

ORDINANCE NO. 2254

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO BUSINESS REGULATIONS; TO AMEND SECTIONS 10-1501 AND 10-1512 OF THE CRETE MUNICIPAL CODE TO LIMIT MOBILE FOOD VENDOR USE OF A SINGLE SPACE TO 30 CONSECUTIVE DAYS.

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

Section 1. That Chapter 10, Article 15, Section 10-1501 of the Crete Municipal Code shall be amended as follows:

10-1501 Findings and Purpose.

Mobile food vendors provide a beneficial service to the general public within the city while, due to their distinct manner of operation, also presenting substantial differences in circumstances to other food retailers and vehicle users. It is, therefore, desirable to regulate, and require licenses for, mobile food vendors so that their transitory use of various properties ~~can~~ and right-of-way locations can occur in a fair and safe manner, and so that public safety and welfare can be protected. The purpose of this article is to enact regulations to service those goals.

Section 2. That Chapter 10, Article 15, Section 10-1512 of the Crete Municipal Code shall be amended as follows:

10-1512 Sales Regulations.

- (a) All Mobile food vendors shall comply with the following regulations:
1. Mobile food vending is allowed in any zoning district when a mobile vendor has the permission of the City to engage in mobile food vending on the City's property.
 2. While engaging in mobile food vending, mobile food vendors shall not be in violation of any city ordinances including any zoning, health, fire, building, or safety requirements.
 3. A mobile food vendor shall not sell or offer to sell food from a location which would involve customers waiting in line, to be waited on, or to be served while standing in a portion of a street that is open to be traversed by motor vehicle traffic.
 4. The City may order a mobile food vendor to move from or leave a specific location if the mobile food vending at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The City may tow or otherwise move, at the vendor's expense, any vehicles or equipment of a mobile food vendor if the vehicle or equipment presents a danger to public safety and the mobile food vendor fails to move the same; or if a mobile food vendor is engaged in mobile food vending without a valid mobile food vending permit.
 5. A mobile food vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state, or federal law.
 6. It shall be unlawful for a mobile food vendor to sell or offer to sell alcoholic drinks without obtaining the appropriate permits.
 7. A mobile food vendor shall provide trash receptacles for the collection of trash, in sizes sufficient to serve their customers. On a daily basis, and prior to leaving a location, the mobile food vendor shall pick up and properly dispose of any trash and litter within twenty-five (25) feet of the location. Receptacles and their contents shall be removed from the

location for proper disposal and contents shall not be deposited in public trash containers on City right-of-way or City property.

8. A mobile food vendor shall not vend or allow vending between the hours of 9:00 p.m. until 8:00 a.m. the following day within a residentially zoned district.
 9. A mobile food vendor shall not vend or allow vending between the hours of 10:00 p.m. until 7:00 a.m. the following day within any non-residential zoned district.
 10. No mobile food vendor shall utilize any electricity or power without the prior written authorization of the electrical customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If a mobile food vendor requires electrical service, an application must be submitted to the Public Works Director.
 11. Minimum of three (3) marked parking spaces must be available within one hundred and fifty (150) feet of the mobile food vendor.
 12. A mobile food vendor shall keep the space they occupy clear of any oil, food preparation materials, or food debris. If a mobile food vendor causes the spillage of oil, grease, or other food product, the vendor shall clean the spot of all spilled material.
 13. In commercially zoned districts, a mobile food vendor shall remain in one location no longer than sixty (60) contiguous days. Mobile food vendors must vacate the premises. If the vendor chooses to move to a new location within Crete City Limits, they must notify the City of their new location. The mobile food vendor shall not return to a previous location for a minimum of fourteen (14) days.
 14. In residentially zoned districts, a mobile food vendor may only remain in one location for one calendar day.
- (b) The following regulations shall only apply to mobile food vendor's engaging in mobile food vending on public property owned by the City:
1. A mobile food vendor may sell or offer to sell food from a mobile food truck or mobile food vending unit at a location in a city right-of-way open to traffic or parking, but only from a mobile food truck or mobile food vending unit parked in a location where a mobile food truck or mobile food vending unit is authorized to park by law, signage, or city permit. Such a mobile food truck or mobile food vending unit and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection. No mobile food truck, mobile food vending unit, or auxiliary equipment shall be parked in any parking stall designated for handicap parking.
 2. An individual representative of the mobile food vendor shall be present with the mobile food truck, mobile food vending unit, and auxiliary equipment of the mobile food vendor at all times that it is engaged in mobile food vending.
 3. Upon evidence of endangerment of public safety, the City Administrator may limit hours of operation for any mobile food vendor within the City, as needed for the protection of public safety.
 4. A mobile food vendor using a mobile food truck shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested.
 5. A mobile food vendor shall visibly display their business name on their mobile food truck, mobile food vending unit, and auxiliary equipment.
 6. In the event the mobile food vendor does not clean the space of spilled material or refuses to clear the space of spilled material, the City shall clean the space and bill the mobile food vendor for the work completed based on the rates outlined in the Master Fee Schedule.

Section 3. That Chapter 10, Article 15, Section 10-1518 of the Crete Municipal Code shall be created as follows:

10-1518 Penalty Provision

Any person who violates any of the provisions of this Code shall be deemed guilty of a violation of a municipal ordinance. The penalty for such violation shall be in any amount not to exceed five hundred dollars (\$500.00) for any one offense, recoverable with costs, and in default of said payment, the offender shall stand committed to the county jail until such fine and costs be paid. Each day a violation or failure to comply occurs, or continues to occur, shall be considered a separate offense.

Section 4. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 5. That all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 6. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 7. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the ____ day of September 2025.

Mayor

ATTEST:

City Clerk

