

HEARING

A public hearing will be held in the Platte County Board of Supervisors Room, Courthouse, Columbus, Nebraska on November 14, 2017 at 9:30 A.M.(CST). Purpose of hearing is to establish an ordinance for solicitors in Platte County. All persons desiring to give evidence in support or against the ordinance may do so at this time.

Diane C. Pinger
Platte County Clerk

Platte County Ordinance # 12-02

AN ORDINANCE TO ESTABLISH A LAW REGARDING THE REGULATION OF SOLICITORS IN PLATTE COUNTY; TO ESTABLISH A PENALTY; AND TO PROVIDE FOR AN EFFECTIVE AREA AND DATE.

WHEREAS, pursuant to Neb. Rev. Stat. §23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the Platte County Board of Supervisors ("County Board");

WHEREAS, it is the intent of the County Board to enact an Ordinance;

WHEREAS, pursuant to Neb. Rev. Stat. §23-187(h), the County may regulate, through an ordinance, peddlers, hawkers, or solicitors operating for commercial purposes; and,

WHEREAS, the County Board has published, read by title, and held at least one public hearing regarding this ordinance where public comment was permitted, after giving due notice as required by law, and satisfied all other procedural requirements required by law to adopt this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF PLATTE, NEBRASKA:

SECTION 1. Statement of Intent:

The purpose of this ordinance is to promote the safety, welfare, peace and order of the County, by regulating solicitation in the County and any solicitors operating for a commercial purpose and penalties for violating such regulations in Platte County.

SECTION 2. Definitions:

- (a) For the purpose of this ordinance, the term "person" shall mean any natural person, firm, proprietorship, partnership, corporation, association, receiver or trustee.
- (b) For the purpose of this ordinance, the term "product" shall mean all goods, chattels, wares, and merchandise of any kind whatsoever.
- (c) For the purpose of this ordinance, the term "solicitor" shall mean any person who offers for sale products of any kind without maintaining a permanent place of business in the County.

SECTION 3. Regulation of Solicitation, established:

No person shall solicit within Platte County for a commercial purpose without first registering as provided herein.

SECTION 4. Registration Process:

Commented [JB1]: See Neb. Rev. Stat. 23-187h)

- (a) All solicitors, before doing business within Platte County, shall register with the Platte County Sheriff's Office.
- (b) Registration for solicitors shall be available at the Platte County Sheriff's Office during its regular business hours.
- (c) Registration shall be completed on a form set forth and agreed to by the Platte County Board of Supervisors, which shall include information as to the type and nature of the product being sold, as well as, the name and permanent address of the registrant, and a description of any vehicles being used by the registrant. There shall be no cost to register.
- (d) Registration expires after a five (5) day period, and a new registration is required thereafter.

Commented [JB2]: By making this generic, you guard against the possibility that the Sheriff's Office might at some point change its operating hours.

SECTION 5. Exemption:

Any individual, otherwise defined as a solicitor, who is an employee of a non-profit organization or who is volunteering that individual's time for a nonprofit organization, such as public and parochial schools, churches, and other nonprofit organizations, shall be exempt from the requirement of registering as set forth in Section 4 of this ordinance. The individual shall, upon request of the Platte County Sheriff's Office, provide a certificate issued by the Internal Revenue Service as to the individual's organization being qualified and established as a nonprofit organization.

Commented [JB3]: My concern here is that sometimes nonprofits have employees who are not volunteers that might be responsible for soliciting. You could limit this to volunteers, but you might be excluding some that you meant to include in the exemption. Just something to think about.

SECTION 6. Penalty:

Any person who is found in violation of solicitation regulation established by this Ordinance is guilty of an infraction and upon conviction shall be fined:

- (a) Twenty five dollars for the first offense;
- (b) Fifty dollars for the second offense;
- (c) Seventy Five dollars for the third and any subsequent offense;

SECTION 5. Effective Area:

This Ordinance is effective in Platte County, including any unincorporated towns or villages, but it shall not be effective within the corporate boundaries of Columbus, Humphrey, Newman Grove, Cornlea, Creston, Duncan, Lindsay, Monroe, Platte Center, Tarnov, or any other incorporated city or village located in whole or in part within Platte County; nor shall it be effective within the area outside of the corporate boundaries of those cities or villages in the County that have been granted and are exercising powers by ordinance on a similar subject matter.

SECTION 6: Effective Date:

This Ordinance shall take effect and be in force fifteen days after its passage, approval, and publication, as provided by law.

Passed by the Platte County Board of Supervisors on this ___ day of _____, 20__.

_____ County Board Chairperson

Attested: _____ County Clerk