

ARTICLE 2: ITINERANT SALES

[Editor's Note: This Article was amended in its entirety by Ordinance No. 418, passed on 3/13/84]

§ 10-201 ITINERANT SALES; DEFINITION.

A transient merchant, itinerant merchant, or itinerant vendor is defined as any person, firm, or corporation, whether as owner, agent, consignee, or employee, and whether a resident of the Municipality or not, who engages temporarily within the Municipality in the business of selling and delivering goods, wares, and merchandise or taking orders for goods or merchandise, to or at homes, apartments, or other residential premises in the Municipality. (Ref. 17-134, 75-323 RS Neb.)

§ 10-202 ITINERANT SALES; LICENSE REQUIRED.

It shall be unlawful for an itinerant vendor to engage in such business within the Municipality without first obtaining a license therefor. (Ref. 17-134, 75-32 thru 75-335 RS Neb.)

§ 10-203 ITINERANT SALES; APPLICATION.

Applicants for a license shall file a written sworn application signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, with the Municipal Clerk, showing the details required on the form provided by the Clerk. (Ref. 17-134 RS Neb.)

§ 10-204 ITINERANT SALES; FEE.

The applicant shall pay a license fee set by resolution of the Governing Body to cover the cost of processing the application and issuing the license. (Ref. 17-134, 17-525 R Neb.)

§ 10-205 ITINERANT SALES; BOND.

Before any license shall be issued for engaging in an itinerant business, such applicant shall file with the Municipal Clerk a bond running to the Municipality in the sum of five thousand (\$5,000.00) dollars and executed by the applicant as principal, and one (1) corporate surety, or two (2) individual sureties upon whom service of process may be had in the County, such bond to be approved by the Municipal Attorney, conditioned that such applicant shall comply fully with all the provisions of this Code, and the statutes of the State of Nebraska.

The above requirements may be satisfied by an alternative method, in lieu of buying a special bond for the City of Plainview, if the applicant has a surety bond as an itinerant sales agent with the State of Nebraska. A copy of the State of Nebraska bond, indicating thereon the effective dates, will be sufficient to satisfy this bonding requirement. (Amended by Ord. No. 504, 6/13/89)

§ 10-206 ITINERANT SALES; APPOINTMENT OF AGENT.

Before any license shall be issued, such applicant shall file with the Municipal Clerk an instrument nominating and appointing the Municipal Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice or process in respect to any matters connected with or arising out of the business transacted under such license. (Ref. 17-134, 75-325 RS Neb.)

§ 10-207 ITINERANT SALES; LICENSE EXPIRATION.

Two forms of licenses may be issued under the itinerant sales provisions, on either a sixty day basis or a six month basis, in the discretion of the applicant. The resolution providing for application fees may allow different fees for the different terms of licenses. (Ref. 17-134, RS Neb.) (Amended by Ord. No. 505, 6/13/89)

§ 10-208 ITINERANT SALES; LICENSE REVOCATION.

The licenses issued may be revoked by the Governing Body after reasonable notice and a hearing, for any causes deemed by the Governing Body, in their reasonable discretion, to be sufficient. (Ref. 17-134 RS Neb.)

§ 10-209 ITINERANT SALES; APPEAL.

Any person aggrieved by the decision of the Municipal Clerk in regard to the denial of an application for a license or in connection with the revocation of a license, shall have the right to appeal to the Governing Body. Such appeal shall be taken by filing with the Governing Body within fourteen (14) days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Governing Body shall set the time and place for a hearing on such appeal and notice shall be given to such person by registered mail, postage prepaid, at his last known address. The order of the Governing Body on such appeal shall be final. (Ref. 17-134, RS Neb.)

§ 10-210 ITINERANT SALES; POLICE ENFORCEMENT.

It shall be the duty of the Municipal Police to examine all places of business and persons subject to the provisions of this Article and to enforce the provisions herein against any person found to be violating the same. (Ref. 17-134, 75-334 RS Neb.)