

Itinerant Merchant License Agreement

I hereby make application for an Itinerant Merchant License from the City of Ogallala. I also certify that I have read and understand Ogallala Municipal Code Chapter 111, Articles 1 through 3 (a copy of which has been provided to me) and do hereby request an Itinerant Merchant License in my name as follows:

Applicant Name: _____

Address: _____

Phone Number: _____

Business Name: _____

Business Address: _____

Business Phone Number: _____

Corporation: yes ___ no ___ State of incorporation: _____

Brief description of item (s) to be sold: _____

Location of business in Ogallala: _____

Length of time: _____

All licenses issued shall expire 30 days after the date of issuance thereof unless a prior date is fixed therein.

A \$100.00 license fee shall be paid and a copy of the applicant's driver's license shall be provided upon signing this agreement.

Signature: _____ Date: _____

FOR OFFICE USE ONLY

Copy of driver's license attached: _____

License fee paid: ___ cash ___ ck# ___

Expiration date: _____

FOR POLICE DEPT USE ONLY

Application approved: _____

Officer's Signature: _____

CHAPTER 111: ITINERANT MERCHANTS

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GENERAL PROVISIONS

§ 111.01 DEFINITION.

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

TRANSIENT MERCHANT, ITINERANT MERCHANT, or ITINERANT VENDOR.

Every person, firm, or corporation, whether as owner, agent, consignee, or employee, who is a nonresident of this county 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.

(2007 Code, § 24-101)

LICENSES

§ 111.15 LICENSES REQUIRED; LOCATION OF SALES.

It shall be unlawful for an itinerant vendor to engage in such business within the city without first obtaining a license therefor. It shall be unlawful for any farmer, truck grower, or others who produce, hawk, or peddle products of the farm, fruit, or other staples of food or who peddle, sell, or offer to sell any commodity or article of commerce or trade to park his, her, or their conveyances or erect a place of business for the purpose of selling said products upon any street within the congested district.

(2007 Code, § 24-201) Penalty, see § 111.99

Statutory reference:

Related provisions, see Neb. RS 16-699

§ 111.16 LICENSE APPLICATION.

Applicants for a license 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 City Clerk, showing:

(A) 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 that it will be carried on in the municipality; 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, firm, or corporation 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;

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

(C) A statement of the nature of merchandise to be sold or offered for sale by the applicant;

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

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

(F) 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 City Manager may deem proper.

(2007 Code, § 24-202)

§ 111.17 LICENSE FEE.

If the applicant is approved by the City Manager, the applicant shall pay a license fee set by resolution of the governing body to cover the cost of processing the application and issuing the license. A copy of the said resolution shall be kept on file at the office of the City Clerk and shall be available for inspection at any reasonable hour.
(2007 Code, § 24-203)

§ 111.18 LICENSE TERM.

All licenses issued shall expire 30 days after the date of issuance thereof unless a prior date is fixed therein.
(2007 Code, § 24-204)

§ 111.19 LICENSE REVOCATION.

The licenses issued may be revoked by the City Manager for any of the following causes:

(A) Any fraud, misrepresentation, or false statement contained in the application for a license;

(B) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

(E) 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 a menace to the health, safety, or general welfare of the public.
(2007 Code, § 24-205)

§ 111.20 LICENSE APPEALS.

Any person aggrieved by the decision of the City Manager in regard to the denial of an application for a license or in connection with the revocation of a license shall have the right to appeal to the Council. Such 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 on such appeal and notice shall be given to such person by registered mail, postage prepaid, at his or her

last-known address. The order of the Council on such appeal shall be final.
(2007 Code, § 24-206)

ADMINISTRATION AND ENFORCEMENT

§ 111.35 ENFORCEMENT.

It shall be the duty of the city police to examine all places of business and persons subject to the provisions of this chapter and to enforce the provisions herein against any person found to be violating the same.

(2007 Code, § 24-301)

§ 111.36 RECORDS OF COMPLAINTS AND VIOLATIONS.

The City Clerk shall deposit the license number of the licensee with the Chief of Police. The Chief of Police shall then report to the Clerk any complaints against the persons licensed under the provisions of this chapter and any conviction for violation of this code of ordinances or the laws of the state. The City Clerk shall keep a record of all such complaints and violations.

(2007 Code, § 24-302)

§ 111.99 PENALTY.

(A) *Penalty amounts.* Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in this chapter or by statute, the penalty for such violation shall be in any amount not to exceed \$1,000, in the discretion of the court; and, provided, whenever any section of this chapter shall declare a nuisance, a violation of that section shall be penalized by a fine of not more than \$1,000, in which case a new violation shall be deemed to have been committed every 24 hours of such failure to comply.

(B) *Abatement of nuisance.*

(1) Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(2007 Code, § 24-401)

Statutory reference:

Related provisions, see Neb. RS 16-225, 16-240, 16-246, and 18-1720