

NEED COPIES OF

1. STATE OF NE: VEHICLE REGISTRATION
2. FOOD VENDOR ANNUAL PERMIT
3. MOBILE FOOD UNIT PERMIT
4. NE DEPARTMENT OF REVENUE CERTIFICATE
5. INSURANCE: LIABILITY

Reason: \_\_\_\_\_

\_\_\_\_\_

Date of Previous Permit issued in Loup City, Nebraska: \_\_\_\_\_

FEES:	One Day Permit	\$ 25.00	[ ]
	One Week Permit	\$ 75.00	[ ]
	One Year Permit	\$150.00	[ ]
	Event Sponsor Fee	\$ 50.00	[ ]

(SEAL)

\_\_\_\_\_  
Municipal City Clerk



**MOBILE FOOD VENDORS APPLICATION**

RENEWAL: \_\_\_\_\_ NEW APPLICATION: \_\_\_\_\_ YEAR: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PERSONAL ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ PHONE #: \_\_\_\_\_

BUSINESS EMAIL ADDRESS: \_\_\_\_\_

DRIVER'S LICENSE NUMBER/STATE ISSUED: \_\_\_\_\_

SOCIAL SECURITY: \_\_\_\_\_ DOB: \_\_\_\_\_

VEHICLE/TRAILER LICENSE NUMBER/STATE ISSUED: \_\_\_\_\_

DESCRIPTION OF VEHICLE: \_\_\_\_\_

PRODUCT: \_\_\_\_\_ DAYS OF OPERATION: \_\_\_\_\_

LOCATION: \_\_\_\_\_ HOURS OF OPERATION: \_\_\_\_\_

OWN: \_\_\_\_\_ LEASE: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_ ATTACHED CONSENT FORM: \_\_\_\_\_

PROPERTY ZONED: \_\_\_\_\_

FOOD SAFETY & CONSUMER PROTECTION PERMIT NO: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_

SALES TAX NUMBER: \_\_\_\_\_

VEHICLE/TRAILER SELF-CONTAINED: YES \_\_\_\_\_ NO \_\_\_\_\_

LIABILITY INSURANCE MINIMUM: \$1,000,000      VENDOR BOND MINIMUM: \$1,000

INSURANCE COMPANY: \_\_\_\_\_ ATTACHED: \_\_\_\_\_

BOND COMPANY: \_\_\_\_\_ ATTACHED: \_\_\_\_\_

List all employees: \_\_\_\_\_

The facts set forth above in my application for Occupational Tax Application for Mobile Food Vendors are true and complete. I understand false statements shall be considered sufficient cause for denial and/or revocation. To the fullest extent permitted by laws and regulations Applicant shall indemnify and hold harmless the City of Loup City and its officers, employees and agents from and against all claims, suits, damages, cost, demands, losses and expenses, direct, indirect or consequential ( including but not limited to fees and charges of attorneys and other professionals and court and arbitration costs: arising out of or resulting from the performance under this registration permit. The Applicant is entirely and solely responsible for all acts while engaged in the operation of vending with the City of Loup City.

**DISCLAIMER:**

I hereby release the City of Loup City from any liability relating to any action caused or charged against me or my business as a result of any sales herein described.

\_\_\_\_\_  
(SIGNATURE) (DATE)

- \*EQUIPMENT/VEHICLE SUBJECTED TO BE INSPECTED.
- \*UPON RECEIPT DISPLAY OCCUPATION TAX, FOOD SAFETY & CONSUMER PROTECTION PERMIT AND SALES TAX NUMBER.
- \*PERMIT NOT TRANSFERRABLE.

**I HAVE READ AND UNDERSTAND THE STANDARDS AND ZONING SUPPLEMENTAL REGULATIONS FOR MOBILE FOOD VENDORS SET FORTH BY THE CITY OF LOUP CITY, NEBRASKA.**

\_\_\_\_\_  
(SIGNATURE) (DATE)

\_\_\_\_\_

**OFFICE USE**

**ATTACHMENTS REQUIRED:**

Driver's License _____	Food Safety & Consumer Protection Permit _____	Vehicle Registration _____
Sales Tax No. _____	Insurance Policy _____	
Property Owner Consent _____	Bond Certificate _____	

**NON-REFUNDABLE FEE:**  
 PER DAY: \$25.00 \_\_\_\_\_ PER WEEK: \$75.00 \_\_\_\_\_ PER YEAR: \$150.00 \_\_\_\_\_

PERMIT EXPIRES ON: \_\_\_\_\_

COPY OF PERMIT PROVIDED TO APPLICANT ON: \_\_\_\_\_

RESOLUTION NO. 2016-28

A RESOLUTION OF THE CITY OF LOUP CITY, NEBRASKA, SETTING PEDDLERS, SOLICITORS, BUSINESS AND EVENT VENDORS LICENSE FEES

WHEREAS, as authorized by Municipal Code Sections 110.05, the Governing Body shall, by resolution, adopt fees for the licenses of Peddlers, Solicitors, Business and Event Vendors;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Loup City do hereby resolve that Peddler, Solicitor, Business and Event Vendors License Fees be set as follows:

One Day Permit	\$ 25.00	Fees
One Week Permit	\$ 75.00	
One Year Permit	\$ 150.00	
Event Sponsor Fee	\$ 50.00	

NOW, THEREFORE, BE IT FURTHER RESOLVED that any other resolution passed and approved prior to passage of this resolution and in conflict with its provisions is repealed.

BY ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF LOUP CITY, NEBRASKA this 6th day of September, 2016.

ATTEST:

CITY OF LOUP CITY

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

The foregoing Resolution was presented and after discussion, it was moved by Kuszak and seconded by Oseka that said Resolution be adopted, and upon roll call vote, the City Council voted as follows:

AYES: Kowalski, Kuszak, Walrath, Oseka  
NAYS: None  
ABSENT: None  
ABSTAIN: None

The Mayor then declared said motion duly carried and said Resolution adopted this 6<sup>th</sup> day of September, 2016.

PASSED AND ADOPTED this 6th day of September, 2016.

ATTEST:

CITY OF LOUP CITY

\_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_

Mayor

The foregoing ordinance was presented and after discussion, it was moved by Oseka and seconded by Walrath that said Ordinance be adopted, and upon roll call vote, the City Council voted as follows:

AYES: Kuszak, Walrath, Oseka, Kowalski

NAYS: None

ABSENT: None

ABSTAIN: None

The Mayor then declared said motion duly carried and said Ordinance adopted this 6<sup>th</sup> day of September, 2016.

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY OF LOUP CITY, NEBRASKA, AMENDING THE PEDDLERS AND HAWKERS SUBCHAPTER OF THE CITY OF LOUP CITY, NEBRASKA, CODE OF ORDINANCES AND CHANGING THE TITLE OF THE SUBSECTION TO PEDDLERS, SOLICITORS, BUSINESS AND EVENT MERCHANTS; REPEALING ALL ORDINANCES AND SECTIONS IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Section 1. That the Mayor and City Council of Loup City, Nebraska, do hereby amend the title of the Peddlers and Hawkers subchapter of the City of Loup City, Code of Ordinances, to Peddlers, Solicitors, Business and Event Merchants.

Section 2. That the Mayor and City Council of Loup City, Nebraska, do hereby amend the Peddlers and Hawkers subchapter of the City of Loup City, Code of Ordinances, to read as follows:

*PEDDLERS, SOLICITORS, BUSINESS AND EVENT VENDORS*

§110.01 PURPOSE.

The purpose of this subchapter is to protect the residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, business and event merchants.

(1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

§110.02 DEFINITIONS.

For use in this subchapter the following terms are defined:

“Peddler” means any person carrying goods, merchandise or offering services who sells or offers for sale such goods, merchandise, or services from house to house or upon the public streets including any person who takes orders house to house for goods, merchandise or services for later delivery.

“Peddling” means the selling or offering for sale services, goods or merchandise which are carried by a person from house to house or upon the public streets including the taking of orders house to house for goods, merchandise or services for later delivery.

"Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

"Business Vendor" means any person or entity who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a business merchant.

"Event Vendor" means any person or entity who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, who sells goods out of a booth or other set-up on public property or who operates out of a vehicle which is parked anywhere within the City limits for a specific event held within the City limits (i.e. Polish Days, Junk Jaunt, Farmer's Market, Citywide Garage Sales, City Clean-up Day). Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a business merchant.

#### **§110.03 LICENSE REQUIRED.**

Any person or entity engaging in peddling, soliciting or in the business of a business or event vendor in the City without first obtaining a license as herein provided is in violation of this subchapter.

(1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016) Penalty, see §10.99

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

#### **§110.04 APPLICATION FOR LICENSE.**

An application in writing shall be filed with the City Clerk for a license required under this subchapter. The applicant shall provide the following information:

1. Applicant's name, email address, if any, and local phone number or cell phone number;
2. Permanent and local address, business address, business email address and phone number, if any;
3. Physical description and government issued photo identification card;
4. Applicant's employer, if any, and the employer's address, email address and phone number;

5. The nature of the applicant's business;
6. The last three places of such business;
7. The length of time sought to be covered by the license;
8. Applicant's Federal identification number and the Federal identification number for any business applicant is peddling under as an agent, employee or otherwise;
9. A Nebraska sales tax permit number or letter form the Nebraska Department of Revenue confirming a sales tax permit is not required;
10. Proof of insurance issued to the applicant or the applicant's business to cover liability that may arise in the course of peddling, soliciting or vending within the City limits;
11. A list of all employees of the applicant who will be working within the City limits;
12. Whether applicant has had a peddler's, solicitor's or vendor's license suspended, revoked or denied by this or any other city in the last five (5) years and the reasons therefor;
13. The date of any previous peddlers' licenses issued by the City Clerk.

(1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

### **§110.05 ISSUANCE OF LICENSE; FEES.**

The City Clerk, upon review of the license application with the police department and any other appropriate department or agency, shall determine whether a license will be issued to the applicant. Waiting period of not less than three (3) business days from the date of the application shall be in effect to provide sufficient time for the City Clerk's fact gathering process to be completed in a reasonable period. In making his/her decision the Clerk shall consider the following factors:

1. The information in the application is found to be correct;
2. All information required has been provided and the application is complete;
3. The required fees are paid;

4. Applicant does not have a business or even vendor, solicitor, or peddler license under suspension or revocation under this subchapter.

Upon the City Clerk deciding the factors have been satisfied by the applicant, a license shall be issued upon payment of non-refundable fee and bond, if any required, in advance as set in the schedule of fees adopted by the City Council by resolution.

All applicants issued a license will be reported to the Nebraska Department of Revenue as a peddler, solicitor, business or event vendor, along with their tax status. Reporting Sales Tax is the responsibility of each peddler, solicitor, business or event vendor and must be accomplished by the normal channels used to pay the State of Nebraska. Vendors must include Loup City in the location section of Nebraska Form 10.

(1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

#### **§110.06 ISSUANCE OF LICENSE; FEES.**

No license shall be issued to any applicant who has more than five hundred dollars (\$500.00) average sale per consumer until the applicant has delivered to the City Clerk a cash bond for no less than \$200.00 per license or \$1,000.00 for an employer employing a group of (5) or more license applicants.

The bond shall be held to indemnify and pay the City any penalties or costs incurred in the enforcement of any of the sections of this subchapter and indemnify or reimburse any purchaser of services, goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such services, goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares, merchandise, services or any part thereof.

The balance of the bond shall be released by the City Clerk and returned to the applicant or employer upon request by the applicant or employer at any time more than four months after expiration of the license(s) for which the cash bond was provided, unless the City Clerk has received notice of a pending action in the State or Federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the City Clerk shall not release any bond during the pendency of any action.

(1990 Code, §10-204) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

### **§110.07 DISPLAY OF LICENSE; LICENSE NOT TRANSFERRABLE.**

Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this subchapter. Each business or event vendor shall display publicly such merchant's license in the merchant's place of business.

License issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person or entity filing the application.

### **§110.08 TIME RESTRICTION.**

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. All business and event vendor's licenses shall provide that said licenses are in force and effect only between the hours indicated on the license based on the type of business or event.

(1990 Code, §10-202) (Ord. 793, passed 9-6-2016) Penalty, See §10.99

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134*

### **§110.09 SUSPENSION, REVOCATION OR DENIAL OF LICENSE.**

Any license issued pursuant to this chapter shall be either summarily suspended or revoked by the City Clerk for violation of this chapter, conducting business in an otherwise unlawful manner, misrepresentation of facts in the application, failing to meet the factors set forth in this chapter including Section 110.06, and/or conducting business in such a manner as to endanger the public welfare, safety, order or morals.

A summary suspension, revocation or denial shall be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application. Written notice shall also be mailed by U.S. mail to the applicant at the business address identified in the application informing the applicant of the suspension, revocation or denial, the reasons therefor, and the applicant's right to appeal to a hearing before the City Council. The only issue on the appeal to the Council shall be whether the suspension, revocation or denial is supported by a preponderance of the evidence.

Upon receipt of the applicant's suspension, revocation or denial of license, the applicant or applicant's representative may request in writing a hearing before the Council within 30 days of receiving notice of the suspension, revocation or denial. The Council shall convene a hearing at its next regularly scheduled meeting following receipt of applicant's request for a hearing.

The Clerk shall make and record findings of fact and conclusions of law at the hearing and shall carry out the decision of the Council.

Revocation of any license shall bar the licensee from being eligible for any license under this subchapter for a period of one year from the date of the revocation. (1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

#### **§110.10 LICENSE EXEMPTIONS.**

The following are excluded from the application of this chapter, except for event vendor licenses:

1. Persons making door-to-door sales for the purpose of a community improvement or benefit approved by the City Council on behalf of non-profit, tax-exempt corporations.
2. Club members. Members of local civic and service clubs, including Boy Scouts, Girl Scouts, 4-H Clubs, FFA and similar organizations.
3. Students. Students represent an area School District conducting projects sponsored by organizations recognized by the school.
4. Route Sales. Route delivery persons who deliver and sell goods, services or merchandise to established customers and who only incidentally solicit additional business.
5. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.
6. Farmers Market Local Vendors. Persons who sell produce raised within Sherman County.
7. Youth Vendors. Children under the age of 18 who are living or staying with residents of Sherman County.

(1990 Code, §10-203)

#### **§110.11 CHARITABLE AND NONPROFIT ORGANIZATIONS.**

Authorized representatives of charitable or nonprofit organizations desiring to solicit money or to distribute literature are exempt from the operation of Sections 110.04 and 110.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities

are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, authorized representatives of the organization may appeal the decision to the Council, as provided in this chapter.

(1990 Code, §10-201) (Ord. 366, passed 8-20-1991, Ord. 793, passed 9-6-2016)

*Statutory reference:*

*Related state law provisions, see Neb. RS 17-134, 17-525*

## §110.12 PROHIBITED ACTS.

No solicitor or peddler shall conduct any soliciting or peddling in the following manner:

1. With any person situated in a motor vehicle upon any public street, alley, driveway access or public way;
2. Upon any part of the public right of way along a parade route on the day of any permitted parade;
3. Within one thousand (1,000) feet of the perimeter of a street closure, or inside such perimeter, for an event where a street use permit/special event permit has been issued unless written permission is obtained for the permit holder;
4. Conduct soliciting or peddling between the hours of 6:00 p.m. and 8:00 a.m.;
5. Conduct business or attempt to conduct business upon any property on which has a posted notice prohibiting soliciting or peddling;
6. Harass, intimidate, coerce or threaten any individual to induce a sale;
7. Falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sell any unwholesome or tainted food or foodstuffs.

Penalty, See §10.99

Section 3. Any other ordinance or code section passed and approved prior to passage, approval and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 4. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication or posting as required by law.