



SMALL TOWN VALUES

1115 13TH AVENUE PO BOX 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

PERMIT NUMBER _____
DATE OF APPLICATION _____
EXPIRATION DATE _____

ITINERANT MERCHANT, PEDDLER/SOLICITOR APPLICATION AND PERMIT

Hours of Operation to Private Residences – 8:00 a.m. to 8:00 p.m.

Applicant Name _____ Title _____
Address _____ City _____ State _____ Zip _____
Date of Birth _____ Contact Number _____
Vehicle: Year _____ Make _____ Model _____ Color _____ License Plate _____
Have you ever been convicted of a crime/misdemeanor? _____ If yes, explain the nature and penalty of the offense _____

Nature of Merchandise _____
Method of Sales Door to Door Mobile Store Location of Mobile Store _____

Business Name _____
Business Address _____
Business Telephone _____ Federal I.D. No. _____ NE Sales Tax No. _____

The facts set forth above in my application for registration permit for itinerant merchant, peddler/solicitor are true and complete. I understand false statements shall be considered sufficient cause for denial and/or revocation. I acknowledge and agree to allow the City of Sidney Police to search my criminal history to determine my eligibility to obtain a permit. To the fullest extent permitted by laws and regulations, applicant shall indemnify and hold harmless the City of Sidney and its officers, employees and agents from and against all claims, suits, damages, costs, demands, losses and expenses, direct, indirect or consequential (including but not limited to fees and charges of attorneys and other professionals, court and arbitration costs) arising out of or resulting from the performance under this registration permit. The applicant is entirely and solely responsible for all acts while engaged in the operation of vending within the City of Sidney. Ordinance No. 715, of the City of Sidney, Nebraska.

Applicant Signature _____ Date _____

City Clerk/Representative _____ Date _____

*******CITY OF SIDNEY USE ONLY*******

- _____ Verify applicant’s identity. Make a photocopy of driver’s license or state identification card
- _____ Verify Nebraska Sales Tax Permit
- _____ Verify Bond Bond Number _____
- _____ Permit Fee \$ _____

CHAPTER 822

Itinerant Merchants and Vendors

- 822.01 Definitions.
- 822.02 License required.
- 822.03 License application; fee.
- 822.04 Bond required.
- 822.05 Appointment of agent to receive service of process.
- 822.06 Expiration of license.
- 822.07 Revocation of license; notice; hearing.
- 822.08 Appeal from denial or revocation of license.
- 822.09 Enforcement by police.
- 822.10 Record of complaints and violations.
- 822.11 Peddling in fire limits.

- 822.99 Penalty.

CROSS REFERENCES

Licensing and taxing occupations - see R.S.N. § 16-205

Regulations governing marketing - see R.S.N. § 16-669

Hawkers and peddlers generally - see R.S.N. §§ 75-323 et seq.

Soliciting and panhandling - see B. R. & T. Ch. 824

Trespassing - see GEN. OFF. 642.05

822.01 DEFINITIONS.

As used in this chapter "transient merchant," "itinerant merchant" and "itinerant vendor" mean any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages temporarily within the City 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 City.

(Ord. 715. Passed 6-24-63.)

822.02 LICENSE REQUIRED.

No transient merchant, itinerant merchant or itinerant vendor shall engage in such business within the City without first obtaining a license therefor in compliance with the provisions of this chapter.

(Ord. 715. Passed 6-24-63.)

822.03 LICENSE APPLICATION; FEE.

(a) Applicants for a license under this chapter 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 Clerk-Treasurer, showing:

(1) The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed to carry on such business in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and, if a corporation, under the law of what state the same is incorporated;

(2) The place or places in the City where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that such business be conducted;

(3) A statement of the nature, character and quality of goods, wares or merchandise to be sold or offered for sale by the applicant in the City;

(4) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers;

(5) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative; and

(6) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the Clerk-Treasurer may deem proper to fulfill the purposes of this chapter in the protection of the public good.

(b) The applicant shall pay a license fee as designated in the Master Fee Schedule of the City of Sidney to cover the cost of processing the application and issuing the license.

(Ord. 1164. Passed 12-19-89; Ord. 1800. Passed 9-25-18.)

822.04 BOND REQUIRED.

Before any license is issued for engaging in a transient or itinerant business in the City, the applicant therefor shall file with the Clerk-Treasurer a bond of five hundred dollars (\$500.00) in favor of the City, executed by the applicant as principal, and one corporate surety, or two individual sureties upon whom service of process may be had in the County, such bond to be approved by the City Attorney and conditioned upon the applicant's full compliance with all the provisions of these Codified Ordinances and the statutes of the State regulating and concerning the sale of goods, wares and merchandise, and upon paying all judgments rendered against the applicant for any violation of these Codified Ordinances or State statutes, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deception was made or practiced by the owners or by their agents, servants or employees, either at the time of making the sale or through any advertisement of any character printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved person. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the surety or sureties thereon.

(Ord. 715. Passed 6-24-63.)

822.05 APPOINTMENT OF AGENT TO RECEIVE SERVICE OF PROCESS.

Before any license is issued for engaging in business as an itinerant merchant, itinerant vendor or transient merchant or order taker in the City, such applicant shall file with the Clerk-Treasurer an instrument nominating and appointing the Clerk-Treasurer, 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 for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under such license and the bond given as required by Section 822.04, or for the performance of the conditions of such bond or for the breach thereof. Such instrument shall also contain recitals to the effect that the applicant for such license consents and agrees that service of any notice or process may be made upon such agent and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for such license under this chapter, according to the law of this or any other state and waiving all claims or rights of error by reason of such acknowledgment of service or manner of service.

Immediately upon service of process upon the Clerk-Treasurer as herein provided, the Clerk-Treasurer shall send to the licensee at his last known address, by registered mail, a copy of such process.

(Ord. 715. Passed 6-24-63.)

822.06 EXPIRATION OF LICENSE.

All licenses issued under the provisions of this chapter shall expire 180 days after the date of issuance thereof unless a prior date is fixed therein.

(Ord. 715. Passed 6-24-63.)

822.07 REVOCATION OF LICENSE; NOTICE; HEARING.

(a) Licenses issued pursuant to this chapter may be revoked by the Mayor, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of any of the provisions of this chapter;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of a hearing for revocation of a license 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 sent by registered mail, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

(Ord. 715. Passed 6-24-63.)

822.08 APPEAL FROM DENIAL OR REVOCATION OF LICENSE.

Any person aggrieved by the decision of the Clerk-Treasurer in regard to the denial of an application for a license under this chapter or in connection with the revocation of a license as provided for in Section 822.07 shall have the right to appeal to Council. Such appeal shall be taken by filing with

Council, within fourteen 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. Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 822.07 for a hearing on revocation. The order of Council on such appeal shall be final.

(Ord. 715. Passed 6-24-63.)

822.09 ENFORCEMENT BY POLICE.

It shall be the duty of the police officers of the City to examine all places of business and persons subject to the provisions of this chapter to determine if such provisions have been complied with and to enforce such provisions against any person found to be violating the same.

(Ord. 715. Passed 6-24-63.)

822.10 RECORD OF COMPLAINTS AND VIOLATIONS.

The Clerk-Treasurer shall deposit the numbers of all licenses issued under this chapter with the Chief of Police. The Chief shall report to the Clerk-Treasurer any complaints against the persons licensed under this chapter and any conviction for a violation of any of the provisions of this chapter. The Clerk-Treasurer shall keep a record of all such licenses and of such complaints and violations.

(Ord. 715. Passed 6-24-63.)

822.11 PEDDLING IN FIRE LIMITS.

No person shall engage in peddling of any kind upon streets within the fire limits of the City as the same are defined in Chapter 1426 of the Building and Housing Code. No farmer, truck grower or other person who produces, hawks or peddles products of the farm, fruit or other staples of food or who peddles, sells or offers to sell any commodity or article of commerce or trade shall park his conveyance or erect a place of business for the purpose of selling such products upon any street within the fire limits.

(1958 Code § 17.25)

822.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than two hundred dollars (\$200.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.