

ORDINANCE NO. 678

AN ORDINANCE OF THE VILLAGE OF MURRAY, NEBRASKA, TO ENACT TITLE XI, CHAPTER 111, SECTION 111.01 OF THE VILLAGE OF MURRAY'S CODE OF ORDINANCES RELATING TO REGULATIONS AND APPLICATION FOR MOBILE FOOD TRUCKS IN THE VILLAGE OF MURRAY BY ADOPTING THE FOLLOWING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

Section 1. The Village of Murray's Code of Ordinances Title XI, Chapter 111, Section 111.01 is enacted as follows regarding regulations and application for mobile food trucks:

111.01 MOBILE FOOD TRUCKS AND TRAILERS (ENCLOSED)

1. It shall be unlawful for any person to sell or offer for sale or peddle food from a mobile food truck or mobile food vending unit upon any property within the municipal limits of the Village of Murray, including, but not limited to, streets, sidewalks, parking lots, parks, and private property without first having obtained a permit from the Village in accordance with this Ordinance.

2. Person may apply for a permit to operate a mobile food truck or a mobile food vending unit by filing with the Village Clerk a fully completed and signed application on a form to be furnished by the Village Clerk, which lists all required information.

Section 2. Upon receipt of a fully completed and signed application, submitted in accordance with Section 1, the Chairman and/or Village Clerk shall either approve or deny the permit. Grounds for denial may include, but are not limited to, the following:

- a. A finding that the application is incomplete;
- b. Nonpayment of applicable fees;
- c. A finding that the application is not in conformity with any applicable laws, including, but not limited to, this Ordinance;
- d. A finding that the proposed location of the applicant will impede vehicle traffic or pedestrian traffic, or cause safety concerns;
- e. A finding that the statements within the application are materially untrue or incorrect;
- f. Previous revocations or suspension of permits issued under this Ordinance or similar ordinances of other municipalities;

- g. Insufficient or unacceptable plans for the disposal of grease, water, or other waste;
- h. Issuance of the permit is not in the best interests of the Village.

Section 3. Food Trucks Permit Holders must follow the standards as outlined in Supplement No. 1 entitled “Mobile Food Trucks and Trailers (Enclosed) Standards” as approved in conjunction with this Ordinance and which is by this reference incorporated, as if fully set forth, herein.

Section 4. Permits issued under this Ordinance are nontransferable and no such permit shall be used at any time outside of the hours stated in the permit, nor by any person other than the person to whom the permit was issued.

Section 5. The nonrefundable fee for a mobile food truck vendor permit or mobile food vending unit permit under this Ordinance shall be set as per the Village of Murray Annual fee Schedule.

Section 6. Permit holders shall conduct their activities in strict conformity with this permit, including, but not limited to, adhering to their plan for disposal of grease, water, and other waste.

Section 7. It shall be unlawful for any person to violate the provisions of this Ordinance. Any person found guilty of violating any of the provisions of this Ordinance shall, upon conviction, be fined a sum of not less than \$250.00 nor more than \$500.00. Each day that a violation of any of the provisions of this Ordinance continues shall constitute a separate and distinct offense and shall be punishable as such.

Section 8. A permit issued under this Ordinance may be revoked or suspended by the Village Chairperson, Board of Trustees, or Village Clerk for any of the following reasons:

- a. Any fraud, misrepresentation, or false statement contained in the application for the permit;
- b. Any fraud, misrepresentation, or false statement made in connection with the selling of food;
- c. Operating in contravention of the parameters of the permit;
- d. Any unlawful activity of the permit holder, including any violation of this Ordinance;
or
- e. Operating in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

Section 9. When the Village Chairperson, Board of Trustees, or Village Clerk revokes or suspends a permit or a permit application is denied, the Village Clerk shall mail a notice of such revocation, suspension, or denial to the address of the permitholder or applicant, as set forth on the

application form. Such permit holder or applicant may file an appeal with the Village Clerk. The request for an appeal shall be in writing to the Village Clerk and must be received within 30 days of the date the Village Clerk mailed notice of the revocation, suspension, or denial. If no timely request for an appeal is made, the initial decision shall be final. If a timely request for appeal is received, the appeal shall be heard by the Village Board of Trustees at a regularly scheduled meeting with notice mailed to the permitholder or applicant at least 14 days prior to the meeting.

Section 10. If any provision, clause, sentence, paragraph, or other portion of this article or the application thereof to any person or circumstances, shall be held to be invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Section 11. 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 12. This ordinance is adopted and published in pamphlet form.

Section 13. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 12TH day of SEPTEMBER, 2023.



Jeff Anderson, Chairman

ATTEST:



Shelli S. Hayes, Village Clerk

Publication Date: SEPTEMBER 18, 2023

(SEAL)

Section 3: Supplement No. 1

MOBILE FOOD TRUCKS AND TRAILERS (ENCLOSED) STANDARDS

REQUIREMENTS

It shall be unlawful for any person to engage in mobile food vending on public or on private property within the municipal limits of the Village of Murray without first obtaining all applicable state and municipal permits and licenses. Licenses to include vehicle/trailer license/registration and Village of Murray Mobile Food Vending Permit.

APPLICANT

An application form provided by the Village must be completed and submitted accompanied by the required copies of licenses, documents, and permit fee. The mobile food vending permit will be issued only to the primary operator of the mobile food unit and will not be transferable to any other person or entity.

A nonrefundable application fee will be charged in accordance with the annual fee schedule and shall accompany a completed application form which is provided by the Village. Separate permits are required for separate food vending units owned by the same owner/operator.

DURATION OF PERMIT

Proposed dates and hours of food vending operations shall be stated on the application. The application fee will be calculated at a per-day rate as outlined in the fee schedule.

DISPLAY OF PERMIT

Permits issued shall be displayed in a conspicuous place where the permits can be read by the general public on the mobile food vending unit. Permits such as the Village of Murray Mobile Food Vending Permit, Food and Dairy Permit, and Nebraska Sales Tax Permit.

A mobile food vendor shall visibly display the business name on the food truck or enclosed trailer.

REVOCACTION

Any permit issued may be revoked by the Village for violations of any provision of Municipal Ordinance, State Law, or violation of any of the provisions of the Murray Mobile

Food Trucks and Trailers (Enclosed) Standards. Upon revocation, the permit shall immediately be surrendered, and failure to surrender said permit shall be an offense.

SELF-CONTAINED FOOD TRUCKS/TRAILERS AND UTILITIES

No permit shall be issued unless the applicant is operating with a self-contained food truck or trailer which is utilizing its own utilities, and not relying on or using other water or sewer services. Food waste, grease, water and other waste must be disposed safely and legally, and a plan for such disposal shall be outlined in the mobile food vendor application.

ALLOWED MOBILE VENDING LOCATIONS

Mobile food vending units are permitted on public or private property within the municipal limits of the Village of Murray with written consent of the property owner of private property, village personnel if on public property, or school personnel if on school property.

A mobile food vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or anywhere within the municipal limits of Murray during an event unless the mobile food vendor is in possession of the written consent by the Event Manager to sell or offer to sell food from that location.

PARKING

At no time shall a mobile food vendor operate with the serving window positioned in such a manner as to cause customers to be waited on and served while standing in a portion of a street being traversed by active and ongoing vehicle traffic.

Mobile food vending is not permitted within parking garages, overhangs, or within 10' of any entrance to any property.

A mobile food vendor shall comply with all village ordinances pertaining to noise. Section 130.02 Disturbing the Peace: It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family, or neighborhood.

ALCOHOLIC BEVERAGES

Mobile food vendors may sell alcoholic beverages provided they obtain the proper license from the Nebraska Liquor Commission. A copy of the liquor license shall be submitted as part of the mobile food vendor application. The liquor license shall be displayed in a conspicuous place where it can be read by the general public on the mobile food vending unit.

LITTER CONTROL

Mobile food vendors are responsible for providing one private trash bin for public use with capacity of no less than 30 gallons each.

All litter shall be removed within 25' of the mobile food vending unit upon closing.

PROHIBITED CONDUCT

No Mobile food vendor shall:

- Vend within 150' of the main entrance used by customers to enter or exit a licensed permanent food establishment during the hours food is sold in that establishment, unless such establishment owner has provided written consent.
- Vend within the municipal limits of Murray during any sanctioned event held in the Village without obtaining written permission from the Event Manager.
- Place any object that blocks the pedestrian pathway.
- Utilize signage in addition to what is already permanently displayed on the mobile food vending unit.
- Operate without commercial license plates and registration.
- Erect or construct seats or structures that are not removed when the mobile food vending unit is not in operation on the site.

LIABILITY AND INSURANCE

All applicants shall sign a statement holding harmless the Village of Murray, Nebraska, and agreeing that said applicant shall indemnify the Village of Murray, Nebraska, Chairperson, Board of Trustees, officers, and employees for any claims for damages to property or injury/disease or death to persons, which may occur in connection with any activity carried on or pursuant to any activities associated with mobile food vending and the mobile food vending ordinance. Whether the mobile food vendor is located on property owned by the Village of Murray, Nebraska, or located on private property, all applicants shall provide and maintain an in-force policy of liability insurance which protects the applicant and the Village of Murray, Nebraska, and its agents identified above, from all claims for damage to property or bodily injury/disease, including death, which may arise from activities associated with mobile food vending and the applicant. The insurance policy shall list or endorse the Village of Murray, Nebraska, as an additional insured and carry minimum limits of at least \$1,000,000.00 (one million dollars) per occurrence.

ORDINANCE RECORD

ORDINANCE # 678

1 READING

Chairman Anderson introduced and read by title Ordinance # 678.

TRUSTEE BLESSING moved, seconded by TRUSTEE STRONG that the statutory rule requiring reading on three different days be suspended so that Ordinance # 678 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , STRONG , ANDERSON ,
_____ ; MOTION CARRIED.

Chairman Anderson raised the question "Shall Ordinance # 678 be adopted as read by title?" TRUSTEE STRONG moved, seconded by TRUSTEE FLAK that said Ordinance #678 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , STRONG , ANDERSON ,
_____ ; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 12th DAY OF SEPTEMBER , 2023.


CHAIRMAN
VILLAGE OF MURRAY

ATTEST:


VILLAGE CLERK

(SEAL)

CERTIFICATION OF PASSAGE

ORDINANCE #678

STATE OF NEBRASKA
COUNTY OF CASS
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #678 as attached herewith, was passed and approved on the 12TH day of SEPTEMBER, 2023, and has been published in a legal newspaper, the Omaha World Herald as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 14TH day of SEPTEMBER, 2023.


Shelli S. Hayes, Village Clerk

(SEAL)