

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)