

Chapter 10.46

VENDOR'S TRUCKS

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10.46.010 Vending Permit.

Every owner and operator of a vendor's truck shall obtain a permit to engage in vending, as defined by Section 10.02.480 of this title. (Ord. 15648 §1; July 9, 1990: P.C. §10.58.020: Ord. 14439 §2; July 21, 1986: prior Ord. 13406 §5; June 7, 1982).

10.46.020 Application.

Applications for permits under this chapter shall be filed with the City Clerk on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name, age, and description of the applicant;
- (b) Address;
- (c) Brief description of the nature of the business and the goods to be sold or services to be provided;
- (d) If employed, the name and address of the employer, together with documents verifying such employment;
- (e) The length of time (not to exceed one year) for which the right to do business as a peddler is desired;
- (f) If a vehicle is to be used, description of the same, together with the license number;
- (g) A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) The fingerprints of the applicant;

(i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;

(j) At the time of filing the application, a nonrefundable permit fee of twenty-five dollars shall be paid to the City Clerk. (Ord. 15648 §2; July 9, 1990: P.C. §10.58.025: Ord. 14439 §3; July 21, 1986: prior Ord. 13406 §6; June 7, 1982).

10.46.030 Investigation and Issuance.

(a) Upon receipt of an application as described in Section 10.46.020, the original shall be referred to the Chief of Police, who shall cause an investigation of the statements contained within the application to be made to determine if the same be true and correct and shall approve or deny such application within thirty days as provided herein.

(b) If, as a result of such investigation, the Chief of Police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten years of a felony or a crime involving moral turpitude, the Chief of Police shall deny such application providing written reasons for the disapproval, and return said application to the City Clerk, who shall notify the applicant that his or her application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct, and the applicant has not been convicted within the past ten years of any felony or any crime involving moral turpitude, the Chief of Police shall approve the application in writing, and shall return the said application to the City Clerk for issuance of the permit.

The permit shall contain the signature and seal of the issuing officer and shall show the name and address of the permittee and the kind of goods to be sold thereunder or services to be furnished or performed, the date of issuance, and the length of time the same shall be operative. The clerk shall keep a permanent record of all permits issued. (Ord. 15648 §3; July 9, 1990: P.C. §10.58.030: Ord. 14439 §4; July 21, 1986: prior Ord. 13406 §7; June 7, 1982).

10.46.040 Qualifications of Applicant.

No permit shall be issued to any person:

(a) who has been convicted of a felony or a crime involving moral turpitude within the ten years immediately preceding the date of the filing of such application with the City Clerk; or

(b) who is under the age of sixteen years unless the applicant first obtains an employment certificate as required by state law.

Additionally, any person whose permit has been revoked pursuant to Section 10.46.120 shall not be eligible for the issuance of a new permit for a period of six months from the date of such revocation and only upon meeting the other qualifications required hereunder. (Ord. 15648 §4; July 9, 1990: P.C. §10.58.035: Ord. 14439 §5; July 21, 1986).

10.46.050 Transfer.

Permits issued under this chapter shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued. (Ord. 15648 §5; July 9, 1990: P.C. §10.58.040: Ord. 14439 §6; July 21, 1986).

10.46.060 Duty of Police to Enforce; Records.

It shall be the duty of any police officer of the city to enforce the provisions of this chapter against any person found to be violating the same. The Chief of Police shall report to the City Clerk all convictions for violations of this chapter, and the City Clerk shall maintain a record for each permit issued and record reports of violations therein. (Ord. 15648 §6; July 9, 1990; P.C. §10.58.045; Ord. 14439 §7; July 21, 1986).

10.46.070 Vendor's Truck; Unauthorized Riders Prohibited.

No person shall ride in or on a vendor's truck unless employed by its owner or authorized in writing to so do by the owner. (Ord. 15648 §7; July 9, 1990; P.C. §10.58.050; Ord. 13406 §8; June 7, 1982).

10.46.080 Exhibition of Permit.

Vendors shall exhibit their permit at the request of any police officer or at the request of any customer. (Ord. 15648 §8; July 9, 1990; P.C. §10.58.055; Ord. 14439 §8; July 21, 1986).

10.46.090 Vendor's Truck; Safety Equipment Required.

In addition to other equipment required by law, every vendor's truck shall be equipped with a convex mirror mounted on the front so that the driver in his or her normal seating position can see the area in front of the truck obscured by the hood. (Ord. 15648 §9; July 9, 1990; P.C. §10.58.060; Ord. 13406 §9; June 7, 1982).

10.46.100 Expiration of Permit.

All permits issued under the provisions of this chapter shall expire on the date specified in the permit, but in no event later than one year after the issuance of the same. (Ord. 15648 §10; July 9, 1990; P.C. §10.58.065; Ord. 14439 §9; July 21, 1986).

10.46.110 Vending Rules.

It shall be unlawful to engage in vending except in accordance with the following rules:

(a) All persons engaged in vending shall have in full force and effect a permit issued by the City Clerk as herein provided; a permit issued by the Department of Agriculture of the State of Nebraska, as required by the Nebraska Pure Foods Act; and shall have paid the occupation tax as required by Chapter 3.24 of the Lincoln Municipal Code. The occupation tax receipt shall be displayed in a conspicuous place in or on the vendor's truck;

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

(c) 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;

(d) A person shall not vend to a person standing in the roadway;

(e) A person shall not stop on the left side of a one-way street to vend;

(f) A person shall not vend on a street unless there is a clear view of the vendor's truck for a distance of 200 feet in each direction;

(g) A person shall not vend on arterial streets, on state highways, on streets in the congested district, in municipal parks, or on streets where the speed limit exceeds twenty-five miles per hour;

(h) A person shall not allow a vendor's truck to stand in any roadway longer than ten minutes in any one location; and

(i) A person shall not allow a vendor's truck to park or stop for any period of time on or within 150 feet of a portion of a street or roadway which is adjacent to any school grounds during the period of time from 8:00 a.m. to 4:30 p.m. (Ord. 15648 §11; July 9, 1990; P.C. §10.58.070; Ord. 14439 §10; July 21, 1986).

10.46.120 Revocation of Permit.

(a) Permits issued under the provisions of this chapter may be revoked by the City Clerk of the city after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for the permit;

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the permittee's business as a vendor;

(3) Any violation of this ordinance;

(4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his or her last known address at least five days prior to the date set for hearing. (Ord. 15648 §12; July 9, 1990; P.C. §10.58.075; Ord. 14439 §11; July 21, 1986).

10.46.130 Appeal.

Any person aggrieved by the action of the Chief of Police or the City Clerk in denial of an application for a permit as provided in Section 10.46.030 of this chapter, or in a decision with reference to the revocation of a permit as provided in Section 10.46.120 of this chapter, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section - 10.46.120 of this chapter for notice of hearing on revocation. The council shall render a decision within thirty days after the hearing. The decision and order of the council on such appeal shall be final and conclusive. (Ord. 15648 §13; July 9, 1990; P.C. §10.58.080; Ord. 14439 §12; July 21, 1986).

10.46.140 Penalty for Violations.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of not to exceed six months or by a fine not to exceed \$500.00, recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit granted under the provisions of this chapter. (Ord. 15648 §14; July 9, 1990; P.C. §10.58.085; Ord. 14439 §13; July 21, 1986).