

MOBILE FOOD & BEVERAGE Q & A

Q: I have a tent, not a truck or trailer.
Do I need a permit or license?

A: If you are a vendor selling *prepared food or beverages* from a tent on private commercial property (such as a parking lot in a commercial zone, and not a residential zone) you do **not** need a permit; it is between you and the property owner.

If you are a vendor selling prepared food or beverages from a tent at an **organized event** on **City** property, you **do not** need a permit; the **event organizer needs a Special Event Permit and a Master Permit** (listing all the vendors).

Q: I have a mobile food/beverage **trailer** and sell **pre-packaged** food, do I still need a permit?

A: Yes, you still need a permit by the definition provided in Ordinance No. 2153; also shown inside this brochure. However, you are not required to have an inspection by a fire marshal as you are not cooking inside the trailer.

Q: My mobile food truck/trailer was inspected by a fire marshal in another municipality, can I use that for my fire marshal inspection requirement?

A: Yes, if it's current and if it's from a Nebraska municipality. Please note, they must be done annually.

Q: What is the reason for the City to require permits for mobile food and beverage vendors?

A: In Nebraska, mobile food & beverage vendors are regulated statewide under the Nebraska Pure Food Act by the Department of Agriculture, alongside specific local municipal and county requirements. The City's primary focus is to follow the IFC (International Fire Code) pertaining to mobile food trucks/trailers to help ensure public safety. Also, to verify that the Nebraska Department of Agriculture's Food Establishment Program has conducted an inspection to help ensure public health.

MOBILE FOOD & BEVERAGE Q & A

Q: I want to sell food *from my drive-way or house* that I prepare in my kitchen or on a grill at my residence, can I do that?

A: No, you may not. The City's Zoning Regulations do not permit temporary eating establishments to be set up at a residence whether inside a home, or on a drive-way. This would be a zoning violation. **However**, residents may prepare food in their home to sell **as long as** they meet all the requirements of Section 5.3.3 of the City's Zoning Code regarding Home Occupations. Residents should also check into state and local health code requirements before preparing any food that is to be sold commercially.

IN A NUTSHELL

IF you have a **mobile food or beverage truck or trailer**, and it meets the definition shown on the reverse side, you need a permit.

IF you are selling from a **mobile food truck or trailer** on City property or right of way, you need a permit.

IF you have a **mobile food or beverage truck or trailer** and you're selling at an organized event on City property, you are required to have a short-term or annual MFBT permit through the City.

IF you have a **mobile food or beverage truck or trailer**, and you're selling only on **private property**, you **do not** need a City of Gering permit, *but you are still required to comply with all local, state, and federal codes, including the IFC.*

IF you are soliciting **door to door**, or **peddling goods door to door or on City property** (independently), you need a Peddler/Solicitor Permit.

The only exception is non-profit organizations (i.e. church, school, youth programs like Girl or Boy Scouts, etc.)

MOBILE FOOD & BEVERAGE VENDORS

ITINERANT VENDORS, PEDDLERS, AND SOLICITORS



YOU'VE GOT QUESTIONS, WE'VE GOT ANSWERS!



DEFINITIONS

MOBILE FOOD/BEVERAGE TRUCK/TRAILER & VENDING



MOBILE FOOD AND BEVERAGE TRUCK AND/OR TRAILER:

A licensed and operable vehicle or concession trailer, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food or non-alcoholic beverages with or without a charge which is designed for immediate consumption. This includes any mobile food vehicle as defined by the 2018 International Fire Code.



MOBILE FOOD/BEVERAGE VENDING:

The act of preparation and sale or service of food or beverages with or without charge that are designed for immediate consumption from a mobile food/beverage truck or mobile food/beverage vending unit/trailer.



Operators of mobile food and/or beverage trucks and trailers, as defined above, must obtain a permit from the City to sell on City property or City right of way.

PERMIT APPLICATION REQUIREMENTS

1. Copy of vehicle or trailer registration (if applicable) and proof of insurance.
2. Proof of commercial liability insurance with a minimum coverage of one million dollars (\$1,000,000) and certificate listing the City of Gering as additional insured.
3. A copy of the State of Nebraska sales tax permit, or proof of applicable sales tax exemption for mobile food/beverage vendor.
4. A signed Waiver of Liability holding harmless the City of Gering.
5. Non-refundable application fee (\$100 annual, \$25 weekly).
6. Proof of Nebraska Food Establishment Inspection.
7. Copy of inspection (if applicable) by the City of Gering or City of Scottsbluff Fire Marshal (or other Nebraska municipality).
8. Plan for disposal of grease, water and other waste.

MOBILE F/B VENDOR PERMIT WHEN REQUIRED or EXEMPTED

PER CITY ORDINANCE NO. 2154

(1) It shall be unlawful for any person to engage in mobile food/beverage vending on public property owned by the City or on City public right of way without first obtaining a mobile food/beverage vending permit and all applicable state and city permits and licenses, unless exempted under Section D, below.

(2) In the event that a mobile food/beverage vendor, selling from a mobile food/beverage truck or trailer, participates at a special event held in Gering under a special event permit obtained by the event organizer, the mobile food/beverage vendor must also obtain, if they haven't already, a Mobile Food/Beverage Vending Permit from the City of Gering prior to participating with any special event held in the city limits of the City of Gering. The event organizer may charge an additional fee to said vendor, which is not under the purview of the City of Gering.

PERMIT EXEMPTIONS

(a) Mobile food/beverage vending on private property, **except that a vendor on private property is still required to comply with all local, state, and federal code, including 2018 IFC and Nebraska Department of Agricultural.**



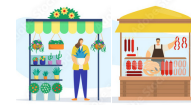
(b) Children's neighborhood beverage stand, so long as the stand is: Operated by a child or children 18 years of age or younger; is located in a neighborhood zoned for single family or multi-family residential use; provides beverages only; and is operated on a temporary basis which does not obstruct the public right of way.

PERMIT APPLICATIONS

An application for an annual or weekly Mobile Food/Beverage Vendor Permit shall be submitted to the City not less than two business days prior to issuance. Applications can be found at gering.org or at the City Offices at 1025 P Street, Gering, NE.

DEFINITIONS

ITINERANT VENDOR, PEDDLER, AND SOLICITOR



ITINERANT VENDOR: A temporary food or merchandise establishment or a person without a fixed business address that sells merchandise, products, or prepackaged food at a nonpermanent location including but not restricted to a farmer's market, festival, craft show, or other organized event in public or private spaces. **Vendors are not required to obtain a license from the City. However event organizers (where vendors are invited to sell) are required to get a permit if the event is located on City property.**



PEDDLER: Any person or company, **without a fixed business address**, that is not an itinerant vendor, who: (1) Travels from place to place or door to door by any means carrying goods for immediate sale and delivery; or (2) Without traveling from place to place or door to door, sells or offers goods for sale from any public or private space within the city. **Peddlers are required to obtain a license from the City if they are planning to sell on City property or right of way or if going door to door.**



SOLICITOR: Any person representing a company **with a local or external fixed business address**, who travels from place to place or door to door, taking unsolicited orders for sales of goods of a commercial nature for immediate or future delivery, or for services to be performed in the future. A person who is a solicitor is not a peddler. **Solicitors are required to obtain a license from the City. Applications can be found on the City's website or at the City Offices.**

PUBLIC SPACE: Any City-owned property, (indoors or outdoors), that is open and accessible to the public, including parks, venues, streets, sidewalks, and City right of way.

PRIVATE SPACE: Property owned by a private business or individual as opposed to being City-owned. Examples: A grocery store parking lot, an area adjacent to a business on property owned by a business owner, etc. (Not residential).

PERMIT APPLICATIONS

Applications can be found at gering.org or at the City Offices at 1025 P Street, Gering, NE. Please allow 10 days for processing.