



**CITY OF BROKEN BOW
CITY COUNCIL AGENDA
June 11, 2024 @ 6:00 PM
Broken Bow Municipal Building
314 South 10th Ave, Broken Bow NE**

Meeting Procedure

The Public may address specific agenda items at the pleasure of the Mayor. Please come to the podium, state your name and address, and limit your remarks to five minutes or less. Out of respect to City employees, we request that any complaints or criticisms of employees not be aired in a public meeting. Concerns about employees should be brought to the attention of the City Administrator or Mayor. An individual in violation will be declared out of order. Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items.

A. Call to Order

B. Open Meetings Act: A current copy of the Open Meetings Act is available and is posted for review by all citizens.

C. Roll Call

D. Pledge of Allegiance

E. Consent Agenda: Council will have consideration of approving the consent agenda items for June 11th, 2024, which will include the following:

- a. Approval of Minutes of May 28th, 2024, Council Meeting
- b. Approval of Bills as Posted

F. New Business:

- a. **Highway 2 Sewer Extension Project Bid Approval-** Council will have consideration of approving the bid for the Highway 2 Sewer Extension Project.
- b. **Public Hearing, Ordinance 1284, Confirming the Sale of Surplus Property to Custer County Construction Inc.-** Council will have consideration of opening a public hearing regarding ordinance 1284, an Ordinance to confirm the Sale of Surplus Property– Lots Five (5) and Six (6), Block Twelve (12), J.P. Gandy's Addition to Broken Bow, Custer County, Nebraska to Custer County Construction, Inc. for \$8,200.00, by way of a Municipal Deed.
- c. **Waive Three Readings of Ordinance 1284-** Council will have consideration of waiving the three readings of Ordinance 1284.
- d. **Ordinance 1284, Confirming the Sale of Surplus Property to Custer County Construction Inc.-** Council will have consideration of approving Ordinance 1284, an Ordinance to confirm the Sale of Surplus Property– Lots Five (5) and Six (6), Block Twelve (12), J.P. Gandy's Addition to Broken Bow, Custer County,



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Nebraska to Custer County Construction, Inc. for \$8,200.00, by way of a Municipal Deed.

- e. Public Hearing, Ordinance 1282, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of opening a public hearing regarding Ordinance 1282, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- f. Waive Final Reading of Ordinance 1282-** Council will have consideration of waiving the final reading of Ordinance 1282.
- g. Ordinance 1282, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of approving Ordinance 1282, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- h. Public Hearing, Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of opening a public hearing regarding ordinance 1283, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- i. Waive Final Reading of Ordinance 1283-** Council will have consideration of waiving the final reading of Ordinance 1283.
- j. Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of approving Ordinance 1283, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- k. Public Hearing, Ordinance 1285, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of opening a public hearing regarding Ordinance 1285, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- l. Waive Three Readings of Ordinance 1285-** Council will have consideration of waiving the three readings of Ordinance 1285.



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- m. Ordinance 1285, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of approving Ordinance 1285, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- n. Public Hearing, Ordinance 1286, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of opening a public hearing regarding ordinance 1286, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- o. Waive Three Readings of Ordinance 1286-** Council will have consideration of waiving the three readings of Ordinance 1286.
- p. Ordinance 1286, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of approving Ordinance 1286, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- q. Temporary Closing of Street-** Council will have consideration of granting temporary authority, from now until August 31st, 2024, to Broken Bow Public Schools Superintendent Darren Tobey to close North C St. from N 7th to N 9th Avenue, on an "as needed" basis, to protect the public from construction hazards and to safely facilitate the school renovation project.
- r. Signer for City Bank Accounts-** Council will have consideration of approving City Treasurer LeeAnn Taylor to be an authorized signer for all City bank accounts held at Bruning Bank and Nebraska State Bank.
- s. Authorized Person on Safety Deposit Box-** Council will have consideration of approving City Treasurer LeeAnn Taylor to be an authorized name on the safety deposit box at First Interstate Bank in Broken Bow, Nebraska.

G. Mayor and Council Comments

H. Adjournment

***The Next City Council Meeting Will Be on Tuesday, June 25th, 2024
at 6:00 pm in the Broken Bow Municipal Building***

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Upcoming Events:

- ❖ **July 4th** – 43rd Army Band Patriotic Concert @ 7:00 pm at Melham Park (rain out location: Municipal Building)
- ❖ **July 8th** – Park Board Meeting @ 5:10 pm in the Broken Bow Municipal Building
- ❖ **June 11th** – Board of Public Works @ 12:30 pm in the Broken Bow Municipal Building
- ❖ **July 13th** – Custer County Historical Society Car Show Fundraiser

The Council will review the above matters and take such action as they deem appropriate. The Council may enter into closed session to discuss any matter on this agenda when it is determined by the Council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of any individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

Broken Bow City Council
Meeting Minutes May 28th, 2024

The Broken Bow City Council met in regular session on Tuesday, May 28th, 2024, in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance as required by Nebraska statutes. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Rod Sonnichsen called the meeting to order at 6:00 pm, with the following Councilmembers present: Russ Smith and Luke Wassom. Absent: Chris Myers and Paul Holland. Mayor Sonnichsen announced the availability of the open meetings law, followed by reciting the Pledge of Allegiance.

Mayor Sonnichsen read the format for submitting requests for future agenda items.

Moved by Smith, seconded by Wassom to approve the consent agenda for May 28, 2024. Said motion includes approval of the Minutes of the May 14, 2024, Council Meeting, Bills to Date, Approval of Loud & Proud Fireworks Application, Approval of Troy's Hot Rocket Fireworks Application, and Broken Bow Ambulance Service Official Roster. Roll call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Absolute Plumbing \$2,335.75, Aflac \$458.39, \$157.00, \$458.39, \$157.00, Baxter Welding \$104.44, Black Hills Energy \$599.04, Broken Bow Airport Authority \$1,083.33, Card Services 0591 \$3,394.88, Card Services 0583 \$47.98, Card Services 0609 \$398.80, Carquest of Broken Bow \$40.31, Century Link \$625.82, Century Link \$262.30, City Flex Benefit Plan \$225.00, \$225.00, City of Broken Bow - Health Insurance \$3,970.41, \$3,970.41 City of Broken Bow Pension Fund \$2,278.07, \$9,385.30, \$1,089.27, \$2,278.07, \$9,290.38, \$1,068.45, City of Kearney Park & Recreation \$600.00, Colonial Insurance \$389.90, \$323.28, \$389.90, \$323.28, Consumer Reports \$35.00, David Schmidt \$127.67, Demco \$229.69, EFTPS Online Payment \$2,704.64, \$6,995.18, \$11,564.60, \$2,570.32, \$6,723.34, \$10,990.20, EZ IT Solutions \$2,573.54, Eakes Office Solutions \$227.58, Family Heritage \$25.50, \$25.50, Fixed Right Auto Body \$110.27, Fyr-Tek \$6,981.46, Great Plains Communications \$75.92, \$185.00, Holiday Inn \$499.80, Hometown Leasing \$116.65, \$291.12, Ingram Library Services \$2,103.60, Insurance Aid Services \$3,652.23, Kim Stoddard \$45.00, Kirkpatrick Cleaning Solutions \$1,381.66, \$27.65, Lyne's \$700.00, NMVCA \$115.00, Nebraska Child Support Payment Center \$899.09, \$899.09, Nebraska Pasture Door \$16.00, Peak Software System \$1,371.58, Power Solutions \$775.00, Presto X Company \$65.90, RT Ace, LLC \$26.99, Sandhills Custom Creations \$438.50, Schaper and White Law Firm \$3,010.00, Squier Septic Service \$210.00, State Glass, Inc \$470.00, State Income Tax WH NE Online Payment \$3,408.86, \$3,266.50, Statewide Collection LLC \$2.77, \$2.77 Steve Scott \$68.00, TX Child Support SDU \$161.54, \$161.54, The Olson Group \$1,266.00, Universal Insurance \$321.00, Verizon Wireless \$75.78, \$385.51, Weathercraft \$275.00, Bi-Weekly Payroll \$66,120.30 (5/22/24), Total – \$190,705.99

Moved by Smith, seconded by Wassom, to excuse the absence of councilmembers Myers and Holland. Roll call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Under new business, discussion was held on potentially approving Resolution 2024-04, sale of Surplus Real Property valued at over \$5,000 located at Lot Six (6), and the North Half (N½), of Lot Seven (7), in Block Twelve (12), of Jewett & Lilly's Addition to Broken Bow, Custer County, Nebraska. At the end of discussion, moved by Smith, seconded by Wassom to approve Resolution 2024-04 with a minimum bid of \$6,500 and the condition that the bidder will have a period of 60 days to remediate the nuisance status of the property, upon transfer of the deed. Sealed

bids must be submitted to the City Clerk by 12:00 pm July 3, 2024. The bids will be opened at the City Council meeting that will be held on Tuesday, July 9, 2024. Roll Call Vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith, to open a public hearing at 6:03 pm regarding the Arrow Seed Lot Split, located at parcel 01231800, Broken Bow, Custer County, Nebraska. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried. Zoning Administrator Holcomb addressed the Council. Discussion was held. Zoning Administrator Holcomb stated that this lot split was recommended by the Planning Commission. He further stated that they plan to split the lot down the middle and will keep the north half of the parcel and will be selling the south half. Moved by Smith, seconded by Wassom to close a public hearing at 6:06 pm regarding the Arrow Seed Lot Split, located at parcel 01231800, Broken Bow, Custer County, Nebraska. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith, to approve Resolution 2024-05, Arrow Seed Lot Split located at parcel 01231800, Broken Bow, Custer County, Nebraska. Roll Call Vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Smith, seconded by Wassom to open a public hearing at 6:07 pm regarding Ordinance 1282, Amending Chapter 113 of the City of Broken Bow City Code. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried. Discussion was held. During public comment Timmothy Freburg, co-owner and manager of Tropical Snow, stated that they operate three permanent trailers and are in dozens of communities throughout the region for special events. He felt that their business gives them valuable insight into mobile vending practices. The areas of concern he spoke about included: vendor fee increase, trash, overnight parking, electricity and signage. He also expressed concern regarding written permission from property owners and vehicle and trailer registration requirements.

City Attorney White stated that they took the towing vehicle requirements out of the current version and Administrator Schmidt said there is a provision in the current version that states that with the city's permission, overnight parking can be accommodated. He also stated that the sign dimensions can be left to council to determine but that the intent was to prevent large homemade signs from being used. Moved by Smith, seconded by Wassom to close public hearing at 6:22 pm. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Smith, seconded by Wassom, to not waive the two readings of Ordinance 1282, Amending Chapter 113 of the City of Broken Bow City Code. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion Carried.

The second reading of Ordinance 1282 was performed by City Clerk Jennifer Waterhouse.

Moved by Wassom, seconded by Smith to open a public hearing at 6:25 pm regarding Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried. Discussion was held. Mishayla Freburg, co-owner of Tropical Snow, stated that they just started their 24th year in Broken Bow. She feels like everyone has a shared goal of an ordinance that supports entrepreneurship but that the proposed fee increase is significant and out of line with the services provided by the city. The areas of concern she spoke about included: annual fee, electricity fee, proposed ordinance not supporting efforts of the chamber of commerce, and vendors moving outside of the city limits. She also offered to help explore these issues further in a small group setting.

Mayor Sonnichsen stated that one of the reasons that the electricity was addressed by the committee was because concerned citizens repeatedly brought up the use of electricity and the

associated fees during the public hearings earlier this year. He also noted that electricity has always been an issue in the square. Administrator Schmidt said that he met with the Electrical Superintendent, and it will take roughly \$20,000-\$30,000 to update the square to be able to handle the food truck type circuits. Councilmember Wassom asked Mrs. Freburg what other communities are charging for electricity, and she stated that she doesn't know of one charging a specific electricity fee but that most of them have a \$5-\$10 per day permit that includes power.

Craig Safranek seconded the Freburg's comments and spoke about the shared goal needing to be getting people to the square. He said that by making it an alive and fun activity in town, it will create tax dollars for the city. He also spoke about how previous City Administrator Clark brought in the 30-amp service to the square to get more food vendors to come to town.

Moved by Smith, seconded by Wassom to close public hearing at 6:35 pm. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith, to not waive the two readings of Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion Carried.

The second reading of Ordinance 1283 was performed by City Clerk Jennifer Waterhouse.

Moved by Smith, seconded by Wassom to approve the temporary closing of 8th, 9th and D Streets around the square on Saturday, July 13th, 2024, from 8:00 am to 4:00 pm. Administrator Schmidt said that the Custer County Historical Society has requested the street closings to facilitate a car show fundraiser for the Custer County Museum and there are no conflicts with Crazy Days events taking place that weekend. Roll Call Vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith to approve temporarily closing South A Street along the North side of Tyke Arnold Field during games starting approximately at the Tyke Arnold Field Visitors' Dugout and extending to about the scoreboard. Administrator Schmidt said that this temporary closing was recommended by the Park Board. Roll Call Vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith to approve the appointment of LeeAnn Taylor as the City Treasurer. Roll Call Vote: Voting aye: Smith and Wassom. Nays: None. Motion carried.

In the Mayor and Council Comments, Mayor Sonnichsen welcomed LeeAnn Taylor to the City and also asked the Councilmembers to get with City Administrator Schmidt with any suggestions that they have regarding Ordinances 1282 and 1283.

Moved by Smith, seconded by Wassom, to adjourn the City Council meeting at 6:42 PM. Roll Call vote: Voting aye: Smith and Wassom. Nays: None. Motion Carried.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer Waterhouse, City Clerk

[Return to Agenda](#)

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>			<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
AKRS EQUIPMENT										
35706	6/11/2024	6/11/2024			1,551.69					Posted
	08-3310.00					mower repairs			728.88	0.00
	09-3310.00					mower repairs			822.81	0.00
									1,551.69	0.00
Aflac										
35672	6/11/2024	6/11/2024			67.02	May 2024	6/11/2024			Posted
	01-1501.00					Dave Aflac- May 2024			67.02	0.00
35679	6/5/2024	6/5/2024			458.39					Posted
	01-1501.00					PRE TAX AFLAC			458.39	0.00
35680	6/5/2024	6/5/2024			157.00					Posted
	01-1501.00					AFLAC POST TAX			157.00	0.00
Broken Bow Chamber of Commerce										
35694	6/11/2024	6/11/2024			2,660.00	may				Posted
	05-3334.00					ambulance incentive			2,660.00	0.00
Broken Bow Municipal Utilities										
35673	6/11/2024	6/11/2024			3,606.01					Posted
	01-3213.00					General - Radio/Weather Station Tower			26.33	0.00
	02-3220.00					Pub Bldg - Utilities/Trash			564.70	0.00
	04-3220.00					Police - Utilities/Trash Removal			317.09	0.00
	04-3315.00					Police -Dog Pound Utilities			77.60	0.00
	07-3220.00					Library - Utilities/Trash Removal			752.12	0.00
	08-3220.00					Street - Utilities/Trash			320.97	0.00
	09-3220.00					Parks - Utilities/Trash Removal			1,188.20	0.00
	09-3220.00					Parks - Shop Utilities/Trash Removal			132.89	0.00
	10-3220.00					Swim Pool - Utilities/Trash Removal			190.96	0.00
	11-3220.00					Tree Dump - Utilities			35.15	0.00
									3,606.01	0.00
Broken Bow Rural Fire Board										
35695	6/11/2024	6/11/2024			1,974.67	Inv# 94, 95				Posted
	06-3313.00					Jones and Bartlett books			910.46	0.00
	05-3220.00					gas/electric			446.55	0.00
	06-3220.00					gas/electric			446.56	0.00
	05-3221.00					phone/internet			85.55	0.00
	06-3221.00					phone/internet			85.55	0.00
									1,974.67	0.00
Police Capital One										
35697	6/11/2024	6/11/2024			837.41					Posted
	04-3205.00					meals conf 401, 402			116.72	0.00
	04-3410.00					digital cameras			152.72	0.00
	04-3411.00					domain renewal			264.39	0.00
	04-3411.00					new website			240.00	0.00
	04-3223.00					flags			63.58	0.00
									837.41	0.00
Streets-4834 Card Services 4834										
35714	6/11/2024	6/11/2024			2,476.12					Posted
	08-3310.00					equipment repair			635.39	0.00
	08-3225.00					oil/gas			466.02	0.00
	09-3310.00					equipment repair			418.82	0.00
	09-3223.00					printer supplies			121.72	0.00
	09-3225.00					pool saftey items			194.95	0.00
	10-3339.00					pool saftey items			505.77	0.00
	01-3222.00					food for employees during flood			95.18	0.00
	02-3311.00					tarp for city hall during flood			38.27	0.00
									2,476.12	0.00
Carquest of Broken Bow										
35712	6/11/2024	6/11/2024			150.19					Posted
	08-3311.00					equipment maintenance			133.53	0.00
	09-3310.00					equipment maintenance			16.66	0.00
									150.19	0.00
35718	6/11/2024	6/11/2024			7.19	279821				Posted
	05-3310.00					bug remover spray			7.19	0.00

City of Broken Bow

Vend#		Vendor Name								
Pay#	Post Date	Due Date	Amount	Invoice	Date	PO#		Date	Status	
	Account#	Work Order		Description				Debit		Credit
Police Century Link (continued)										
35699	6/11/2024	6/11/2024	305.71	police telephone				305.71	Posted	0.00
City Flex Benefit Plan										
35681	6/5/2024	6/5/2024	225.00	SELECT FLEX-UNREIMBURSED M/D/V				225.00	Posted	0.00
City of Broken Bow - Health Insurance										
35691	6/5/2024	6/5/2024	3,970.41	HEALTH INSURANCE				3,970.41	Posted	0.00
City of Broken Bow Pension Fund										
35682	6/5/2024	6/5/2024	2,278.07	RETIREMENT LOAN PAYMENT				2,278.07	Posted	0.00
35683	6/5/2024	6/5/2024	9,340.88	414H RETIREMENT				9,340.88	Posted	0.00
35684	6/5/2024	6/5/2024	1,080.17	457 RETIREMENT				1,080.17	Posted	0.00
Cole Electric Company										
35710	6/11/2024	6/11/2024	1,005.07	2024-080 light repair melham ballfield				1,005.07	Posted	0.00
Colonial Insurance										
35677	6/5/2024	6/5/2024	389.90	COLONIAL LIFE PRE TAX				389.90	Posted	0.00
35678	6/5/2024	6/5/2024	323.28	COLONIAL LIFE POST TAX				323.28	Posted	0.00
Deterdings										
35711	6/11/2024	6/11/2024	6,105.00	216304 pool chemicals				6,105.00	Posted	0.00
EFTPS Online Payment										
35687	6/5/2024	6/5/2024	2,875.62	MEDICARE				2,875.62	Posted	0.00
35688	6/5/2024	6/5/2024	7,393.68	FEDERAL MARRIED				3,740.62	Posted	0.00
				FEDERAL SINGLE				2,325.31		0.00
				Federal Head of Household				667.06		0.00
				2020 Federal Single				257.85		0.00
				2020 Federal Married				402.84		0.00
								7,393.68		0.00
35689	6/5/2024	6/5/2024	12,295.80	SOCIAL SECURITY				12,295.80	Posted	0.00
EZ IT Solutions										
35674	6/11/2024	6/11/2024	1,286.15	Inv# 7457 Meeting OWL HDMI Cable				1,258.80	Posted	0.00
								27.35		0.00
								1,286.15		0.00
Eakes Office Products										
35730	6/11/2024	6/11/2024	8.02	8929057 add machine paper				8.02	Posted	0.00
Family Heritage										
35685	6/5/2024	6/5/2024	25.50	FAMILY HERITAGE				25.50	Posted	0.00
Go Law Enforcement LLC										
35700	6/11/2024	6/11/2024	120.00	ECE04C9C-0001 advertisments for new officer	6/5/2024			120.00	Posted	0.00
Great Plains Communications										
35721	6/11/2024	6/11/2024	155.51	lnernet				155.51	Posted	0.00
Grocery Kart										

Accounts Payable Detail Listing

City of Broken Bow

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	<u>Account#</u>			<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Grocery Kart (continued)										
35707	6/11/2024	6/11/2024		265.19	acct# 5831					Posted
	09-3311.00					maint grounds cleaning supplies			51.40	0.00
	10-3339.00					maint of grounds			213.79	0.00
									265.19	0.00
Heritage Landscape Supply Group										
35713	6/11/2024	6/11/2024		198.00	0015691601-001					Posted
	09-3427.00					sprinkler control box			198.00	0.00
Hilti Inc										
35715	6/11/2024	6/11/2024		1,306.95	4622616504					Posted
	08-3425.00					hand tools			1,306.95	0.00
Hometown Leasing										
35675	6/11/2024	6/11/2024		73.57	Payment #3					Posted
	07-3216.00					copier lease			73.57	0.00
welding	Island Supply Welding Co.									
35719	6/11/2024	6/11/2024		50.65	318660					Posted
	05-3338.00					oxygen			50.65	0.00
JEO										
35725	6/11/2024	6/11/2024		10,400.00	151265					Posted
	12-4200.00					2024 water main replacement design			10,400.00	0.00
Kirkpatrick Cleaning Solutions										
35705	6/11/2024	6/11/2024		67.45	13363					Posted
	10-3339.00					bathroom supplies			67.45	0.00
35724	6/11/2024	6/11/2024		285.00	13391					Posted
	02-3419.01					cleaning after event			185.00	0.00
	02-3419.01					cleaning for flood			100.00	0.00
									285.00	0.00
35727	6/11/2024	6/11/2024		2,559.00	13264,13310					Posted
	02-3419.01					janitorial services March			853.00	0.00
	02-3419.01					janitorial services April			853.00	0.00
	02-3419.01					janitorial services may			853.00	0.00
									2,559.00	0.00
35728	6/11/2024	6/11/2024		670.59	13327 13256 1332					Posted
	02-3419.01					chair cleaning			90.00	0.00
	02-3419.01					cleaning after event			185.00	0.00
	02-3419.01					cleaning after event			185.00	0.00
	02-3223.01					cleaning/bathroom supplies			210.59	0.00
									670.59	0.00
Lexipol, LLC										
35702	6/11/2024	6/11/2024		992.75	INVPR11234362					Posted
	05-3313.00					EMS 1 trainer			992.75	0.00
Marten Heating & Air										
35709	6/11/2024	6/11/2024		701.51	inv# 1157					Posted
	08-3311.00					maint repair building			350.50	0.00
	09-3311.00					maint repair building			351.01	0.00
									701.51	0.00
1	Nebraska Child Support Payment Center									
35686	6/5/2024	6/5/2024		899.09						Posted
	01-1503.00					CHILD SUPPORT-NE			899.09	0.00
Pentair Aquatic Eco Systems										
35726	6/11/2024	6/11/2024		1,289.27	Inv# 2618197					Posted
	09-3430.00					pump for melham pond			1,289.27	0.00
Platte Valley Communications										
35701	6/11/2024	6/11/2024		1,743.50	042400271, 05240					Posted
	06-3410.00					radio repairs, 4 pagers			1,743.50	0.00
Ambulance	RT Ace, LLC									
35703	6/11/2024	6/11/2024		1.79	Inv#10569					Posted
	05-3223.00					paint brush			1.79	0.00

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Fire Dept	RT Ace, LLC (continued)									
35704		6/11/2024	6/11/2024		85.94	4503, 5381, 8870,				Posted
			06-3223.00			ups, trash bags			27.81	0.00
			06-3311.00			ups, trash bags			44.99	0.00
			06-3410.00			wall charger, velcro, screws			13.14	0.00
									85.94	0.00
	Ryan Jackson									
35716		6/11/2024	6/11/2024		40.00	140942400				Posted
			10-3205.00			pool training			40.00	0.00
	Sara J. Hulinsky									
35676		6/11/2024	6/11/2024		837.00	06-03-24				Posted
			07-3419.01			cleaning service			837.00	0.00
	South Loup Community Pharmacy									
35720		6/11/2024	6/11/2024		14.00					Posted
			05-3338.00			medications			14.00	0.00
	State Income Tax WH NE Online Payment									
35690		6/5/2024	6/5/2024		3,578.87					Posted
			01-1500.00			STATE MARRIED			2,175.87	0.00
			01-1500.00			STATE SINGLE			1,403.00	0.00
									3,578.87	0.00
	Statewide Collection LLC									
35693		6/5/2024	6/5/2024		2.77					Posted
			01-1504.00			Wage Garnishment-Plaintiff			2.77	0.00
	Steve Scott									
35696		6/11/2024	6/11/2024		96.96					Posted
			04-3223.00			cert letters			96.96	0.00
	TSYS Merchant Solutions									
35723		6/11/2024	6/11/2024		517.76	May 2024				Posted
			10-3206.10			May 2024 CC Processing Fees			517.76	0.00
	TX Child Support SDU									
35692		6/5/2024	6/5/2024		161.54					Posted
			01-1503.00			CHILD SUPPORT-TX			161.54	0.00
	Tamara Johnson									
35717		6/11/2024	6/11/2024		51.43					Posted
			10-3209.00			ink for pool computer			51.43	0.00
	Van Diest Supply Co									
35729		6/11/2024	6/11/2024		13,023.49	135885 884 883 88				Posted
			08-3344.00			bio-mist mosquito spray			5,335.00	0.00
			08-3344.00			weed killer			3,887.58	0.00
			09-3430.00			lake chemicals			627.70	0.00
			09-3339.00			fertilizer weed killer			3,173.21	0.00
									13,023.49	0.00
	Verizon Wireless									
35698		6/11/2024	6/11/2024		320.08					Posted
			04-3221.00			Police Internet for l pads			320.08	0.00
Parks-1192	Wenquist Inc.									
35731		6/11/2024	6/11/2024		107.80	395149,395576,39				Posted
			09-3310.00			maint of equipment			107.80	0.00
Streets-1243	Wenquist, Inc.									
35708		6/11/2024	6/11/2024		33.20	399154				Posted
			08-3350.00			shop tools			33.20	0.00

Vend# Vendor Name

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>

103,504.61	59 Non-voided payables listed.
------------	--------------------------------

Report Setup

AP - Accounts Payable Listing : Vendor Name

Filter Options

Starting: 5/29/2024

Ending: 6/11/2024

Banks: All

Payable Status: Posted, Printed, ACH, Recorded, Voided

All Vendors Selected

Bi-weekly payroll (6/5/24)

\$ 71,028.37

Check Approval List - GL Account

6/7/2024 1:16:10 PM

City of Broken Bow

Page 1 of 3

<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
General				
Aflac		PRE TAX AFLAC	Health/Life/Acc Insuranc	458.39
Aflac		AFLAC POST TAX	Health/Life/Acc Insuranc	157.00
Aflac	May 2024	Dave Aflac- May Dave Schmidt	Health/Life/Acc Insuranc	67.02
Broken Bow Municipal Utilities			Weather Station Expens	26.33
Card Services 4834			Miscellaneous Expense	95.18
City Flex Benefit Plan		SELECT FLEX-UNREIMBURSED M/D/V	Health/Life/Acc Insuranc	225.00
City of Broken Bow - Health Insurance		HEALTH INS	Health/Life/Acc Insuranc	3,970.41
City of Broken Bow Pension Fund		414H RETIREMENT	Pension	9,340.88
City of Broken Bow Pension Fund		457 RETIREMENT	Pension	1,080.17
City of Broken Bow Pension Fund		RETIREMENT LOAN PAYMENT	Loan Payment	2,278.07
Colonial Insurance		COLONIAL LIFE PRE TAX	Health/Life/Acc Insuranc	389.90
Colonial Insurance		COLONIAL LIFE POST TAX	Health/Life/Acc Insuranc	323.28
EFTPS Online Payment		MEDICARE	Payroll Taxes	2,875.62
EFTPS Online Payment		FEDERAL	Payroll Taxes	3,740.62
EFTPS Online Payment		FEDERAL	Payroll Taxes	2,325.31
EFTPS Online Payment		FEDERAL	Payroll Taxes	667.06
EFTPS Online Payment		FEDERAL	Payroll Taxes	257.85
EFTPS Online Payment		FEDERAL	Payroll Taxes	402.84
EFTPS Online Payment		FICA	Payroll Taxes	12,295.80
Eakes Office Products	8929057	office supplies	Supplies & Postage	8.02
Family Heritage		FAMILY HERITAGE	Health/Life/Acc Insuranc	25.50
Nebraska Child Support Payment Center		CHILD SUPPORT-NE	Child Support	899.09
State Income Tax WH NE Online Paymei		STATE	Payroll Taxes	2,175.87
State Income Tax WH NE Online Paymei		STATE	Payroll Taxes	1,403.00
Statewide Collection LLC		Wage Garnishment-Plaintiff	Wage Garnishment	2.77
TX Child Support SDU		CHILD SUPPORT-TX	Child Support	161.54
			Total General	\$45,652.52
Municipal Building				
Broken Bow Municipal Utilities			Utilities	564.70
Card Services 4834			Maintenance & Repair B	38.27
Kirkpatrick Cleaning Solutions	13264,13	janitorial service	Contracted Services	853.00
Kirkpatrick Cleaning Solutions	13264,13	janitorial service	Contracted Services	853.00
Kirkpatrick Cleaning Solutions	13264,13	janitorial service	Contracted Services	853.00
Kirkpatrick Cleaning Solutions	13327 13		Building Cleaning Suppli	210.59
Kirkpatrick Cleaning Solutions	13327 13		Contracted Services	90.00
Kirkpatrick Cleaning Solutions	13327 13		Contracted Services	185.00
Kirkpatrick Cleaning Solutions	13327 13		Contracted Services	185.00
Kirkpatrick Cleaning Solutions	13391	cleaning after event and cleaning from flood	Contracted Services	185.00
Kirkpatrick Cleaning Solutions	13391	cleaning after event and cleaning from flood	Contracted Services	100.00
			Total Municipal Building	\$4,117.56
Police				
Broken Bow Municipal Utilities			Utilities	317.09
Broken Bow Municipal Utilities			Dog Care	77.60
Capital One		meals, supplies, website, flags	Training & Meeting Expe	116.72
Capital One		meals, supplies, website, flags	Supplies & Postage	63.58
Capital One		meals, supplies, website, flags	Equipment Purchases	152.72
Capital One		meals, supplies, website, flags	Computers	264.39
Capital One		meals, supplies, website, flags	Computers	240.00
Century Link	police	telephone	Telephone/Internet	305.71
Go Law Enforcement LLC	ECE04C9	advertisments for new officer	Printing & Publication	120.00
Steve Scott		supplies, postage	Supplies & Postage	96.96
Verizon Wireless		telephone	Telephone/Internet	320.08
			Total Police	\$2,074.85
Rescue Unit				
Broken Bow Chamber of Commerce	may	ambulance incentive	Ambulance Driver Incen	2,660.00
Broken Bow Rural Fire Board	Inv# 94, 9	april, may utility reimbursement, training su	Utilities	446.55
Broken Bow Rural Fire Board	Inv# 94, 9	april, may utility reimbursement, training su	Telephone/Internet	85.55
Carquest of Broken Bow	279821	bug remover spray	Maint/Repair Equipment	7.19
EZ IT Solutions	Inv# 7457	Meeting Owl 3 360- HDMI Cable	IT Expense	1,258.80
EZ IT Solutions	Inv# 7457	Meeting Owl 3 360- HDMI Cable	IT Expense	27.35
Island Supply Welding Co.	318660	oxygen	Ambulance Supplies	50.65
Lexipol, LLC	INVPR1	EMS 1 trainer	Training	992.75
RT Ace, LLC	Inv#1056	paint brush	Supplies & Postage	1.79
South Loup Community Pharmacy		medications	Ambulance Supplies	14.00
			Total Rescue Unit	\$5,544.63

Check Approval List - GL Account

6/7/2024 1:16:10 PM

City of Broken Bow

Page 2 of 3

<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
Fire				
Broken Bow Rural Fire Board	Inv# 94, 9	april, may utility reimbursement, training su	Utilities	446.56
Broken Bow Rural Fire Board	Inv# 94, 9	april, may utility reimbursement, training su	Telephone/Internet	85.55
Broken Bow Rural Fire Board	Inv# 94, 9	april, may utility reimbursement, training su	Training	910.46
Platte Valley Communications	04240027	radio repairs, 4 pagers	Equipment Purchases	1,743.50
RT Ace, LLC	4503, 538	supplies, equipment, maint repair equipmer	Supplies & Postage	27.81
RT Ace, LLC	4503, 538	supplies, equipment, maint repair equipmer	Maintenance & Repair B	44.99
RT Ace, LLC	4503, 538	supplies, equipment, maint repair equipmer	Equipment Purchases	13.14
			Total Fire	\$3,272.01
Library				
Broken Bow Municipal Utilities			Utilities	752.12
Great Plains Communications			Telephone/Internet	155.51
Hometown Leasing	Payment	copier lease	Copier Maint/Expense	73.57
Sara J. Hulinsky	06-03-24	may cleaning service	Contracted Services	837.00
			Total Library	\$1,818.20
Street				
AKRS EQUIPMENT		mower repairs	Maint/Repair Equipment	728.88
Broken Bow Municipal Utilities			Utilities	320.97
Card Services 4834			Gas and Oil	466.02
Card Services 4834			Maint/Repair Equipment	635.39
Carquest of Broken Bow		equipment maintenance	Maintenance & Repair B	133.53
Hilti Inc	46226165	hand tools	Street Construction	1,306.95
Marten Heating & Air	inv# 1157	repairs on outdoor unit for heat and ice mac	Maintenance & Repair B	350.50
Van Diest Supply Co	135885 8	weed killer, mosquito spray, lake chemicals	Chemicals	5,335.00
Van Diest Supply Co	135885 8	weed killer, mosquito spray, lake chemicals	Chemicals	3,887.58
Wenquist, Inc.	399154	tools, equipment repair	Shop Tools	33.20
			Total Street	\$13,198.02
Park				
AKRS EQUIPMENT		mower repairs	Maint/Repair Equipment	822.81
Broken Bow Municipal Utilities			Utilities	1,188.20
Broken Bow Municipal Utilities			Utilities	132.89
Card Services 4834			Supplies & Postage	121.72
Card Services 4834			Gas and Oil	194.95
Card Services 4834			Maint/Repair Equipment	418.82
Carquest of Broken Bow		equipment maintenance	Maint/Repair Equipment	16.66
Cole Electric Company	2024-080	light repair melham ballfield	Maintenance/Repair Gro	1,005.07
Grocery Kart	acct# 583		Maintenance & Repair B	51.40
Heritage Landscape Supply Group	00156916	sprinkler control box	Underground Sprinklers	198.00
Marten Heating & Air	inv# 1157	repairs on outdoor unit for heat and ice mac	Maintenance & Repair B	351.01
Pentair Aquatic Eco Systems	Inv# 2618	pump for melham pond	Melham Lake	1,289.27
Van Diest Supply Co	135885 8	weed killer, mosquito spray, lake chemicals	Maintenance/Repair Gro	3,173.21
Van Diest Supply Co	135885 8	weed killer, mosquito spray, lake chemicals	Melham Lake	627.70
Wenquist Inc.	395149,3	maint of equipment	Maint/Repair Equipment	107.80
			Total Park	\$9,699.51
Swimming Pool				
Broken Bow Municipal Utilities			Utilities	190.96
Card Services 4834			Maintenance/Repair Gro	505.77
Deterdings	216304	pool chemicals	Pool Chemicals	6,105.00
Grocery Kart	acct# 583		Maintenance/Repair Gro	213.79
Kirkpatrick Cleaning Solutions	13363	bathroom supplies	Maintenance/Repair Gro	67.45
Ryan Jackson	14094240	pool training	Training & Meeting Expe	40.00
TSYS Merchant Solutions	May 2024	May 2024 CC Processing Fees	Credit Card/POS Service	517.76
Tamara Johnson		ink for pool computer	Printing & Publication	51.43
			Total Swimming Pool	\$7,692.16
Sanitation				
Broken Bow Municipal Utilities			Utilities	35.15
			Total Sanitation	\$35.15
ST Infra/Capital				
JEO	151265	2024 water main replacement design	Sales Tax Infra Projects	10,400.00
			Total ST Infra/Capital	\$10,400.00

Check Approval List - GL Account

6/7/2024 1:16:10 PM

City of Broken Bow

Page 3 of 3

<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
				\$103,504.61

Report Selection: Check Approval List - GL Account
Date Range Selection: GL Posting Date
Starting Date: 5/29/2024
Ending Date: 6/11/2024
Banks: All
Bank Acct#:
Include Printed Checks: ☒

Bi-weekly payroll (6/5/24)
\$ 71,028.37



May 29, 2024

City Council
City of Broken Bow
314 South 10th Ave.
PO Box 504
Broken Bow, NE 68822

RE: Broken Bow, Nebraska
Hwy 2 Sanitary Sewer Extension 15th to Webster
JEO Project No. 222058.00

Dear City Council:

JEO has conducted a review of the bids that were received on May 22, 2024 for the Hwy 2 Sanitary Sewer Extension 15th to Webster project. The City received one bid from Myers Construction for \$153,097.19 and the bid received is recorded on the attached bid tabulation form.

Our opinion of cost was around \$115,000 which is based on JEO's database of sewer improvement bids across the State. This project is relatively small, which can increase the unit costs. The bidding environment is also such that contractors are busy, and this project did not attract multiple bidders. Myers is a reputable local contractor, and we don't believe rebidding the project would lead to different results. Based on our review of the bid for the project from Myers Construction, JEO recommends awarding the project to Myers Construction.

If this meets with the City Council's approval, the Council should pass a motion to award the Hwy 2 Sanitary Sewer Extension 15th to Webster project to Myers Construction for their bid amount of \$153,097.19. Once the Council has awarded the project, please sign and return the Notice of Award to JEO. JEO will then commence work on the contract documents.

Let me know if you have any questions or comments.

Sincerely,

Michael E. Schultes, PE
Project Manager
Enclosure: Bid Tabulation



Bid Tab

PROJECT | Hwy 2 Sanitary Sewer Extension 15th to Webster

JEO PROJECT NO. | 222058.00

LOCATION | Broken Bow, Nebraska

LETTING | 05/22/2024 11:00AM CST

OPINION OF PROBABLE COST | 115,000

Bidder	Total Group A
Myers Construction Inc Broken Bow, NE	\$153,097.19



Tab Sheet

PROJECT | Hwy 2 Sanitary Sewer Extension 15th to Webster

JEO PROJECT NO. | 222058.00

LOCATION | Broken Bow, Nebraska

Myers Construction Inc

GROUP A					
Item	Description	Qty.	Unit	Unit Price	Total
1	Mobilization	1	LS		\$5,000.00
2	Bonding and Insurance	1	LS		\$12,720.00
3	8" PVC Sanitary Sewer Main, SDR 26	804	LF	\$115.50	\$92,862.00
4	48" Dia. Concrete Manhole	14.4	VF	\$1,341.66	\$19,319.90
5	Connect to Existing Manhole	1	EA	\$3,500.00	\$3,500.00
6	Remove and Replace Gravel Aggregate	120	TONS	\$64.00	\$7,680.00
7	1" Pipe Insulation	100	LF	\$20.00	\$2,000.00
8	2" Pipe Insulation	100	LF	\$40.00	\$4,000.00
9	Disconnect and Reconnect Existing FH and Additional Water Main	1	LS		\$2,815.29
10	Seeding	1	LS		\$3,200.00
TOTAL GROUP A					\$153,097.19

SECTION 00 51 00 NOTICE OF AWARD

Date of Issuance: **June 11, 2024**
Owner: **City of Broken Bow** Owner's Project No.:
Engineer: **JEO Consulting Group, Inc.** Engineer's Project No.: **222058.00**
Project: **Hwy 2 Sanitary Sewer Extension 15th to Webster**
Contract Name: **Hwy 2 Sanitary Sewer Extension 15th to Webster**
Bidder: **Myers Construction Inc**
Bidder's Address: **79849 Hwy 2, Broken Bow, NE 68822**

You are notified that Owner has accepted your Bid dated **May 22, 2024** for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Group A

The Contract Price of the awarded Contract is **\$153,097.19**. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

Three (3) unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☐ ~~Drawings will be delivered separately from the other Contract Documents.~~

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **three (3)** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any): **None.**

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: **City of Broken Bow**

By (signature): _____

Name (printed): **Rod Sonnichsen**

Title: **Mayor**

Copy: Engineer _____

EJCDC® C-510, Notice of Award.

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Page 1 of 1

Return to Agenda

**CITY OF BROKEN BOW
ORDINANCE NO. 1284**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, TO CONFIRM THE SALE OF SURPLUS PROPERTY, REAL ESTATE DESCRIBED BELOW TO CUSTER COUNTY CONSTRUCTION INC.; TO DIRECT THE MAYOR AND CLERK OF CITY OF BROKEN BOW, NEBRASKA TO EXECUTE AND DELIVER TO SAID CUSTER COUNTY CONSTRUCTION INC. A MUNICIPAL DEED ON THE TERMS AND CONDITIONS HEREINAFTER SET FORTH; AND TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

- 1.) That the City Council of Broken Bow adopted a Resolution directing the sale of surplus property and notice of said sale was published according to the requirement of Nebraska Revised State Statute 17-503. After passage of the right-of-remembrance period, the property described as Lots Five (5) and Six (6), Block Twelve (12), J. P. Gandy's Addition to Broken Bow, Custer County, Nebraska is confirmed and sold to Custer County Construction Inc. for \$8,200.00, by way of a Municipal Deed. The Mayor and City Clerk of Broken Bow, Nebraska are hereby directed to execute and deliver to the grantee, said Municipal Deed, after payment is made in full.
- 2.) The City of Broken Bow, Nebraska is not guaranteeing the title to the above-described property; the sale to the grantee is in "as is" condition; the grantee shall assume unpaid real estate taxes, if any; and the City of Broken Bow, Nebraska is not furnishing title insurance or a marketable abstract of the title to the grantee.
- 3.) That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.
- 4.) That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to the law.

PASSED AND APPROVED this 11th day of June, 2024.

ATTEST:

Rodney W. Sonnichsen, Mayor

Jennifer A. Waterhouse, City Clerk

ORDINANCE NO. 1282

AN ORDINANCE TO ESTABLISH BUSINESS PERMITS AND REGULATIONS AS CHAPTER 113 OF THE BROKEN BOW CITY CODE; PROVIDE REGULATION OF ITINERANT MERCHANTS AND VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA,
AS FOLLOWS:

Section 1. That Chapter 113 of the Broken Bow City Code is hereby amended to read as follows:

CHAPTER 113

BUSINESS PERMITS AND REGULATIONS

Section

- 113.01 Vendors
- 113.02 Purpose and Intent
- 113.03 Definitions
- 113.04 Permit Required
- 113.05 Application for Permit
- 113.06 Health Inspection Certificate
- 113.07 Issuance of Permits
- 113.08 Permit Fees
- 113.09 Display of Permits
- 113.10 Notification Change
- 113.11 Exemptions
- 113.12 Claims of Exemption
- 113.13 Littering and Trash Removal
- 113.14 Itinerant Merchant Rules
- 113.15 Prohibited Conduct
- 113.16 Penalties
- 113.17 Suspension and Revocation of Permit
- 113.18 Appeals
- 113.19 Renewals
- 113.20 Construction
- 113.21 Advertising Signs
- 113.22 Policy on Soliciting
- 113.23 Notice Regulating Soliciting
- 113.24 Posted Notice; Solicitors to Comply
- 113.25 Prohibited Solicitation.

§ 113.01 Vendors

- **Itinerant Merchant** shall include “transient merchant”, “transient vendor”, and “itinerant vendor” engaged in transacting any temporary or transient business in the City within one locality or traveling from place to place in the sale of merchandise.

- **Peddler** shall mean any person who shall carry and offer to sell any merchandise from place to place. (Cottage Food Registration and Egg Code Numbers may apply to specific peddler permits)
- **Solicitor** shall mean any person traveling by foot from house to house or from street to street or from a fixed location taking orders for the sale of merchandise.
- **Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City.

§ 113.02 Purpose and Intent.

It is the intent of the council in enacting this article:

- (1) To serve and protect the health, safety and welfare of the general public;
- (2) To establish a uniform set of rules and regulations that are fair and equitable.
- (3) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- (4) To provide economic development opportunities to small entrepreneurs in the city; and,
- (5) To promote regulation of vendors who will enrich the city's ambiance and to further promote small businesses and entrepreneurship.

The regulations contained in this article are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

§ 113.03 Definitions.

When used in this article, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels;

Goods, wares, merchandise shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, toys, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. For other specialty items requiring state or federal permits, said applicable state and/or federal rules shall be adhered to.

Intersection means the convergence of two or more public ways and, for purposes of this article, proximity measurements will be taken from the outermost perimeters of said converging public ways;

Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state;

Private space shall include privately owned property, whether developed or undeveloped,

which is properly zoned for retail sales;

Public space all city-owned property, including but not limited to parks and city-owned property within street rights-of-way, including any roadways and sidewalks and parking lots;

Public way means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings;

Pushcart means any wheeled vehicle approved by the City and in accordance with this article designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle;

Sidewalk means all areas legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property;

Special event means any occasion approved by the city, including but not limited to Market on the Square, fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area within the jurisdiction of the City of Broken Bow, Nebraska, for a specific period of time;

Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk;

Street means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way;

Vendor and/or Vending means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Broken Bow, Nebraska, or upon private space. A "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, transient vendor, door-to-door salesperson; and,

Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

§ 113.04 Permit Required.

It shall be unlawful for any person to engage in the business of vending unless he or she has first obtained a permit from the City. All permits shall be issued according to regulations established by the City. Each conveyance or location must obtain a separate permit.

§ 113.05 Application for Permit.

The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- (1) The applicant's full name, permanent address, telephone number and valid government issued photo identification;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (5) If a motor vehicle is to be used, a description of the vehicle together with a valid motor vehicle registration number and license number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705 and Department of Agriculture Food Permit;
- (7) If applicable, Cottage Food Registration and Egg Code Numbers, which may apply to specific peddler permits;
- (8) If the applicant intends to operate on private property, not owned by the applicant, the location, and written permission of the record title owner of the private space;
- (9) Proof of Applicable Liability Insurance.

§ 113.06 Health Inspection Certificate.

Any application for a vending permit to engage in the sale of prepared food or beverages shall be required to furnish and maintain a certificate of health inspection from the Nebraska Department of Agriculture. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter. Applicant is responsible for maintaining a valid certificate throughout the entirety of duration of the permit.

§ 113.07 Issuance of Permit.

The City shall deny any application for permit when:

- (a) it shall appear that a permit shall be in conflict with any of the provisions of this Chapter;
- (b) when the applicant shall not provide the required information, in a timely manner as provided herein;
- (c) when a permit shall be in conflict with a permit previously issued for a specific location; or
- (d) city reserves the right to deny, accept or revoke any and all permits for good cause shown, including but not limited to public safety and sanitation.

The applicant shall be notified in writing by the City of the city's decision to issue or deny the vending permit, no later than thirty (30) days after the applicant has filed a completed application with the City. Applications received within (30) days of the desired sale date are not guaranteed approval by the desired sale date.

Each permit shall show the name and address of the permittee, the type of permit issued, the kind of goods to be sold, the amount of the permit fee, the date of issuance, the permit number, the expiration date, an identifying description of any vehicle or conveyance used by the permittee plus, where applicable, the motor vehicle registration number.

All permits issued under this section are valid for the term of the permit fee paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

§ 113-.08 Permit Fees.

Any vendor granted a vending permit under this article shall pay a permit fee and electricity fee (if applicable) as established by a separate fee ordinance.

§ 113.09 Display of Permits.

Any permit issued by the City shall be carried with the permittee whenever he/she is engaged in vending. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

§ 113.10 Notification Change.

All vendors shall ensure that a current and correct name, residence address, mailing address and telephone number are on file with the City. Whenever either the name or address provided by a permitted vendor on his or her application for a vending permit change, the permittee shall notify the City in writing within seven days of such change and provide the same with the name change or address change. The vendor must notify the City whenever he or she changes the nature of the vending operation, such as adding prepared food merchandise when food was previously not offered.

§ 113.11 Exemptions.

The provisions of this article do not apply to:

- (1) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (2) Persons, including farmers or farmers' cooperative associations, selling, offering for sale or soliciting orders for the following items grown or produced by them and not purchased by them for sale: Newspapers, firewood, Christmas trees, vegetables, or fruits; provided, that a dairy who uses on the streets of the City one (1) or more delivery trucks or vehicles, may sell and deliver from its trucks, or vehicles, milk, butter, cream and eggs, dairy products, and frozen food products on customer subscribed routes;
- (3) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;
- (4) The distribution of free samples of goods, wares and merchandise by any individual from his person;
- (5) Salesman or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers in the county for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
- (6) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives of established wholesalers or manufacturers;
- (7) Yard sales conducted on residentially zoned property;
- (8) The distribution of goods for which there is no charge;
- (9) Persons giving, selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of same who qualify as bona fide nonprofit organizations under Section 501(c) of the Internal Revenue Code or which are organized and operated exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for

- sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes;
- (10) Recognized, established charitable organizations which have a business location in Custer County, Nebraska;
 - (11) Persons soliciting on behalf of a candidate for public office or on behalf of a political party;
 - (12) Merchants offering goods for sale from a permanent structure in an appropriate zoning area of the City of Broken Bow;
 - (13) Fireworks Stands licensed and regulated by the State of Nebraska. Fireworks are covered under Ordinance 1224.
 - (14) The city reserves the right to exempt community wide events at the City's discretion. Contact City Offices for additional information regarding said exemptions.

§ 113.12 Claims of Exemption and Notice Requirements.

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption. The City Clerk shall respond within 30 days.

Itinerant Merchants having successfully met the requirements for exemption, shall notify the City of Broken Bow of the following information, no later than two hours prior to the commencement of sales activities:

- (1) The exempt vendor's full name, permanent address, and telephone number;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;

If the merchant is commencing sales Monday through Friday, the City of Broken Bow shall be notified; either in person at the Municipal Building, located at 314 South 10th Avenue, or via telephone at 308-872-5831, between the hours of 8 a.m. and 5 p.m.

If the merchant is commencing sales on Saturday, Sunday, a holiday, or after regular business hours, the City of Broken Bow shall be notified; either in person at the Broken Bow Police Station, located at 116 South 11th Avenue, or via telephone at 308-872-6424.

§ 113.13 Littering and Trash Removal.

Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 100 feet of any vending stand shall be collected by the vendor and disposed of appropriately off site.

Persons engaged in food vending shall provide, in close proximity to their vending station, vehicle, pushcart or other conveyance, a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

§ 113.14 Itinerant Merchant Rules.

- (1) The holder of the Itinerant Merchant Permit shall not park on any City property unless participating in a Special Event authorized and approved by the City.

- (2) When vending on City property during Special Events, Peddlers, Solicitors, Mobile Food Vendors shall be required to ensure that, all cords used to provide electrical service to vending operations, be appropriately covered, or made safe, so as not to create a tripping hazard.
- (3) It shall be unlawful for an itinerant merchant to consume, sell or offer to sell alcoholic drinks.
- (4) All vendor's auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.
- (5) Itinerant Merchants shall comply with all City ordinances and relevant and applicable State and Federal Laws, Rules, and Regulations.
- (6) Itinerant Merchants may park parallel to the curb on the north, east, and south sides of the City Square, during Market on the Square and only when authorized by either the Mayor or City Administrator, during other permitted special events at the City Square.
- (7) Vendors shall not be parked in a parking space adjacent to the corner of a street intersection, when permitted to park on the south side of the City Square.
- (8) A Mobile Food Vendor may sell or offer to sell food, seven (7) days a week from 7:00 am to 11:59 pm.
- (9) A Peddler may sell or offer to sell goods, wares, or services, seven (7) days a week, from 8:00 a.m. to 8:00p.m.
- (10) A Solicitor may sell or offer to sell goods, wares, or services, Monday through Friday, from 10:00 a.m. to 6:00p.m., excluding all State and Federal holidays.
- (11) Itinerant Merchant Permits shall expire on December 31 of each year, unless renewed by the permit holder. The permit holder shall renew the permit for the following year by filing with the City Clerk, on or before December 1st of each year, if the Merchant desires a valid permit by January 1st of the subsequent year. The application shall be on a form provided by the City Clerk. At the time of applying, the permit holder shall pay a permit fee per the fee ordinance.

§ 113.15 Prohibited Conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

- (1) Obstruct traffic signals or regulatory signs;
- (2) Stop, stand or park any vehicle, pushcart or another other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings;
- (3) Leave any conveyance unattended for more than 15 minutes; or store, park, or leave such conveyance in a public space overnight, unless otherwise designated permissible by the City;
- (4) Use a conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the permittee, his employee, or an attendant;
- (5) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate noise regulations of the City Code;
- (6) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles; and,

§ 113.16 Penalties.

The penalty for violating any provision of this article or any other applicable section of the Broken Bow City Code shall be, in addition to any other sanctions provided, a fine not exceeding \$500.00 for each offense together with revocation or suspension of the vendor's permit. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. Each day of violation shall be deemed a separate offense.

Any business activity in violation of this article is further declared to be a nuisance as being against the public health, safety and welfare, and in addition to any penalty imposed, the Court may enter an order of abatement as part of the judgment of that case.

§ 113.17 Suspension and Revocation of Permit.

In addition to the penalties contained in this article, any permit issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit;
- (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
- (3) Conducting the business of vending in any manner contrary to the conditions of the permit; or
- (4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permittee of his or her right to appeal. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the date that the revocation took effect.

§ 113.18 Appeals.

If the City denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the City's decision to the City Administrator.

The filing of an appeal stays the action of the City in suspending or revoking a permit or any part of the business operation being conducted under such permit until the City Administrator makes a final decision, unless determined that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

§ 113.19 Renewals.

A vending permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City shall review each application for

renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

§ 113.20 Construction.

No part of this article or the article itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or their successors in interest under the law of real property or the laws of the State of Nebraska shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

§ 113.21 Advertising Signs.

All signs advertising a permitted vending business hereunder must conform to the following requirements:

- (1) A maximum of two signs are allowed per vending location;
- (2) Each sign allowed may not exceed 16 square feet in area;
- (3) Signs not able to safely and securely support themselves or remain in place must be attached to the trailer, tent, table or other display area of the permitted vendor; and,
- (4) If applicable, free-standing signs must be located within 3 yards of the Conveyance and no holes may be drilled on concrete, or make alterations of any kind, located on public property.

Note: Signage, badging, or decals of similar nature that are permanently affixed to the vending pushcart, vehicle, stand or other conveyance shall be exempt from signage square feet restrictions.

§ 113.22 Policy on Soliciting.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall make the determination of whether solicitors shall be or shall not be, invited to their respective residences.

§ 113.23 Notice Regulating Soliciting.

- (1) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:
"NO SOLICITORS INVITED"
- (2) The letters shall be at least one-third inch in height.
- (3) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 113.24 Posted Notice; Solicitors to Comply.

- (1) It shall be the duty of every solicitor upon going onto any premises in the City upon which a residence is located to first examine the notice provided for in § 113.23 if any is attached and be governed by the statement contained on the notice. If the notice states "No

Solicitors Invited”, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

- (2) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. Penalty, see § 10.99

§ 113.25 Prohibited Solicitation.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.23 above. Penalty, see § 10.99

All Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this _____ day of _____, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

**CITY OF BROKEN BOW
ORDINANCE NO.1283**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING THE VENDOR PERMIT FEES IN THE CITY OF BROKEN BOW, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

Section 1. That the City Council of Broken Bow has determined that the Vendor Permit Fees for the municipality should be revised as herein set forth.

Section 2.

I. Vendor Permit Fees

Peddler

Single Location
\$10.00 – Per Day
\$25.00 – Per Week
\$100.00 – Full Year

Solicitor

Door-to-Door
\$10.00 – Per Day
\$100.00- Full Year

Mobile Food Vendor

Single Location
\$35.00 – Per Day
\$250.00 – Full Year

Market on Square/Special Event

Peddler

\$10.00 – Per Day

\$5.00 – Electricity Fee – Per Day
\$50.00 – 4 Months [May-August]

\$140.00 – 4 Months [May-August] Peddler +
Electrical

Mobile Food Vendor

\$35.00 – Per Day

\$25.00 – Electricity Fee – Per Day
\$80.00 – 4 Months [May-August]

\$550.00 – 4 Months [May-August] Mobile
Food Vendor + Electrical

Section 3. That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to the law.

PASSED AND APPROVED this _____ day of May, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

ORDINANCE NO. 1285

AN ORDINANCE TO ESTABLISH BUSINESS PERMITS AND REGULATIONS AS CHAPTER 113 OF THE BROKEN BOW CITY CODE; PROVIDE REGULATION OF ITINERANT MERCHANTS AND VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA,
AS FOLLOWS:

Section 1. That Chapter 113 of the Broken Bow City Code is hereby amended to read as follows:

CHAPTER 113

BUSINESS PERMITS AND REGULATIONS

Section

- 113.01 Vendors
- 113.02 Purpose and Intent
- 113.03 Definitions
- 113.04 Permit Required
- 113.05 Application for Permit
- 113.06 Health Inspection Certificate
- 113.07 Issuance of Permits
- 113.08 Permit Fees
- 113.09 Display of Permits
- 113.10 Notification Change
- 113.11 Exemptions
- 113.12 Claims of Exemption
- 113.13 Littering and Trash Removal
- 113.14 Itinerant Merchant Rules
- 113.15 Prohibited Conduct
- 113.16 Penalties
- 113.17 Suspension and Revocation of Permit
- 113.18 Appeals
- 113.19 Renewals
- 113.20 Construction
- 113.21 Advertising Signs
- 113.22 Policy on Soliciting
- 113.23 Notice Regulating Soliciting
- 113.24 Posted Notice; Solicitors to Comply
- 113.25 Prohibited Solicitation.

§ 113.01 Vendors

- **Itinerant Merchant** shall include “transient merchant”, “transient vendor”, and “itinerant vendor” engaged in transacting any temporary or transient business in the City within one locality or traveling from place to place in the sale of merchandise.

- **Peddler** shall mean any person who shall carry and offer to sell any merchandise from place to place. (Cottage Food Registration and Egg Code Numbers may apply to specific peddler permits)
- **Solicitor** shall mean any person traveling by foot from house to house or from street to street or from a fixed location taking orders for the sale of merchandise.
- **Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City.
- **Multiple Location Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City and has multiple carts, trucks, vehicles or other conveyance and may vend in more than one location at a time. A multiple location mobile food vendor may obtain an original permit and two duplicates.

§ 113.02 Purpose and Intent.

It is the intent of the council in enacting this article:

- (1) To serve and protect the health, safety and welfare of the general public;
- (2) To establish a uniform set of rules and regulations that are fair and equitable.
- (3) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- (4) To provide economic development opportunities to small entrepreneurs in the city; and,
- (5) To promote regulation of vendors who will enrich the city's ambiance and to further promote small businesses and entrepreneurship.

The regulations contained in this article are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

§ 113.03 Definitions.

When used in this article, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels;

Goods, wares, merchandise shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, toys, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. For other specialty items requiring state or federal permits, said applicable state and/or federal rules shall be adhered to.

Intersection means the convergence of two or more public ways and, for purposes of this article, proximity measurements will be taken from the outermost perimeters of said converging public ways;

Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state;

Private space shall include privately owned property, whether developed or undeveloped, which is properly zoned for retail sales;

Public space all city-owned property, including but not limited to parks and city-owned property within street rights-of-way, including any roadways and sidewalks and parking lots;

Public way means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings;

Pushcart means any wheeled vehicle approved by the City and in accordance with this article designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle;

Sidewalk means all areas legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property;

Special event means any occasion approved by the city, including but not limited to Market on the Square, fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area within the jurisdiction of the City of Broken Bow, Nebraska, for a specific period of time;

Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk;

Street means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way;

Vendor and/or Vending means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Broken Bow, Nebraska, or upon private space. A "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, transient vendor, door-to-door salesperson; and,

Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

§ 113.04 Permit Required.

It shall be unlawful for any person to engage in the business of vending unless he or she has first obtained a permit from the City. All permits shall be issued according to regulations established by the City. Each conveyance or location must obtain a separate permit.

§ 113.05 Application for Permit.

The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- (1) The applicant's full name, permanent address, telephone number and valid government issued photo identification;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted, a multiple location mobile food vendor is exempt from this application item;
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (5) If a motor vehicle is to be used, a description of the vehicle together with a valid motor vehicle registration number and license number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705 and Department of Agriculture Food Permit;
- (7) If applicable, Cottage Food Registration and Egg Code Numbers, which may apply to specific peddler permits;
- (8) If the applicant intends to operate on private property, not owned by the applicant, the property address should be given and the applicant shall notify the private property owner;
- (9) Proof of Applicable Liability Insurance.

§ 113.06 Health Inspection Certificate.

Any application for a vending permit to engage in the sale of prepared food or beverages shall be required to furnish and maintain a certificate of health inspection from the Nebraska Department of Agriculture. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter. Applicant is responsible for maintaining a valid certificate throughout the entirety of duration of the permit.

§ 113.07 Issuance of Permit.

The City shall deny any application for permit when:

- (a) it shall appear that a permit shall be in conflict with any of the provisions of this Chapter;
- (b) when the applicant shall not provide the required information, in a timely manner as provided herein;
- (c) when a permit shall be in conflict with a permit previously issued for a specific location; or
- (d) city reserves the right to deny, accept or revoke any and all permits for good cause shown, including but not limited to public safety and sanitation.

The applicant shall be notified in writing by the City of the city's decision to issue or deny the vending permit, no later than thirty (30) days after the applicant has filed a completed application with the City. Applications received within (30) days of the desired sale date are not guaranteed approval by the desired sale date.

Each permit shall show the name and address of the permittee, the type of permit issued, the kind of goods to be sold, the amount of the permit fee, the date of issuance, the permit number, the

expiration date, an identifying description of any vehicle or conveyance used by the permittee plus, where applicable, the motor vehicle registration number.

All permits issued under this section are valid for the term of the permit fee paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

§ 113-.08 Permit Fees.

Any vendor granted a vending permit under this article shall pay a permit fee and electricity fee (if applicable) as established by a separate fee ordinance.

§ 113.09 Display of Permits.

Any permit issued by the City shall be carried with the permittee whenever he/she is engaged in vending. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

§ 113.10 Notification Change.

All vendors shall ensure that a current and correct name, residence address, mailing address and telephone number are on file with the City. Whenever either the name or address provided by a permitted vendor on his or her application for a vending permit change, the permittee shall notify the City in writing within seven days of such change and provide the same with the name change or address change. The vendor must notify the City whenever he or she changes the nature of the vending operation, such as adding prepared food merchandise when food was previously not offered.

§ 113.11 Exemptions.

The provisions of this article do not apply to:

- (1) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (2) Persons, including farmers or farmers' cooperative associations, selling, offering for sale or soliciting orders for the following items grown or produced by them and not purchased by them for sale: Newspapers, firewood, Christmas trees, vegetables, or fruits; provided, that a dairy who uses on the streets of the City one (1) or more delivery trucks or vehicles, may sell and deliver from its trucks, or vehicles, milk, butter, cream and eggs, dairy products, and frozen food products on customer subscribed routes;
- (3) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;
- (4) The distribution of free samples of goods, wares and merchandise by any individual from his person;
- (5) Salesman or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers in the county for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
- (6) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives of established wholesalers or manufacturers;
- (7) Yard sales conducted on residentially zoned property;

- (8) The distribution of goods for which there is no charge;
- (9) Persons giving, selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of same who qualify as bona fide nonprofit organizations under Section 501(c) of the Internal Revenue Code or which are organized and operated exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes;
- (10) Recognized, established charitable organizations which have a business location in Custer County, Nebraska;
- (11) Persons soliciting on behalf of a candidate for public office or on behalf of a political party;
- (12) Merchants offering goods for sale from a permanent structure in an appropriate zoning area of the City of Broken Bow;
- (13) Fireworks Stands licensed and regulated by the State of Nebraska. Fireworks are covered under Ordinance 1224.
- (14) The city reserves the right to exempt events, with good cause at the City's discretion. Contact City Offices for additional information regarding said exemptions.

§ 113.12 Claims of Exemption and Notice Requirements.

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption. The City Clerk shall respond within 30 days.

Itinerant Merchants having successfully met the requirements for exemption, shall notify the City of Broken Bow of the following information, no later than two hours prior to the commencement of sales activities:

- (1) The exempt vendor's full name, permanent address, and telephone number;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;

If the merchant is commencing sales Monday through Friday, the City of Broken Bow shall be notified; either in person at the Municipal Building, located at 314 South 10th Avenue, or via telephone at 308-872-5831, between the hours of 8 a.m. and 5 p.m.

If the merchant is commencing sales on Saturday, Sunday, a holiday, or after regular business hours, the City of Broken Bow shall be notified; either in person at the Broken Bow Police Station, located at 116 South 11th Avenue, or via telephone at 308-872-6424.

§ 113.13 Littering and Trash Removal.

Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and disposed of appropriately off site.

Persons engaged in food vending shall provide, in close proximity to their vending station, vehicle, pushcart or other conveyance, a receptacle for litter that shall be maintained and emptied

regularly. Any sponsored events shall require the sponsors of said event to arrange for trash and debris pickup and removal from the site.

§ 113.14 Itinerant Merchant Rules.

- (1) The holder of the Itinerant Merchant Permit shall not park on any City property unless participating in a Special Event authorized and approved by the City.
- (2) When vending on City property during Special Events, Peddlers, Solicitors, Mobile Food Vendors shall be required to ensure that, all cords used to provide electrical service to vending operations, be appropriately covered, or made safe, so as not to create a tripping hazard.
- (3) It shall be unlawful for an itinerant merchant to consume, sell or offer to sell alcoholic drinks.
- (4) All vendor's auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.
- (5) Itinerant Merchants shall comply with all City ordinances and relevant and applicable State and Federal Laws, Rules, and Regulations.
- (6) Itinerant Merchants may park parallel to the curb on the north, east, and south sides of the City Square, during Market on the Square and only when authorized by either the Mayor or City Administrator, during other permitted special events at the City Square.
- (7) Vendors shall not be parked in a parking space adjacent to the corner of a street intersection, when permitted to park on the south side of the City Square.
- (8) A Mobile Food Vendor may sell or offer to sell food, seven (7) days a week from 7:00 am to 11:59 pm.
- (9) A Peddler may sell or offer to sell goods, wares, or services, seven (7) days a week, from 8:00 a.m. to 8:00p.m.
- (10) A Solicitor may sell or offer to sell goods, wares, or services, Monday through Friday, from 10:00 a.m. to 6:00p.m., excluding all State and Federal holidays.
- (11) Itinerant Merchant Permits shall expire on December 31 of each year, unless renewed by the permit holder. The permit holder shall renew the permit for the following year by filing with the City Clerk, on or before December 1st of each year, if the Merchant desires a valid permit by January 1st of the subsequent year. The application shall be on a form provided by the City Clerk. At the time of applying, the permit holder shall pay a permit fee per the fee ordinance.

§ 113.15 Prohibited Conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

- (1) Obstruct traffic signals or regulatory signs;
- (2) Stop, stand or park any vehicle, pushcart or another other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings;
- (3) Leave any conveyance unattended for more than 15 minutes; or store, park, or leave such conveyance in a public space overnight, unless otherwise designated permissible by the City;
- (4) Use a conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the permittee, his employee, or an attendant;
- (5) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public

- attention, or otherwise violate noise regulations of the City Code;
- (6) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles; and,

§ 113.16 Penalties.

The penalty for violating any provision of this article or any other applicable section of the Broken Bow City Code shall be, in addition to any other sanctions provided, a fine not exceeding \$500.00 for each offense together with revocation or suspension of the vendor's permit. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. Each day of violation shall be deemed a separate offense.

Any business activity in violation of this article is further declared to be a nuisance as being against the public health, safety and welfare, and in addition to any penalty imposed, the Court may enter an order of abatement as part of the judgment of that case.

§ 113.17 Suspension and Revocation of Permit.

In addition to the penalties contained in this article, any permit issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit;
- (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
- (3) Conducting the business of vending in any manner contrary to the conditions of the permit; or
- (4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permittee of his or her right to appeal. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the date that the revocation took effect.

§ 113.18 Appeals.

If the City denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the City's decision to the City Administrator.

The filing of an appeal stays the action of the City in suspending or revoking a permit or any part of the business operation being conducted under such permit until the City Administrator makes a final decision, unless determined that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

§ 113.19 Renewals.

A vending permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

§ 113.20 Construction.

No part of this article or the article itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or their successors in interest under the law of real property or the laws of the State of Nebraska shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

§ 113.21 Advertising Signs/Flags/Advertising Mechanisms.

All signs/flags and advertising mechanisms for advertising a permitted vending business hereunder must conform to the following requirements:

- (1) Signs not able to safely and securely support themselves or remain in place must be attached to the trailer, tent, table or other display area of the permitted vendor; and,
- (2) If applicable, free-standing signs must be located within 25-foot radius of the Conveyance and no holes may be drilled on concrete, or make alterations of any kind, located on public property; and
- (3) Said signs/flags/advertising mechanisms shall not obstruct vision or interfere with traffic & safety.

Note: Signage, badging, or decals of similar nature that are permanently affixed to the vending pushcart, vehicle, stand or other conveyance shall be exempt from signage square feet restrictions.

§ 113.22 Policy on Soliciting.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall make the determination of whether solicitors shall be or shall not be, invited to their respective residences.

§ 113.23 Notice Regulating Soliciting.

- (1) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:
“NO SOLICITORS INVITED”
- (2) The letters shall be at least one-third inch in height.
- (3) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 113.24 Posted Notice; Solicitors to Comply.

- (1) It shall be the duty of every solicitor upon going onto any premises in the City upon which a residence is located to first examine the notice provided for in § 113.23 if any is attached and be governed by the statement contained on the notice. If the notice states “No Solicitors Invited”, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- (2) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. Penalty, see § 10.99

§ 113.25 Prohibited Solicitation.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.23 above. Penalty, see § 10.99

All Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this _____ day of _____, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

ORDINANCE NO. 12821285

AN ORDINANCE TO ESTABLISH BUSINESS PERMITS AND REGULATIONS AS CHAPTER 113 OF THE BROKEN BOW CITY CODE; PROVIDE REGULATION OF ITINERANT MERCHANTS AND VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA,
AS FOLLOWS:

Section 1. That Chapter 113 of the Broken Bow City Code is hereby amended to read as follows:

CHAPTER 113

BUSINESS PERMITS AND REGULATIONS

Section

- 113.01 Vendors
- 113.02 Purpose and Intent
- 113.03 Definitions
- 113.04 Permit Required
- 113.05 Application for Permit
- 113.06 Health Inspection Certificate
- 113.07 Issuance of Permits
- 113.08 Permit Fees
- 113.09 Display of Permits
- 113.10 Notification Change
- 113.11 Exemptions
- 113.12 Claims of Exemption
- 113.13 Littering and Trash Removal
- 113.14 Itinerant Merchant Rules
- 113.15 Prohibited Conduct
- 113.16 Penalties
- 113.17 Suspension and Revocation of Permit
- 113.18 Appeals
- 113.19 Renewals
- 113.20 Construction
- 113.21 Advertising Signs
- 113.22 Policy on Soliciting
- 113.23 Notice Regulating Soliciting
- 113.24 Posted Notice; Solicitors to Comply
- 113.25 Prohibited Solicitation.

§ 113.01 Vendors

- **Itinerant Merchant** shall include "transient merchant", "transient vendor", and "itinerant vendor" engaged in transacting any temporary or transient business in the City within one locality or traveling from place to place in the sale of merchandise.

- o **Peddler** shall mean any person who shall carry and offer to sell any merchandise from place to place. (Cottage Food Registration and Egg Code Numbers may apply to specific peddler permits)
- o **Solicitor** shall mean any person traveling by foot from house to house or from street to street or from a fixed location taking orders for the sale of merchandise.
- o **Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City.
- o **Multiple Location Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City and has multiple carts, trucks, vehicles or other conveyance and may vend in more than one location at a time. A multiple location mobile food vendor may obtain an original permit and two duplicates.

§ 113.02 Purpose and Intent.

It is the intent of the council in enacting this article:

- (1) To serve and protect the health, safety and welfare of the general public;
- (2) To establish a uniform set of rules and regulations that are fair and equitable.
- (3) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- (4) To provide economic development opportunities to small entrepreneurs in the city; and,
- (5) To promote regulation of vendors who will enrich the city's ambiance and to further promote small businesses and entrepreneurship.

The regulations contained in this article are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

§ 113.03 Definitions.

When used in this article, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels;

Goods, wares, merchandise shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, toys, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. For other specialty items requiring state or federal permits, said applicable state and/or federal rules shall be adhered to.

Intersection means the convergence of two or more public ways and, for purposes of this article, proximity measurements will be taken from the outermost perimeters of said converging public ways;

Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state;

Private space shall include privately owned property, whether developed or undeveloped, which is properly zoned for retail sales;

Public space all city-owned property, including but not limited to parks and city-owned property within street rights-of-way, including any roadways and sidewalks and parking lots;

Public way means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings;

Pushcart means any wheeled vehicle approved by the City and in accordance with this article designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle;

Sidewalk means all areas legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property;

Special event means any occasion approved by the city, including but not limited to Market on the Square, fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area within the jurisdiction of the City of Broken Bow, Nebraska, for a specific period of time;

Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk;

Street means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way;

Vendor and/or Vending means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Broken Bow, Nebraska, or upon private space. A "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, transient vendor, door-to-door salesperson; and,

Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

§ 113.04 Permit Required.

It shall be unlawful for any person to engage in the business of vending unless he or she has first obtained a permit from the City. All permits shall be issued according to regulations established by the City. Each conveyance or location must obtain a separate permit.

§ 113.05 Application for Permit.

The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- (1) The applicant's full name, permanent address, telephone number and valid government issued photo identification;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted, ~~a multiple location mobile food vendor is exempt from this application item;~~
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (5) If a motor vehicle is to be used, a description of the vehicle together with a valid motor vehicle registration number and license number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705 and Department of Agriculture Food Permit;
- (7) If applicable, Cottage Food Registration and Egg Code Numbers, which may apply to specific peddler permits;
- (8) If the applicant intends to operate on private property, not owned by the applicant, the ~~location; property address should be given and written permission of the record title owner of applicant shall notify the private space property owner;~~
- (9) Proof of Applicable Liability Insurance.

§ 113.06 Health Inspection Certificate.

Any application for a vending permit to engage in the sale of prepared food or beverages shall be required to furnish and maintain a certificate of health inspection from the Nebraska Department of Agriculture. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter. Applicant is responsible for maintaining a valid certificate throughout the entirety of duration of the permit.

§ 113.07 Issuance of Permit.

The City shall deny any application for permit when:

- (a) it shall appear that a permit shall be in conflict with any of the provisions of this Chapter;
- (b) when the applicant shall not provide the required information, in a timely manner as provided herein;
- (c) when a permit shall be in conflict with a permit previously issued for a specific location; or
- (d) city reserves the right to deny, accept or revoke any and all permits for good cause shown, including but not limited to public safety and sanitation.

The applicant shall be notified in writing by the City of the city's decision to issue or deny the vending permit, no later than thirty (30) days after the applicant has filed a completed application with the City. Applications received within (30) days of the desired sale date are not guaranteed approval by the desired sale date.

Each permit shall show the name and address of the permittee, the type of permit issued, the kind of goods to be sold, the amount of the permit fee, the date of issuance, the permit number, the expiration date, an identifying description of any vehicle or conveyance used by the permittee plus, where applicable, the motor vehicle registration number.

All permits issued under this section are valid for the term of the permit fee paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

§ 113-.08 Permit Fees.

Any vendor granted a vending permit under this article shall pay a permit fee and electricity fee (if applicable) as established by a separate fee ordinance.

§ 113.09 Display of Permits.

Any permit issued by the City shall be carried with the permittee whenever he/she is engaged in vending. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

§ 113.10 Notification Change.

All vendors shall ensure that a current and correct name, residence address, mailing address and telephone number are on file with the City. Whenever either the name or address provided by a permitted vendor on his or her application for a vending permit change, the permittee shall notify the City in writing within seven days of such change and provide the same with the name change or address change. The vendor must notify the City whenever he or she changes the nature of the vending operation, such as adding prepared food merchandise when food was previously not offered.

§ 113.11 Exemptions.

The provisions of this article do not apply to:

- (1) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (2) Persons, including farmers or farmers' cooperative associations, selling, offering for sale or soliciting orders for the following items grown or produced by them and not purchased by them for sale: Newspapers, firewood, Christmas trees, vegetables, or fruits; provided, that a dairy who uses on the streets of the City one (1) or more delivery trucks or vehicles, may sell and deliver from its trucks, or vehicles, milk, butter, cream and eggs, dairy products, and frozen food products on customer subscribed routes;
- (3) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;
- (4) The distribution of free samples of goods, wares and merchandise by any individual from his person;
- (5) Salesman or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers in the county for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;

- (6) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives of established wholesalers or manufacturers;
- (7) Yard sales conducted on residentially zoned property;
- (8) The distribution of goods for which there is no charge;
- (9) Persons giving, selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of same who qualify as bona fide nonprofit organizations under Section 501(c) of the Internal Revenue Code or which are organized and operated exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes;
- (10) Recognized, established charitable organizations which have a business location in Custer County, Nebraska;
- (11) Persons soliciting on behalf of a candidate for public office or on behalf of a political party;
- (12) Merchants offering goods for sale from a permanent structure in an appropriate zoning area of the City of Broken Bow;
- (13) Fireworks Stands licensed and regulated by the State of Nebraska. Fireworks are covered under Ordinance 1224.
- (14) The city reserves the right to exempt ~~community-wide~~ events, with good cause at the City's discretion. Contact City Offices for additional information regarding said exemptions.

§ 113.12 Claims of Exemption and Notice Requirements.

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption. The City Clerk shall respond within 30 days.

Itinerant Merchants having successfully met the requirements for exemption, shall notify the City of Broken Bow of the following information, no later than two hours prior to the commencement of sales activities:

- (1) The exempt vendor's full name, permanent address, and telephone number;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;

If the merchant is commencing sales Monday through Friday, the City of Broken Bow shall be notified; either in person at the Municipal Building, located at 314 South 10th Avenue, or via telephone at 308-872-5831, between the hours of 8 a.m. and 5 p.m.

If the merchant is commencing sales on Saturday, Sunday, a holiday, or after regular business hours, the City of Broken Bow shall be notified; either in person at the Broken Bow Police Station, located at 116 South 11th Avenue, or via telephone at 308-872-6424.

§ 113.13 Littering and Trash Removal.

Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within ~~100~~25 feet of any vending stand shall be collected by the vendor and disposed of appropriately off site.

Persons engaged in food vending shall provide, in close proximity to their vending station, vehicle, pushcart or other conveyance, a receptacle for litter that shall be maintained and emptied regularly ~~and marked as being for litter. Any sponsored events shall require the sponsors of said event to arrange for trash and debris pickup and removal from the site.~~

§ 113.14 Itinerant Merchant Rules.

- (1) The holder of the Itinerant Merchant Permit shall not park on any City property unless participating in a Special Event authorized and approved by the City.
- (2) When vending on City property during Special Events, Peddlers, Solicitors, Mobile Food Vendors shall be required to ensure that, all cords used to provide electrical service to vending operations, be appropriately covered, or made safe, so as not to create a tripping hazard.
- (3) It shall be unlawful for an itinerant merchant to consume, sell or offer to sell alcoholic drinks.
- (4) All vendor's auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.
- (5) Itinerant Merchants shall comply with all City ordinances and relevant and applicable State and Federal Laws, Rules, and Regulations.
- (6) Itinerant Merchants may park parallel to the curb on the north, east, and south sides of the City Square, during Market on the Square and only when authorized by either the Mayor or City Administrator, during other permitted special events at the City Square.
- (7) Vendors shall not be parked in a parking space adjacent to the corner of a street intersection, when permitted to park on the south side of the City Square.
- (8) A Mobile Food Vendor may sell or offer to sell food, seven (7) days a week from 7:00 am to 11:59 pm.
- (9) A Peddler may sell or offer to sell goods, wares, or services, seven (7) days a week, from 8:00 a.m. to 8:00p.m.
- (10) A Solicitor may sell or offer to sell goods, wares, or services, Monday through Friday, from 10:00 a.m. to 6:00p.m., excluding all State and Federal holidays.
- (11) Itinerant Merchant Permits shall expire on December 31 of each year, unless renewed by the permit holder. The permit holder shall renew the permit for the following year by filing with the City Clerk, on or before December 1st of each year, if the Merchant desires a valid permit by January 1st of the subsequent year. The application shall be on a form provided by the City Clerk. At the time of applying, the permit holder shall pay a permit fee per the fee ordinance.

§ 113.15 Prohibited Conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

- (1) Obstruct traffic signals or regulatory signs;
- (2) Stop, stand or park any vehicle, pushcart or another other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings;
- (3) Leave any conveyance unattended for more than 15 minutes; or store, park, or leave such conveyance in a public space overnight, unless otherwise designated permissible by the City;
- (4) Use a conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the permittee, his employee, or an attendant;

- (5) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate noise regulations of the City Code;
- (6) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles; and,

§ 113.16 Penalties.

The penalty for violating any provision of this article or any other applicable section of the Broken Bow City Code shall be, in addition to any other sanctions provided, a fine not exceeding \$500.00 for each offense together with revocation or suspension of the vendor's permit. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. Each day of violation shall be deemed a separate offense.

Any business activity in violation of this article is further declared to be a nuisance as being against the public health, safety and welfare, and in addition to any penalty imposed, the Court may enter an order of abatement as part of the judgment of that case.

§ 113.17 Suspension and Revocation of Permit.

In addition to the penalties contained in this article, any permit issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit;
- (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
- (3) Conducting the business of vending in any manner contrary to the conditions of the permit; or
- (4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permittee of his or her right to appeal. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the date that the revocation took effect.

§ 113.18 Appeals.

If the City denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the City's decision to the City Administrator.

The filing of an appeal stays the action of the City in suspending or revoking a permit or any part of the business operation being conducted under such permit until the City Administrator makes a final decision, unless determined that continued operation of the vending business constitutes an

imminent and serious threat to the public health or safety, in which case the City shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

§ 113.19 Renewals.

A vending permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

§ 113.20 Construction.

No part of this article or the article itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or their successors in interest under the law of real property or the laws of the State of Nebraska shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

§ 113.21 Advertising Signs/Flags/Advertising Mechanisms.

All signs/~~flags and advertising mechanisms for~~ advertising a permitted vending business hereunder must conform to the following requirements:

- ~~(1) — A maximum of two signs are allowed per vending location;~~
- ~~(2) Each sign allowed may not exceed 16 square feet in area;~~
- ~~(3)(1) Signs not able to safely and securely support themselves or remain in place must be attached to the trailer, tent, table or other display area of the permitted vendor; and,~~
- ~~(4)(2) If applicable, free-standing signs must be located within 3 yards25-foot radius of the Conveyance and no holes may be drilled on concrete, or make alterations of any kind, located on public property;; and~~
- ~~(3) Said signs/flags/advertising mechanisms shall no obstruct vision or interfere with traffic & safety.~~

Note: Signage, badging, or decals of similar nature that are permanently affixed to the vending pushcart, vehicle, stand or other conveyance shall be exempt from signage square feet restrictions.

§ 113.22 Policy on Soliciting.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall make the determination of whether solicitors shall be or shall not be, invited to their respective residences.

§ 113.23 Notice Regulating Soliciting.

- (1) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:
"NO SOLICITORS INVITED"

Formatted: Normal, No bullets or numbering

- (2) The letters shall be at least one-third inch in height.
- (3) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 113.24 Posted Notice; Solicitors to Comply.

- (1) It shall be the duty of every solicitor upon going onto any premises in the City upon which a residence is located to first examine the notice provided for in § 113.23 if any is attached and be governed by the statement contained on the notice. If the notice states "No Solicitors Invited", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- (2) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. Penalty, see § 10.99

§ 113.25 Prohibited Solicitation.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.23 above. Penalty, see § 10.99

All Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this _____ day of _____, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

**CITY OF BROKEN BOW
ORDINANCE NO.1286**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING THE VENDOR PERMIT FEES IN THE CITY OF BROKEN BOW, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

Section 1. That the City Council of Broken Bow has determined that the Vendor Permit Fees for the municipality should be revised as herein set forth.

Section 2.

I. Vendor Permit Fees

Peddler

\$5.00 – Per Day

\$50.00 – 4 Month (May-Aug.)

\$100.00 – Full Year

Solicitor

\$10.00 – Per Day

\$100.00- Full Year

Mobile Food Vendor

\$35.00 – Per Day

*\$250.00 – Full Year

No Charge – Duplicate (Limit 2)

*If the yearly fee is paid, there will be no extra charge for Market on the Square, Special Events or Multiple Location Mobile Food Vendor Duplicates.

Section 3. That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to the law.

PASSED AND APPROVED this _____ day of June, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

**CITY OF BROKEN BOW
ORDINANCE NO. ~~1283~~1286**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING THE VENDOR PERMIT FEES IN THE CITY OF BROKEN BOW, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

Section 1. That the City Council of Broken Bow has determined that the Vendor Permit Fees for the municipality should be revised as herein set forth.

Section 2.

I. Vendor Permit Fees

Peddler

~~Single Location~~
~~\$105.00 – Per Day~~
~~\$2550.00 – Per Week~~
~~Month (May-Aug.)~~
~~\$100.00 – Full Year~~

Solicitor

~~Door-to-Door~~
~~\$10.00 – Per Day~~
~~\$100.00- Full Year~~

Mobile Food Vendor

~~Single Location~~
~~\$35.00 – Per Day~~
~~\$*250.00 – Full Year~~

~~No Charge – Duplicate (Limit 2)~~

Market on Square/Special Event

Peddler

~~\$10.00 – Per Day~~

~~\$5.00 – Electricity Fee – Per Day~~
~~\$50.00 – 4 Months (May-August)~~

~~\$140.00 – 4 Months (May-August) Peddler +~~
~~Electrical~~

Mobile Food Vendor

~~\$35.00 – Per Day~~

~~\$25.00 – Electricity Fee – Per Day~~
~~\$80.00 – 4 Months (May-August)~~

~~\$550.00 – 4 Months (May-August) Mobile~~
~~Food Vendor + Electrical~~

~~*If the yearly fee is paid, there will be no extra charge for Market on the Square, Special Events or Multiple Location Mobile Food Vendor Duplicates.~~

Section 3. That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to the law.

PASSED AND APPROVED this _____ day of ~~May~~June, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

