



# **City of Grand Island**

**Tuesday, February 27, 2007**

**Council Session**

## **Item H1**

**Consideration of Request from Humberto Macias, 1420 North  
Piper Street Relative to Chapter 32 of the Grand Island City Code  
Regarding Street Vendors and Solicitor Business Hours**

**Staff Contact: Steve Lamken**



## REQUEST FOR FUTURE AGENDA ITEM



If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

**Name:** HUMBERTO MACIAS

**Address:** 1420 NORTH PIPER ST.

GRAND ISLAND, NE. 68803

**Telephone #:** (308) 379-3580

**Date of Request:** 02/15/2007

**Description of Requested Topic:** ARTICLE IV. STREET VENDORS AND SOLICITOR

32-46 #E BUSINESS HOURS 8:00AM-9:00PM. I WOULD LIKE TO HAVE  
EXTENDED HOURS FROM 8:00AM-2:00AM.

cc: Police  
Legal  
Bldg  
2-16-07



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: 2-19-07  
TO: RaNae Edwards  
FROM: Steve Lamken  
RE: Street Vendor Hours of Operation

I have reviewed Mr. Macias request for the extension of hours of operation for street vendors. I have the following concerns regarding this request:

- The activity is conducted on the street and thereby attracts pedestrian and vehicular traffic to the street. Extending the hours until 2:00 a.m. provides for the activity to be taking place during extended hours of darkness and also during the time immediately after on-sale liquor establishments close. This presents a heightened safety concern regarding motor vehicle traffic in the area.
- Extending the hours would also allow on-street vending to be done in residential areas until 2:00 a.m. This increases the concerns for noise and disturbances in residential areas after the hours when most people have retired. I do not approve of allowing street vending in residential areas beyond the current permitted hours.

## **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.

Added by Ord. No. 8904, effective 5-26-2004

### **§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.

Added by Ord. No. 8904, effective 5-26-2004

### **§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.

(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.

Added by Ord. No. 8904, effective 5-26-2004

**§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.

Added by Ord. No. 8904, effective 5-26-2004

**§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.

Added by Ord. No. 8904, effective 5-26-2004

**§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.

Amended by Ord. No. 8904, effective 5-26-2004

**§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.

Amended by Ord. No. 8904, effective 5-26-2004

**§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.

Added by Ord. No. 8904, effective 5-26-2004