person that has been refused permission to engage in sales of food or drink at any City park or recreational facility by the Parks and Recreation Director and the City Administrator may request a hearing before the Mayor and City Council on the issue of whether the refusal was arbitrary, capricious or unreasonable.~~

SECTION 2. Article IV, and Sections 32-43 through 32-51 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 11, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk