



# **City of Grand Island**

**Tuesday, May 04, 2004**

**Study Session**

## **Item -2**

**Discussion Concerning Changes to the City Code Relative to  
Solicitor and Vendor Permits**

**Staff Contact: Gary Greer**



**PROPOSED CHANGES FOR:**

**FOOD VENDOR PERMITS  
SOLICITOR PERMITS  
STREET VENDORS**

# SOLICITOR/VENDOR PERMIT PARTICIPANTS

City Clerk

RaNae Edwards

Building Department

Craig Lewis

Legal Department

Dale Shotkoski & Laura  
Berthelsen

Finance Department

David Springer

Parks & Recreation Department

Steve Pausitian

Police Department

Captain Pete Kortum

Public Works Department

Bud Buettner

Health Department

Jeremy Eschliman & Ryan King

Information Desk

Cindy Brozek

# FOOD VENDOR PERMITS

## CURRENTLY:

- > Issued by the City Clerk's Office
- > Inspection done by the Health Department
- > Health Certificate required when applying
- > \$15.00 fee annually

## PROPOSED CHANGES

- ✓ Issued by the Health Department
- ✓ Fee to be determined by the Health Department Board
- ✓ Exclusive concessions in parks will be granted by the Park and Recreation Department
- ✓ Violations will be the immediate seizure of the permit by the Police Department



# *SOLICITOR PERMITS*

## CURRENTLY

- ❖ Issued by the City Clerk's Office
- ❖ Only required for those people not residing in Grand Island
- ❖ Monthly fee \$50
- ❖ Yearly fee \$190
- ❖ Photo ID required
- ❖ No waiting period
- ❖ No limit on number of individuals per permit
- ❖ No time limit on when they can sell

## PROPOSED CHANGES

- ✓ Issued by the Police Department
- ✓ Photo ID required
- ✓ Nonrefundable application fee
- ✓ Background check
- ✓ Application will be processed within 30 days
- ✓ Application having a felony conviction will be denied
- ✓ Permits in effect for 90 consecutive days
- ✓ Hours 8:00 a.m. to 8:00 p.m.
- ✓ Permit required for residents or nonresidents

# STREET VENDORS

## CURRENTLY

- Issued by the City Clerk's Office
- Monthly fee \$50 Yearly fee \$190
- Photo ID required
- No waiting period
- No limit on number of individuals per permit
- No time limit on when they can sell

## PROPOSED CHANGES

- ✓ Issued by the Police Department
- ✓ Photo ID required
- ✓ Application will be processed within 30 days
- ✓ Permits in effect for 90 consecutive days
- ✓ Hours 8:00 a.m. to 9:00 p.m.

# FEES OF OTHER MUNICIPALITIES

## LINCOLN

### Pushcarts

\$50 yearly fee from date of issuance

### Vendors (Peddler)

\$25 yearly per person

## KEARNEY

### Itinerant Merchant, Peddler, Solicitor

\$100 annual fee – calendar year

\$10 per day/per person

## HASTINGS

### Temporary Food Vendor

\$40 annual fee

### Peddlers Permit

\$100 annual fee

April 29, 2004

**Address**

RE: Vendor and Solicitor Permits

The Grand Island City Council is reviewing Chapter 32 of the Grand Island City Code relative to Vendor and Solicitor rules and regulations. They will be studying this issue at their **May 4, 2004 City Council Study Session** meeting beginning at 7:00 p.m. at City Hall Council Chambers, 100 East 1<sup>st</sup> Street, Grand Island, Nebraska.

I am contacting individuals that were issued permits last year that may be affected by these changes, to come and discuss this issue with the City Council. I have also enclosed a proposed Ordinance which outlines the changes that are being reviewed. We would like to give you this opportunity to meet with the Mayor, City Council, City Administrator, and Department Director's to discuss this issue.

If you should have any questions, feel free to contact me at (308) 385-5444 Ext. 111.

Sincerely yours,

**CITY OF GRAND ISLAND**

RaNae Edwards  
City Clerk

Enc.

ORDINANCE NO. \_\_\_\_

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 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 drinks in which such food or drink is prepared, packaged, served and/or sold by such person, firm or corporation and is sold or offered for sale on the streets, alleys, easements, or other public property in the City of Grand Island.

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 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.

(C) Processing of such application shall be completed within thirty days, 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 90 consecutive days from the date of issuance.



ORDINANCE NO. \_\_\_\_\_ (Cont.)

(E) Solicitors may conduct business, door-to-door, only between the hours of 8:00 a.m. and 8:00 p.m. 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) Processing of such application shall be completed within thirty days.

(C) Street Vendor Permits shall remain in effect for 90 consecutive days from the date of issuance.

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

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

(F) 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.

**§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 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.~~

ORDINANCE NO. \_\_\_\_\_ (Cont.)

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