
9. Has the individual having management authority or supervision of the applicant's business or the person for whose purpose the business will be carried on, been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense _____

10. Description of any vehicle proposed to be used in the business, including its registration number _____

11. Describe the credentials of all applicants that authorize the applicant(s) to act as a representative of the business/company or corporation _____

12. Date(s): _____
(Time period or periods during which it is proposed to carry on applicant's business).

13. Time of day business will be conducted (example: 10 a.m. to 5 p.m.) _____

14. Location where business will be conducted: _____

Please state place(s) within the last six-month period where applicant has conducted a temporary/transient business:

§ 114.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be conducted by the City's Police Department.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant or the applicant's business would pose a threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

- (1) Has been convicted of a crime involving dishonesty or false statement; or
- (2) Has made willful misstatements in the application; or
- (3) Has committed prior violations of ordinances pertaining to peddlers and solicitors; or
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts

will constitute valid reasons for disapproval of an application.

§ 114.10 CITY POLICY ON SOLICITING.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall make the determination of whether peddlers or solicitors shall be, or shall not be, invited to their respective residences.

§ 114.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every peddler or solicitor upon going onto any premises in the city upon which a residence is located to first examine if a notice is provided stating that peddlers and solicitors are not invited on the property, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED" or something similar in meaning, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any peddler or solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 114.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 114.10 above.
Penalty, see § 10.99

AFFIDAVIT

The undersigned agrees to comply fully with the rules and regulations of the City of Gering (per Ordinance 2181), governing the permit requested, and declares that the foregoing information contained in the application is true and correct.

Signature of Applicant

Date

CERTIFICATION

This application has been approved and permit issued on this _____ Day of _____, 20 ____.

90-day permit ____ (\$100)

One week permit ____ (\$50)

Fee Paid \$ _____

Signature of City Clerk

(SEAL)

If denied, reason why: _____

ORDINANCE NO. 2181

AN ORDINANCE TO AMEND TITLE XI: BUSINESS REGULATIONS, CHAPTER 114: ITINERANT VENDORS, PEDDLERS, AND SOLICITORS, OF THE GERING MUNICIPAL CODE, GERING NEBRASKA: REPEALING ALL ORDINANCES IN CONFLICT HEREWITH PROVIDING FOR PUBLICATION AND FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GERING, NEBRASKA THAT:

SECTION 1: Title XI, Chapter 114, sections 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 are hereby amended to read in full as follows:

CHAPTER 114: ITINERANT VENDORS, PEDDLERS, AND SOLICITORS

§ 114.01 DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply.

1. **BUSINESS:** The activity carried on by any person who is an itinerant vendor, peddler, or solicitor as defined in this section.
2. **GOODS:** Merchandise of any description, and includes but is not restricted to manufactured and hand-made-products and foodstuffs.
3. **ITINERANT VENDOR:** Shall mean a temporary food or merchandise establishment or a person without a fixed business address that sells merchandise, products or prepackaged food, or time/temperature-controlled food from an approved source at a nonpermanent location including but not restricted to a farmer's market, craft show, festival or other organized event in public or private spaces where the event organizer is responsible for monitoring and regulating all vendors. Mobile food/beverage vendors that have obtained a permit from the City of Gering are not itinerant vendors.
4. **PEDDLER:** Any person or company, without a fixed business address, that is not an itinerant vendor, who:
 - (1) Travels from place to place or door to door by any means carrying goods for immediate sale and delivery; or
 - (2) Without traveling from place to place or door to door, sells or offers goods for sale from any public or private space within the city.
5. **SOLICITOR:** Any person representing a company with a local or external (outside city limits of Gering) fixed business address, who travels place to place or door to door, taking unsolicited orders for sales of goods of a commercial nature for immediate or future delivery, or for services to be performed in the future. A person who is a solicitor is not a peddler.
6. **PUBLIC SPACE:** Any City-owned area or property, whether indoors or outdoors, that is open and accessible to the public, including but not limited to parks, venues, streets, sidewalks, and City right of way.
7. **PRIVATE SPACE:** Property owned by a private business or individual as opposed to being City-owned.

§ 114.02 LICENSE OR PERMIT REQUIREMENT.

(A) There shall be no license or permit requirement for itinerant vendors when said vendors are associated with a nonpermanent location/activity including but not restricted to a farmer's market, craft show, festival or other organized community event.

(B) Event organizers for events where itinerant vendors are invited to be present and offer goods for sale, that are held on City-owned property (public spaces) shall be required to complete a Special Event Permit Application and a Master Permit Application on forms provided by the City Clerk. A "per vendor" fee,

to be determined by the City Administrator, shall be assessed to event organizers for events held on City property to defray the costs incurred by the City associated with said event. Event organizers for events held in public spaces are responsible for monitoring and regulating itinerant vendors at such events, including but not limited to: public health and safety, appropriateness of products being offered for sale, complaints from the public or other vendors, and damage to property.

(C) Any person who is a peddler or solicitor shall obtain a license before engaging in such activity within the city.

(D) The fee for a peddler or solicitor license required by this chapter shall be \$100 for a 90-day period or \$50 for seven (7) days.

(E) No license issued under this chapter shall be transferable.

Penalty, see § 10.99

§ 114.03 PEDDLER AND SOLICITOR LICENSE APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application on forms provided by the City Clerk. The application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president of a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city; the local address of such individual; the permanent address of such individual; the capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) The nature, character, and quality of the goods or services to be offered for sale. If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) Whether or not the applicant, or the individual having management authority or supervision of the applicant's business or the person for whose purpose the business will be carried on, has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for a peddler or solicitor license may be required to provide further information concerning the following items, in addition to the information above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for a peddler or solicitor license required by this chapter shall attach to their application, if required by the City, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

Penalty, see § 10.99

§ 114.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be conducted by the City's Police Department.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant or the applicant's business would pose a threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime involving dishonesty or false statement; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to peddlers and solicitors; or

- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts

will constitute valid reasons for disapproval of an application.

§ 114.05 PEDDLER AND SOLICITOR: EXCEPTIONS.

Individuals who are not paid or otherwise compensated to sell or solicit on behalf of a non-profit organization, school, scout troop, church or other civic or non-profit organization, shall be exempt from the requirements set forth in this chapter for such requirements identified in Section 114.02 and 114.03. Organizations sponsoring or directing such sales or solicitations shall, upon request, provide documentation of the non-profit status of the organization. Nothing herein shall be construed to apply to persons canvassing residents within the City for religious, political or other noncommercial purposes.

§ 114.06 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Administrator after notice and hearing, pursuant to the standards in § 114.04. Notice of hearing for revocation 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 mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 114.07 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 114.08 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under § 114.04 or 114.06 shall have the right to appeal to the City Council. The appeal shall be taken by filing with the City 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 City Council shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 114.06.

(B) The order of the City Council after the hearing shall be final.

§ 114.09 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant or solicitor under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the City shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 10.99

§ 114.10 CITY POLICY ON SOLICITING.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall

make the determination of whether peddlers or solicitors shall be, or shall not be, invited to their respective residences.

§ 114.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every peddler or solicitor upon going onto any premises in the city upon which a residence is located to first examine if a notice is provided stating that peddlers and solicitors are not invited on the property, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED" or something similar in meaning, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any peddler or solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 114.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 114.10 above.
Penalty, see § 10.99

Section 2. Any ordinance or part of any ordinance in conflict with this ordinance is hereby repealed to the extent of such conflict and should any part or section of this ordinance be declared void and unenforceable, such declaration shall not render any other part void and unenforceable.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 23rd DAY OF March, 2026.



Kent E. Ewing, Mayor

ATTEST:



Kathleen J. Welf, City Clerk

