

## CHAPTER 113: SALES AND ADVERTISING

### Section

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#### **SOLICITORS AND PEDDLERS**

##### **§ 113.01 DEFINITIONS.**

For the purposes of this Article, the following definitions shall prevail:

- A. Person. Whenever used in this Article, the word "person" shall include all natural persons, artificial persons, including, but not limited to, firms, partnerships, associations, corporations, companies, political and corporate bodies, societies, communities, the public generally, individuals, joint stock companies, and shall include all aggregate organizations of any character whatsoever.
- B. Individual. Whenever used in the Article, the work "individual" shall mean natural persons.
- C. Non-profit Organizations or Institutions. Whenever used in this Article, the words "non-profit organizations or institutions" shall include those organizations or institutions which are charitable in nature and whose internal rules provide that any income accruing to any such organization may not be distributed to or otherwise inure to the benefit of its members, directors, or officers.

##### **§ 113.02 PERMIT REQUIRED, PROCEDURE, FEE, EXHIBITION WHILE SOLICITING.**

It shall be unlawful for any person to appear in person to solicit funds or sell goods by calling on residents of the City in their homes, unless an appointment has been made with the resident in advance, without first obtaining a valid permit from the City Clerk.

In order to cover the administrative costs of this Section, the City Clerk shall charge a fee of twenty-five dollars (\$25.00) to process the application, and a permit fee of ten dol-

lars (\$10.00) per day per individual for the issuance of a permit to solicit funds or sell goods at the homes of residents of the City.

Any person required to obtain such permit under the provisions of this Article shall, at all times while soliciting, prominently display such permit on his or her outer clothing and shall exhibit the same to any law Enforcement Officer, any City Official, or at the home of any resident of the City upon request. *(Amended by Ord. 05-04, 4/18/05)*

**§ 113.03 CALLING AT POSTED RESIDENCES PROHIBITED.**

It shall be unlawful for any person to appear in person to solicit funds or sell goods by calling on residents of the City in homes which are posted with a sign which contains the words "NO SOLICITING – NO PEDDLERS" or otherwise plainly requests that individuals not call at that home to solicit funds or sell goods.

**§ 113.04 NON-PROFIT ORGANIZATIONS OR INSTITUTIONS EXEMPTED.**

Members of non-profit organizations or institutions shall be exempt from the provisions of this Article when their activities are directed and authorized by the non-profit organization or institution.

**§ 113.05 RELIGIOUS ORGANIZATIONS OR INSTITUTIONS EXEMPTED.**

Members of religious organizations or institutions shall be exempt from the provisions of this Article when their activities involve the distribution of religious materials.

**§ 113.06 APPLICATION.**

Applications for permits under this chapter shall be filed with the City Clerk on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name, age, and description of the applicant;
- (b) Address;
- (c) Brief description of the nature of the business and the goods to be sold or services to be provided;
- (d) If employed, the name and address of the employer, together with documents verifying such employment;
- (e) The length of time (not to exceed one year) for which the right to do business as a peddler is desired;
- (f) If a vehicle is to be used, description of the same, together with the license number;
- (g) A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

- (h) The fingerprints of the applicant;
- (i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefore;
- (j) At the time of filing the application, a nonrefundable permit fee of twenty-five dollars shall be paid to the City Clerk.

### **§ 113.07 INVESTIGATION AND ISSUANCE.**

(a) Upon receipt of an application as described in Section 113.06, the original shall be referred to the Lancaster County Sheriff's Office, who shall cause an investigation of the statements contained within the application to be made to determine if the same be true and correct.

(b) If, as a result of such investigation, the Lancaster County Sheriff's Office finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten years of a felony or a crime involving moral turpitude, the Lancaster County Sheriff's Office shall disapprove such application in writing and provide the reasons for the same, and return said application to the City Clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct, and the applicant has not been convicted within the past ten years of any felony or any crime involving moral turpitude, the Lancaster County Sheriff's Office shall approve the application in writing, and shall return the said application to the City Clerk for issuance of the permit.

The Permit shall contain the signature and seal of the issuing officer and shall show the name and address of the permittee and the kind of goods to be sold thereunder, or services to be furnished or performed, the date of issuance, and the length of time the same shall be operative. The Clerk shall keep a permanent record of all permits issued.

### **§ 113.08 APPLICATION OF APPLICANT.**

No permit shall be issued to any person:

(a) who has been convicted of a felony or a crime involving moral turpitude within the ten years immediately preceding the date of the filing of such application with the City Clerk;

(b) who is under the age of sixteen years unless the applicant first obtains an employment certificate as required by state law; or

**§ 113.09 TRANSFER.**

Permits issued under this chapter shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued.

**§ 113.10 DUTY OF LAW ENFORCEMENT TO ENFORCE.**

It shall be the duty of the Lancaster County Sheriff's Office to enforce the provisions of this chapter against any person found to be violating the same. The Sheriff's Office shall report to the City Clerk all convictions for violations of this chapter, and the City Clerk shall maintain a record for each permit issued and record reports of violations therein.

**§ 113.11 PEDDLING; HOURS RESTRICTED.**

It shall be unlawful to make in-person calls as a peddler to prospective customers before 8:00 a.m. or after 7:00 p.m. on Monday through Saturday, unless requested to do so by the prospective customer. In-person calls as a peddler to prospective customers shall be prohibited on Sundays.

**§ 113.12 PENALTY FOR VIOLATIONS.**

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine not to exceed \$500.00, recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit granted under the provisions of this chapter. *(Established by Ord. 05-04, 4/18/05)*

**CHAPTER 114: LOTTERY**

Section

**§ 114.15 MUNICIPAL LOTTERY.**

- 1. AUTHORIZATION.** Approval by a majority of the registered voters of the City of Waverly, having been received in accordance with Neb. Rev. Stat. 9-625 (Reissue 1991), the City Council is authorized to establish and conduct a lottery, as defined in Neb. Rev. Stat. 9-607 (Reissue 1991). The lottery shall be conducted by a lottery operator pursuant to contract and subject to the provisions of the Nebraska County and City Lottery Act (the NCCLA). Gross proceeds of the lottery shall be used solely for the awarding of prizes, taxes, authorized expenses and for community betterment purposes, as defined in the NCCLA.

**2. LOTTERY OPERATOR**

A. The lottery shall be operated by a Lottery Operator. "Lottery Operator" shall mean any individual, sole proprietorship, partnership, or corporation which operates the lottery on behalf of the City pursuant to a written contract.