

**The City of Yutan Police Department**

**P.O. Box 215, 112 Vine Street**

**Yutan, Nebraska 68073**

**(402) 625-2468 \* (402) 625-2112 (fax)**

**Application for City Sales and Solicitation Permit**

**Name of Business \_\_\_\_\_, Address \_\_\_\_\_**

**City \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_**

**Business Telephone Number \_\_\_\_\_, Type of Business \_\_\_\_\_**

**What are you selling while in Yutan? \_\_\_\_\_**

**Full Name of person filing out application \_\_\_\_\_**

**Date of Birth- Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_ Place of Birth \_\_\_\_\_**

**Have you or your company ever applied for a City of Yutan Solicitation Permit in the past?  
No \_\_\_\_\_ Yes \_\_\_\_\_ Date \_\_\_\_\_ of application.**

**What is your position with the Business, Company, or Corporation? \_\_\_\_\_**

**How long have you been employed with the company? Years \_\_\_\_\_, Months \_\_\_\_\_, Weeks \_\_\_\_\_**

**Have you ever been arrested, charged or convicted of any crime? No \_\_\_\_\_, If yes complete below.  
List all arrests, charges, convictions, dates and location of arrest.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**List the last two (2) cities you have made sale in.**

\_\_\_\_\_  
\_\_\_\_\_

**List any and all vehicles you and your sales agents will be using while in Yutan.**

<b>Make</b>	<b>Model</b>	<b>Color</b>	<b>Year</b>	<b>Lic. Plate #</b>	<b>State</b>

**Please complete page 2 of application**

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List FULL Names and Dates of Birth for all sales agents who will be soliciting or peddling in the City.

FULL Name (First-Middle-Last

Date of Birth

FULL Name (First-Middle-Last	Date of Birth

Please provide valid photo identification for every sales agent who will be soliciting.

*Permits are Non Transferable. They MUST be carried and displayed by all sales representatives during their Solicitation Permits are valid for thirty (30) days from the date of issue.*

*I hereby acknowledge that I have been given a copy of the Yutan City Ordinance 687, of the Yutan Municipal Code, which explains the Solicitation and Peddling Ordinance and that I understand that ANY False or misleading information or statement on this application may result in criminal charges under Nebraska Revised Statue 28-915.01, which is a Class I misdemeanor and is punishable by not more than one year imprisonment or \$1000.00 fine or both. I hereby acknowledge that the information provided on this application is true and correct to the best of my knowledge.*

Signature \_\_\_\_\_ Print Name \_\_\_\_\_

Date \_\_\_\_\_ Notary \_\_\_\_\_

Affix Seal

**This application, when completed by the Yutan Police, will be returned to the Clerk of the City of Yutan.**

**For Police Department Use Only**

Date Submitted \_\_\_\_\_ Date Completed \_\_\_\_\_

Officer completing Background Investigation \_\_\_\_\_

Officer Recommendations  Recommend  Deny  Report Attached

**City of Yutan – Police Department**

**ORDINANCE NO. 687**

**AN ORDINANCE OF THE CITY OF YUTAN, NEBRASKA, PROVIDING FOR THE LICENSING AND REGULATING OF PEDDLERS AND SOLICITORS, ESTABLISHING STANDARDS FOR THE DENIAL OR REVOCATION OF SUCH LICENSES, PROVIDING A PROCEDURE TO APPEAL DENIAL OR REVOCATION OF SUCH LICENSES, PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF, REPEALING CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUTAN, NEBRASKA:

SECTION 1. That Section 5-401 of the Yutan Municipal Code is amended to read as follows:

**§ 5-401: DEFINITIONS:**

Products: All goods, chattels, wares, merchandise, and services of any kind whatsoever.

Peddler: An uninvited person offering products for immediate sale and delivery in residential areas.

Solicitor: An uninvited person offering products for future delivery or seeking donations in return for products.

SECTION 11. That Section 5-402 of the Yutan Municipal Code is amended to read as follows:

**§ 5-402 PEDDLERS AND SOLICITORS: PERMIT REQUIRED.**

All peddlers and solicitors, other than persons exempted by §5-408, shall be required to obtain a City Sales and Solicitation permit prior to making sales or solicitations within the City of Yutan. Sales and Solicitation Permits shall be valid for thirty days and shall be issued by the City Clerk upon compliance with the requirements of this chapter.

SECTION 111. That Section 5-403 of the Yutan Municipal Code is amended to read as follows:

**§ 5-403 SALES AND SOLICITATION PERMIT: APPLICATION.**

Application for a City Sales and Solicitation permit shall be made between the hours of eight o'clock (8:00) A.M. to three o'clock (3:00) P.M., Monday through Friday, excluding holidays, to the Yutan Police Department, on a form furnished by the Police Department. Incomplete Applications shall be rejected. The Police Department shall conduct a background investigation on persons applying for such permits prior to said permit being issued. Convicted felons and persons convicted of crimes involving dishonesty or moral turpitude shall not be issued a permit. Background investigations shall be completed within seven working days.

SECTION IV. That a new Section 5-404 of the Yutan Municipal Code be enacted to read as follows:

§ 5-404 SOLICITORS: BOND REQUIREMENT: FEE

All peddlers and solicitors, other than those exempted by Section 5-408, are required to pay an administrative fee to the City Clerk in the amount of twenty-five (\$25.00) dollars for each solicitor to defray the cost of issuing the permit and of investigating the applicant. Solicitors shall also be required to post a license permit bond in the principal amount of two thousand (\$2,000.00) dollars guaranteeing future delivery of products ordered. Such bond shall be written by an approved surety company and shall be effective for at least six months from the date of the sales and solicitation permit. Organizations employing or utilizing solicitors as independent contractors may purchase a single license permit bond in the amount of five thousand dollars (\$5,000.00) for up to ten (10) solicitors. Any such bond posted by an organization employing or utilizing solicitors as independent contractors shall identify by name all persons covered by such bond.

SECTION V. That a new Section 5-405 of the Yutan Municipal Code be enacted to read as follows:

§ 5-405 PEDDLERS AND SOLICITORS: REVOCATION OF PERMIT.

(1) A Sales and Solicitation Permit may be revoked by the City Clerk or Chief of Police for the following reasons:

1. Complaints of high pressure sales
2. Providing incomplete or false information about company or their sales agent, supervisors, products or services
3. After hours operation violations
4. Indicating a fictitious affiliation with groups or companies
5. Enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed", or other words to that effect
6. Conviction of a felony or other crime involving dishonesty or moral turpitude
7. Improper transfer of a permit
8. Other solicitor misconduct as determined by the Police Department

A denial or revocation of a Sales and Solicitation permit may be appealed to the City Council within ten (10) days of such revocation. Such appeal must be in writing and shall be considered and decided by the City Council within thirty days. The Council may consider such appeals at any regular or specially called meeting, and may conduct a hearing according to such rules as the Council may establish.

(2) The City may seek forfeiture of a license permit bond posted by a solicitor or organization where products ordered are not delivered as promised, or in the event of fraud, misrepresentation or deceit by a solicitor. Funds recovered by such action shall first be applied to the city costs of recovery, if any, and then to parties injured by the wrongful actions of the solicitor. If the amount of the funds recovered from such forfeiture is insufficient to pay all claims, such claims shall be paid proportionately as determined by the City Council.

SECTION VI. That a new Section 5-406 of the Yutan Municipal Code be enacted to read as follows:

§ 5-406 PEDDLERS AND SOLICITORS: HOURS.

It shall be unlawful for an uninvited peddler or solicitor to visit any house, dwelling, or residence for the purpose of making sales or soliciting orders or donations before eight (8:00) o'clock A.M. or after sunset.

SECTION V11. That a new Section 5-407 of the Yutan Municipal Code be enacted to read as follows:

§ 5-407 PEDDLERS AND SOLICITORS: DISPLAY OF PERMIT.

Every peddler and solicitor must carry on his or her person and display the sales and solicitation permit issued by the City Clerk while engaged in sales or solicitations. Sales and Solicitation Permits are not transferable.

SECTION V111. That a new Section 5-408 of the Yutan Municipal Code be enacted to read as follows:

§ 5-408 PEDDLERS AND SOLICITORS: EXCEPTIONS.

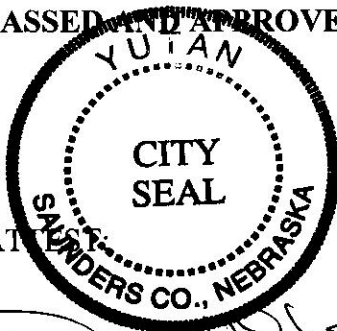
Unpaid volunteers or other individuals who are not paid or otherwise compensated to sell or solicit on behalf of a nonprofit organization, such as schools, scout troops, churches and other nonprofit organizations, shall be exempt from the requirements set forth in this Article. Organizations sponsoring or directing such sales or solicitations shall, upon request, provide documentation of the non-profit status of the organization.

SECTION 1X. SEVERABILITY. In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.


SECTION X. REPEAL OF CONFLICTING PROVISIONS. The original Sections 5-401, 5-402 and 5-403, together with all conflicting resolutions, ordinances, parts of ordinances and other provisions are hereby repealed.

SECTION X1. EFFECTIVE DATE. That this Ordinance shall be in full force and effect from and after its passage, approval and publication or posting according to law.

**PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF OCTOBER, 2011.**



AT

  
Dawn M. Schmidt, CPM, CMC  
City Clerk

  
TIM ORTMEIER, MAYOR