

ORDINANCE NO. 2-1-01

AN ORDINANCE TO ESTABLISH A LAW REGARDING THE REGISTRATION OF PEDDLERS, HAWKERS, AND SOLICITORS; TO ESTABLISH A PROCESS FOR THAT REGISTRATION; TO ESTABLISH A PENALTY AND PROVIDE A METHOD OF ENFORCEMENT; AND TO PROVIDE FOR AN EFFECTIVE DATE.

SECTION 1. Purpose:

It is the intent of this Ordinance to promote the public peace and order of the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on exercises of free speech that are protected by the First Amendment.

SECTION 2. Definitions:

A "peddler" is a person engaged in the selling of personal property by going about from place to place or house to house to sell such property and who carries with him such property for delivery at time of sale, in Sarpy County or any municipally owned or controlled part thereof, and shall also mean and include any person transacting a temporary business within the county at an established business.

A "solicitor" means a person engaged in going about from place to place or house to house soliciting orders for or offering to sell personal property for future delivery.

A "hawker" means a person who offers goods for sale by shouting his or her wares in the street or going from door to door; peddler.

A "charitable organization" means any entity described in section 170(c) or section 501(c)(3) of the Internal Revenue Code or those which have been approved as a Nebraska not-for-profit organization.

SECTION 3. Prohibited acts:

It shall be unlawful for any person to engage in peddling, hawking, or soliciting for commercial purposes without first registering as a peddler, hawker, or solicitor with County. All registered peddlers, hawkers, and solicitors must carry such registration with them while engaging in business as well as government issued photo identification.

It shall be unlawful to refuse to display or produce proof of registration as a peddler, hawker, or solicitor.

It shall be unlawful for any peddler, solicitor, or hawker to enter upon any private premises when the same are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

Any peddler, solicitor, or hawker who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be in violation of Nebraska Revised Statute §28-521 and deemed guilty of second degree criminal trespass.

It shall be unlawful for any peddler, solicitor, or hawker to misrepresent the material nature of the services or goods that are being sold in order to secure the sale of such services or goods.

It shall be unlawful for any individual to falsify the information that they provide on their application for registration as a peddler, hawker, or solicitor.

SECTION 4. Exceptions:

This ordinance shall not require the registration of individuals who are acting for non-commercial purposes. Examples of such non-commercial purposes include but are not limited to: school fundraising efforts, charitable organizations, religious organizations, or the delivery or distribution of newspapers or shopping news.

This ordinance shall also not require the registration of individuals engaged in political campaign activities.

Additionally, this ordinance shall not require the registration of individuals who sole intent is to distribute flyers without engaging in direct sales of goods or services.

SECTION 5. Process for Registration:

All applications for registration shall be filed with the Sarpy County Clerk's Office. Upon satisfactory completion of the application, the Sarpy County Clerk will provide an acknowledgment that the individual is a registered peddler, solicitor, or hawker for purposes of conducting business in Sarpy County.

Registration shall be valid for a period of up to one year, running from January 1 to December 31.

There shall be no fee required for such application for registration, nor shall any fee be required upon issuance of the license.

The registered peddler, solicitor, or hawker shall be required to carry this acknowledgment of registration with them during the time in which they are conducting business in Sarpy County.

Each company that intends to conduct business in the County by means of peddler's, solicitor's, and hawker's shall obtain for their employee's, or cause their employee's to obtain, an individual registration to conduct such business.

In order to apply for registration, each individual shall be required to provide the information requested on such forms as developed for application by the County Clerk.

SECTION 6. Criteria for Denial of Applications:

Individuals may be denied in their application for registration as a peddler, solicitor, or hawker for:

- a) Incomplete applications;
- b) Requests to sell goods, wares, merchandise, or services that are otherwise prohibited by law;
- c) Providing misleading or false information on their application;
- d) Convictions for specific crimes, including, but not limited to: theft, crimes involving dishonesty, sex offenses, crimes against property including vandalism, or violent crimes against others.

This list of criteria is not exhaustive but is intended merely to provide examples to individuals of circumstances that may warrant denial of the application.

SECTION 7. Hours of Operation:

The hours to operate door-to-door sales shall be from 9:00 a.m. to sunset, local time, of any day; provided, however, the hours to operate shall not extended beyond 8:00 p.m. any day, except by specific appointment with or invitation from the prospective customer.

SECTION 8. Penalty:

Any person found to be in violation of this Ordinance shall be fined one hundred dollars (\$100) for each offense as permitted by Nebraska Revised Statute §23-187(2).

SECTION 9. Suspension or Revocation:

Any registered peddler, solicitor, or hawker found to be in violation of this Ordinance may have their registration suspended or revoked but shall receive a notice of the violation and shall be given the opportunity to respond to the violation. If the registered peddler, solicitor, or hawker does not respond to the notice, their registration shall be revoked.

SECTION 9. Effective Area:

This Ordinance is effective in Sarpy County, but it shall not be effective within the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion; nor shall it be effective within the area outside of the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion in which those cities have been granted and are exercising powers by ordinance on a similar subject matter. The County Clerk shall maintain and issue maps outlining the effective area of this ordinance.

SECTION 10. Effective Date:

This Ordinance shall take effect and be in force beginning January 1, 2017, as provided by law.

Passed and Adopted this 1st of November, 2016.

David R Kelly

Sarpy County Board Chairperson



Attest:

Renee Sansmeier
Sarpy County Clerk

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