

Article 2 – Peddlers and Solicitors

SECTION 5-201: DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Business” shall mean the business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

“Goods” shall mean merchandise of any description whatsoever and includes, but is not restricted to, wares and foodstuffs.

“Itinerant merchant” shall mean any person, whether owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

“Peddler” shall mean any person, not an itinerant merchant, who:

- A. Travels from place to place by any means carrying goods for sale, making sales, or making deliveries; or
- B. Without traveling from place to place, sells or offers goods for sale from any public place within the city.

“Solicitor” shall mean any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

SECTION 5-202: LICENSE REQUIRED

A. Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

B. The fee for the license required by this section shall be as set from time to time by the city.

C. No license issued under this section shall be transferable.

D. All licenses issued under this section shall expire 90 days after the date of issuance thereof.

SECTION 5-203: LICENSE; APPLICATION

A. Every applicant for a license required by this article shall file an application

with the city clerk. The application shall be signed by the applicant if an individual, by all partners in a partnership, or by the president if a corporation. The applicant shall provide information concerning the following items:

1. The name and address of the applicant;
2. The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city; the local address of such individual; the permanent address of such individual; and the capacity in which such individual will act;
3. The name and address of the person, if any, for whose purpose the business will be carried on and, if a corporation, the state in which incorporated;
4. The time period(s) during which it is proposed to carry on the applicant's business;
5. The nature, character, and quality of the goods or services to be offered for sale or delivery and, in the case of goods, (a) their invoice value and whether they are to be sold by sample as well as from stock; and (b) where and by whom such goods are manufactured or grown and where such goods are located at the time of application;
6. The nature of the advertising proposed to be done for the business;
7. Whether or not the applicant, or the individual identified in subsection (A)(2) herein, or the person identified in subsection (A)(3) herein has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense;
8. A complete description of the nature of the business proposed to be conducted;
9. A description of the make, model, identification number, and license and registration numbers of any vehicle proposed to be used in the business;
10. To the extent the proposed business is subject to any licensing, permit, or inspection authority of any state regulatory agency or other jurisdiction, a true and correct copy of a current and valid license, permit, or inspection certificate or other evidence deemed sufficient by the city clerk to conduct the proposed business; and
11. A certificate of insurance or other evidence deemed sufficient by the city clerk that the proposed business has a policy of commercial general liability insurance at all times business is intended to be conducted within

the city.

B. Every applicant for a license required by this article shall, if required by the city clerk, attach to his or her application credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(Am. Ord. No. 2020-1154, 7/6/20)

SECTION 5-204: LICENSE; ISSUANCE STANDARDS

A. Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

B. The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence, which shall constitute a valid reason for the disapproval of an application, shall be that the applicant has:

1. Been convicted of a crime of moral turpitude;
2. Made willful misstatements in the application;
3. Committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
4. Committed prior fraudulent acts; or
5. A record of continual breaches of solicited contracts.

C. The city clerk shall issue a license to each peddler or solicitor licensed under this article. The license shall contain the words "licensed peddler" or "licensed solicitor," the expiration date of the license, and the number of the license.

D. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

SECTION 5-205: LICENSE; REVOCATION

Any license or permit granted under this article may be revoked by the city clerk after notice and hearing, pursuant to the standards in Section 5-206 (Revocation Standards). Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her last known address at least ten days prior to the date set for the hearing.

SECTION 5-206: LICENSE; REVOCATION STANDARDS

A license granted under this article may be revoked for any of the following reasons:

- A. Any fraud or misrepresentation contained in the license application;
- B. Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- C. Any violation of this article;
- D. Conviction of the licensee of any felony or of any misdemeanor involving moral turpitude; or
- E. Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

SECTION 5-207: LICENSE; APPEAL PROCEDURE

Any person aggrieved by a decision under Sections 5-204 (Issuance Standards) or 5-206 (Revocation Standards) shall have the right to appeal to the City Council. The appeal shall be taken by filing with the council, within 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 council shall set the time and place for a hearing and notice for such hearing shall be given to such person in the same manner as provided in Section 5-205 (Revocation). The order of the council after the hearing shall be final.

SECTION 5-208: LICENSE; LICENSEE'S DUTIES

The license shall be kept with the licensee during such time as he or she is engaged in the business licensed.

SECTION 5-209: HOURS

It shall be unlawful to make calls as a solicitor or peddler to prospective customers before 9:00 a.m. or after 6:00 p.m. any day unless requested to do so by the prospective customer. (Neb. Rev. Stat. §17-134)

SECTION 5-210: POLICY; REFUSAL

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 into their respective residences.

- A. Notice of the refusal of invitation to solicitors to any residence shall be given on a weatherproof card approximately 3 by 4 inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant and containing the applicable words, as follows:

"NO SOLICITORS INVITED"

B. The letters shall be at least 1/3 inch in height.

C. 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.

D. 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 subsection (A), if any is attached, and be governed by the statement contained on the notice. If a notice stating "NO SOLICITORS INVITED" is posted on or near the front door, the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

E. 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 such 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 subsection (A) herein.

SECTION 5-211: PROHIBITED SOLICITATION

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.