BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION SUSPENDING THREE READINGS REQUIREMENT IN ADOPTION OF
PEDDLER, HAWKER, AND SOLICITOR ORDINANCE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-190, by a three-fourths vote, the County Board may suspend the requirement that the county ordinance be read by title on three different days; and,

WHEREAS, a motion was made to suspend the three readings requirement and a vote was taken; and,

WHEREAS, the County Board has determined that it is in the best interests of the citizens of Sarpy County to suspend the three readings requirement.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board does hereby suspend the three readings requirement for adoption of the peddler, hawker, and solicitor ordinance, a copy of which is attached hereto.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 1st day of

November, 2016.

Sarpy County Board Chairperson

Sarpy County Clerk
On Tuesday, November 1, 2016, two agenda items regarding the proposed peddler, hawker, and solicitor ordinance for Sarpy County will come before the County Board. The first item is a request for a resolution to suspend the three readings requirement for the ordinance, and the second is a resolution to adopt the ordinance.

Up to this point, the peddler, hawker, and solicitor ordinance has come before the Board for purposes of discussion as well as for a public hearing which was held on October 18, 2016. Notice of the public hearing was published in the Bellevue Leader, Gretna Breeze, Papillion Times, and the Springfield Monitor. Following the public hearing, notice of the ordinance was sent to the clerks of each city within Sarpy County and the cities were given seven days to submit a response indicating that the city already enforces a similar ordinance outside of its corporate boundaries. No city has submitted such a response.

If the Board chooses to adopt the ordinance, the two methods available for adoption are as follows:

**Procedure 1 (requires three week before voting to adopt):**
The county ordinance must be read by title on three different days, or in other words, at three different meetings. After the third reading, the ordinance may be adopted by a majority vote of the Board.

OR,

**Procedure 2 (requires no extra time before voting to adopt):**
At the time the agenda item is read into the record, one of the Board members may immediately call for a vote to suspend the three readings requirement as outlined in procedure one. If three-fourths of the Board votes affirmatively to suspend the requirement, the ordinance must then be read by title or number followed by a motion for final adoption.

Please note that the entire text of the ordinance does not need to be read into the record. However, the entire text may be read aloud at the option of the Board.
Please contact me with any questions, either on the peddler, hawker, and solicitor ordinance itself or on the adoption procedures specifically. The proposed ordinance is attached for your reference.
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.
ORDINANCE NO. 1

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.

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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.
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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.

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  f) Requests to sell goods, wares, merchandise, or services that are otherwise prohibited by law;
  g) Providing misleading or false information on their application;
  h) 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.

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SECTION 10. Effective Date:
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Passed and Adopted this ______ of __________, 2016.

__________________________
Sarpy County Board Chairperson

Attest:

__________________________
Sarpy County Clerk