

**ORDINANCE NO. 1811**

**AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER V, ARTICLE II, OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2002 AS THE SAME RELATES TO THE REGULATION OF NON-RESIDENT SALES PEOPLE AND THE REQUIREMENT TO OBTAIN A PERMIT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.**

Section 1. Chapter V, Article II of the Plattsmouth Revised Municipal Ordinances 2002, is amended by deleting the same in its entirety and substituting the following:

**ARTICLE II – NON-RESIDENT SALESPEOPLE**

**SECTION 5-201: APPLICATION FOR PERMIT**

Any non-resident salesperson intending to sell or attempting to sell at retail any merchandise, magazines, books, services or other items of value or attempting to take orders or subscriptions for the same within the corporate limits of the City shall prior to making any attempt to sell such items, register with the City Clerk. Such registration may be for periods of either one week or one year.

There shall be a registration fee of \$25.00 per day for a week long permit and a fee of \$500.00 for an annual permit. At the end of each permit period, the sales person shall be required to obtain a new permit. The fee is due upon the issuance of the permit by the City Clerk.

The City Clerk may issue the permit after the following is provided:

- (1) The applicant's full name, current address, telephone number and proof of identity (which will be verified by law enforcement);
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, if any, in which the vendor intends to conduct business;
- (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 the motor vehicle registration number and permit number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705; and,
- (7) Proof of a public liability bond or insurance policy in an amount not less than \$300,000.00 for property damage and injuries, including death, caused by the operation of the business.

#### SECTION 5-202: REGISTRATION, EXCEPTIONS

The provisions of Section 5-201 shall not extend to individuals calling on retail merchants in corporate limits of the City for the purpose of taking orders or selling of merchandise for resale by such merchants, or farmers selling produce raised in their gardens or on their farms.

#### SECTION 5-203: ISSUANCE OF PERMIT

The applicant shall be notified in writing by the City Clerk of his or her decision to issue or deny the permit no earlier than three (3) days, nor later than thirty (30) days, after the applicant has filed a completed application for the permit with the City Clerk. Each permit shall show the name and address of the applicant; the duration of the permit; the kind of goods to be sold; the amount of the permit fee; the date of issuance and expiration; the license plate number of any vehicle the applicant will use in conducting business; the permit number; an identifying description of any vehicle or conveyance used by the permit plus, where applicable, the motor vehicle registration number.

#### SECTION 5-204: DUTY TO CARRY AND DISPLAY PERMIT

The permit herein provided shall at all times be carried on the person of said salesperson and shall be displayed by the salesperson upon the request of any citizen of the City or any police officer of the City.

Permits are non-assignable and non-transferable, and permits may be revoked or suspended by the Mayor upon a vote of the City Council following a public hearing of which the applicant is notified by mail not less than 10 days prior to the hearing.

#### SECTION 5-205: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesperson or peddler to solicit any individual between the hours of 6:00 P.M. and 8:00 A.M., unless they have a

previous appointment with the resident or residents on the premises solicited.

SECTION 5-206: FAILURE TO OBTAIN A PERMIT; VIOLATION

A sales person who has failed to obtain a permit or who violates Section 5-205 shall be guilty of a misdemeanor. A new violation shall be deemed to have been committed for each 24 hours of continued non-compliance.

Section 2. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.


Section 3. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 2<sup>nd</sup> day of August 2010.



  
R. Paul Lambert, Mayor

ATTEST:

  
Sandra J. Meyer, City Clerk

Publication Date: August 5, 2010.