PEDDLERS AND PANHANDLERS

DEFINITIONS:

Litter: Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such street or roadway; or any material that may make the streets or roadways unsightly, such as rubbish, sewage, garbage, paper, or any other material of such nature; or any burning material.

Median: The area between two roadways of a divided street or highway measured from the edge of the traveled roadway, including areas between traffic lanes, for control and channelization of vehicular movements. Such an area may be physically defined by curbing, landscaping, or other physical obstacles to the area's use by motor vehicles.

Panhandler: A person who uses a verbal or nonverbal word or act, or another action or bodily gesture, for the purpose of soliciting money or another thing of value from another person, either directly or indirectly.

Peddler: (1) A person who travels door-to-door selling candies, food, magazines or other merchandise, offers or exposes such items for sale, makes sales and delivers such items to purchasers, or takes orders for sales or services to be delivered immediately or in the future. It does not matter whether or not the person has or exposes a sample of the item(s) for sale, or whether or not the person collects advance payments on the sales. (2) A person who sells candies, food, magazines or other merchandise from any location within the city unless the sales are conducted within a permanent business establishment which has on file with the permits and inspection division a current certificate of occupancy permit. A permanent business establishment is not a peddler when it displays merchandise on the site where it is located. (3) A mobile refreshment truck.

POLICY:

It is the policy of the Omaha Police Department to enforce the laws governing peddlers and panhandlers as established in the Omaha Municipal Code.

PROCEDURE:

I. Peddlers

A. Permit Application.

1. Applications for peddler permits are filed with the City Planning Department, Permits and Inspections Division.

2. The City Planning Department will forward all applications for door-to-door sales to the OPD Front Desk Squad.

3. Upon receiving an application for door-to-door sales, the Front Desk Squad shall investigate the statements provided on the application and conduct a criminal background check on the applicant to determine if the application should be approved or denied.

a. Applications may be denied for the following reasons.

(1) Statements provided in the application are untrue or incorrect.

- OR -

(2) The applicant has been convicted within the last ten years of a felony or violation of any municipal, state, or federal law that involves moral turpitude.

b. If the application is denied, the Front Desk Squad shall indicate on the application the reason for denial.

4. Upon approving or denying the application, the Front Desk Squad shall return the application to the City Planning Department.

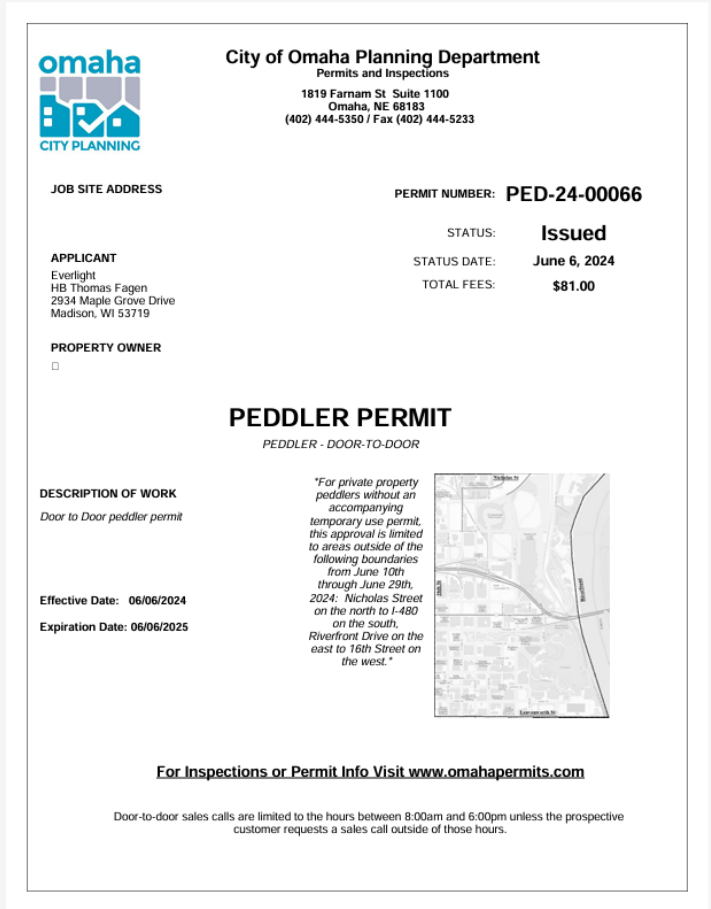
B. Rules and Restrictions.

1. It is unlawful to engage in business as a peddler within the city limits without first obtaining a peddler permit.

a. Peddler permits are required to show the permittee's name and address, the kind of goods to be sold or services to be furnished or performed, the date of issuance, the location (if applicable), and the length of time for which the permit is valid.

(1) Peddlers going door-to-door also receive a photo identification badge, which they are required to carry at all times while peddling.

NOTE: Here is an example of a City of Omaha Peddler Permit:



omaha
CITY PLANNING

City of Omaha Planning Department
Permits and Inspections
1819 Farnam St Suite 1100
Omaha, NE 68183
(402) 444-5350 / Fax (402) 444-5233

JOB SITE ADDRESS

PERMIT NUMBER: **PED-24-00066**

STATUS: **Issued**
STATUS DATE: **June 6, 2024**
TOTAL FEES: **$81.00**

APPLICANT
Everlight
HB Thomas Fagen
2934 Maple Grove Drive
Madison, WI 53719

PROPERTY OWNER

PEDDLER PERMIT

PEDDLER - DOOR-TO-DOOR

DESCRIPTION OF WORK
Door to Door peddler permit

Effective Date: 06/06/2024
Expiration Date: 06/06/2025

"For private property peddlers without an accompanying temporary use permit, this approval is limited to areas outside of the following boundaries from June 10th through June 29th, 2024: Nicholas Street on the north to I-480 on the south, Riverfront Drive on the east to 16th Street on the west."

For Inspections or Permit Info Visit www.omahapermits.com

Door-to-door sales calls are limited to the hours between 8:00am and 6:00pm unless the prospective customer requests a sales call outside of those hours.

b. Peddler permits are not transferable, and may not be used by anyone other than the person to whom it was issued.

c. Peddlers without vehicles or stands are required to display their permit at the request of any police officer, city inspector, or prospective customer.

d. Peddlers with vehicles or stands are required to display their permit in such a manner that the permit is readily visible without the need to request to see it.

2. It is unlawful to make door to door in-person calls as a peddler to prospective customers before 8:00 a.m. or after 6:00 p.m. on any day of the week unless specifically requested to do so by the prospective customer.

3. A peddler permit does not authorize the permit holder to place a stand or display in a location that obstructs a public sidewalk or interferes with free travel on a public sidewalk.

EXCEPTION: Exception: Foods, goods, wares, merchandise or other articles may be sold on the streets and sidewalks if sold under the auspices of a street exhibition, display, festival, or show for which the peddler has a Public Works Department-issued street closing permit.

4. Exceptions.

a. The following persons or groups are exempted from the rules and restrictions governing peddler permits detailed above.

(1) Officers or employees of the city, county, state, or federal government when on official business.

(2) Charities, religious groups, and other non-profits or individuals making charitable solicitation requests.

C. Enforcement.

1. Officers shall enforce the provisions for peddler permits against any person found in violation of the provisions for peddlers listed in Omaha Municipal Codes (OMC) §19-89.

a. The Fraud Investigations Squad shall report to the Planning Department all convictions for peddler permit violations.

2. Officers shall charge any person found in violation of §19-89 with a misdemeanor punishable by a fine not to exceed $500 or imprisonment not to exceed six months, or both.

a. Officers may charge the offender with a separate and distinct offense for each day a violation continues.

II. Panhandlers

A. Panhandling within the city limits is lawful if the panhandler remains on approved public property and does not act aggressively.

B. It is unlawful for panhandlers to engage in any of the following activities.

1. Panhandling in an aggressive manner (OMC §20-7).

a. A person's manner is deemed to be aggressive if the person engages in any of the following activities.

(1) Panhandling from within 15 feet of a person at an ATM or other cash dispensing location.

(2) Repeated panhandling requests after a person has refused, ignored, or declined an immediate prior solicitation.

(3) Repeated panhandling requests when the solicited person is stationary, in a line, or stopped in traffic.

(4) Touching the solicited person without consent immediately prior to, during, or after the panhandling request.

(5) Panhandling on private property without permission from the owner.

(6) Panhandling while blocking the path of the person solicited or blocking the entrance to any building or vehicle.

(7) Following behind, alongside, or ahead of the person solicited after the panhandling request or after a solicitation has been refused, ignored, or declined.

2. Panhandling on or about any median that has been posted with a sign pursuant to OMC §36-113 prohibiting such access, use or occupancy.

a. To cite a person under this section, proper signage must be reasonably posted to provide notice on the specific median in question but is not required to be visible from every position on the median.

3. Standing in the roadway for the purpose of soliciting rides, employment, contributions, or business from an occupant of any vehicle (OMC §36-108).

4. Littering (OMC §36-139).

REFERENCES:

I. Laws

A. Relevant Omaha Municipal Codes: #19-89, 20-7, 36-108, 36-113 and 36-139.

II. Previous OPD Orders

A. Previous General Orders: #114-89, 73-17, 73-17 Supplement #1, and 42-24.

III. Other

A. PPM Monthly Updates: #04-2024 and 08-2024.