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CHAPTER 5 BUSINESS REGULATIONS

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ARTICLE 1 SOLICITORS, CANVASSERS, PEDDLERS

5-101

DEFINITIONS- For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting shall mean and include any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(c) Canvasser or Solicitor shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definitions shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(d) Peddler shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, ware, merchandise, meats, fish, vegetables, fruit, garden truck, farm products or provisions, offering and exposing these same for sale, or making

sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed peddler.

(e) Transient merchant, itinerant merchant or itinerant vendor are defined as a person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(f) Street salesman shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city.

(Ord. 421, Sec. 8-501; Code 1994; Code 2003; Code 2015)

5-102

LICENSE REQUIRED- (a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefore in his or her possession and issued by the city clerk.

(b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-107 (d).

(Ord. 421, Sec. 8-502; Code 1994; Code 2003; Code 2015)

5-103

SAME; APPLICATION REQUIRED- Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information.

(a) Name and description of applicant;

(b) Permanent home address and full local address of applicant;

(c) Identification of applicant including driver's license number, date of birth, expiration date of license and description of applicant;

(d) Identification of vehicle used by applicant including license therefore used by applicant in conducting his or her business;

(e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;

(f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;

(g) The length of time which business is proposed to be carried on;

(h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;

(j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefore, if any, and the city and state where conviction occurred.

(k) The applicant's Kansas Sales Tax number
(Code 1994; Code 2003; Code 2015)

5-104

ISSUANCE; COUNTY RESIDENTS- (a) Except as provided in section 5-109, if the applicant is a current resident of Cheyenne County, Kansas, upon receipt of an application for a license and payment of the license fee, the city clerk shall issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

(b) If the applicant is not a current resident of Cheyenne County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-105:106.

(Code 1994; Code 2003; Code 2015)

5-105

SAME; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT-

(a) Upon receipt of the above application from an applicant who is not a current resident of Cheyenne County, Kansas, the city clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.

(b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be

untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reason for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.

(c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval of the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

(Code 1994; Code 2003; Code 2015)

5-106 SAME; INVESTIGATION FEE- At the time of filing the application, a fee of \$25 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application.

(Code 1994; Code 2003; Code 2015)

5-107 LICENSE FEE; TIME LIMITS; EXEMPTIONS- (a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-102 shall be in the amount of \$50 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$250 be collected from a licensee during any 12-month period of time.

(b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.

(c) Persons and firms not having a permanently established place of business in the city, but having a permanently established house-to-house or wholesale business shall receive a license as required by section 5-102 upon the payment of \$100 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and 9:00 p.m., or upon invitation at any hour.

(d) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and

(3) Any not-for-profit or charitable organization as determined by the governing body. (K.S.A. 12-1617; Code 1994; Code 2003; Code 2015)

(e) Upon written application to the City Council requesting waiver of the license fee as herein provided, the City Council may, after considering the waiver

application at a regularly scheduled council meeting at which the applicant attends, and upon the showing of good cause as determined by the City Council, waive any part or all of the daily or annual license fee.

(K.S.A. 12-1617; Code 1994; Ord. 517, passed 3-10-2003; Code 2003; Code 2015)

5-108

RENEWAL- All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-102:103 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5- 103 or an additional investigation and investigation fee under sections 5-105: 106 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.

(Code 1994; Code 2003; Code 2015)

5-109

DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE- (a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the business.

(3) Any violation of this article

(4) Conducting a business as defined in section 5-101 in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.

(5) Conviction of a crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

(Code 1994; Code 2003; Code 2015)

5-110

APPEAL TO GOVERNING BODY- (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

(b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.

(c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.

(d) The decision and order of the governing body on such appeal shall be final and conclusive.
(Code 1994; Code 2003; Code 2015)

5-111 REGULATIONS- (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.
(b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same.
(Code 1994; Code 2003; Code 2015)

5-112 USE OF STREETS AND SIDEWALKS- Except when authorized in writing by the city clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public.
(Code 1994; Code 2003; Code 2015)

5-113 DISTURBING THE PEACE- Except when authorized in writing by the city clerk, no licensee or any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
(Code 1994; Code 2003; Code 2015)

ARTICLE 2 JUNK DEALERS

5-201 DEFINITIONS- A junk dealer is a person buying, selling and dealing in junk. Junk under the provisions of this article, shall be held to mean metal, rubber, sacks and bags, auto tires and tubes.
(Code 1978, 8-201; Code 1994; Code 2003; Code 2015)

5-202 PERMIT- It shall be unlawful for any person to carry on in the city the business of buying, selling or dealing in junk, without having first obtained from the city a permit to engage in such business. To obtain such permit the person desiring to engage in such business shall execute and deliver to the city clerk a bond, with good and sufficient sureties, in the sum of \$500 conditioned that the person engaging in the business shall faithfully observe each and every rule established by the terms of this article regulating the conduct of the business. When such bonds shall have been filed with the city clerk and shall have been

approved by the mayor, it shall be the duty of the city clerk to issue to the said person a permit good for one year from the date thereof authorizing the said person to engage in the business of buying, selling or dealing in junk in the city, the permit shall specify the exact location where such business shall be carried on and shall authorize the business at such location only and not elsewhere.

(Code 1978, 8-202; Code 1994; Code 2003; Code 2015)

5-203 DEALING WITH MINORS- It shall be unlawful for junk dealers to take, purchase or receive any junk from any person under the age of 18 years, or from any person in a state of intoxication or from any person known to be a thief or an associate of a thief or a receiver of stolen property.

(Code 1978, 8-203; Code 1994; Code 2003; Code 2015)

ARTICLE 3 TRAVELING SHOWS

5-301 LICENSE- All persons that make a business of traveling from place to place, shall take out license before giving any performance in the city that is calculated or intended to make a profit to such persons, firm by means of charging admission fee, or in any other way collecting money from the public for attendance at any performance of such persons.

(Code 1978, 8-301; Code 1994; Code 2003; Code 2015)

5-302 LICENSE FEE- The city clerk shall issue a license for each separate performance of said person, an application for same, and the payment of the sum of \$25. (Code 1978, 8-302; Code 1994; Code 2003; Code 2015)

5-303 CHIEF OF POLICE, DUTY- It shall be the duty of the chief of police to take notice of any attempt to violate any of the provisions of this article, and to make demand of any person who attempts to give any performance for profit in the city, to take out license for same, as hereinbefore provided.

(Code 1978, 8-303; Code 1994; Code 2003; Code 2015)

ARTICLE 4 TREE/SHRUB OR LANDSCAPE CONTRACTORS

5-401 LICENSE, REQUIRED- It shall be unlawful for any person to engage in the business within the city of cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines or applying herbicides, weedicides, insecticides, fungicides, soil conditions or fertilizers by spraying or disseminating any such material by any device other than by hand tools, not actuated in whole or in part by compressed air, gas, water or mechanical means or source without first procuring a license therefore from the city clerk of the city.

(Code 1978, 14-301; Code 1994; Code 2003; Code 2015)

5-402 EXAMINATION OF APPLICANT- Before any such license shall be issued, the application therefore shall be submitted to the city clerk who shall thereupon examine the applicant for such license either orally or in writing or both for the purpose of determining whether or not the applicant is qualified to engage in the

type or types of business for which the license is sought. If the city clerk shall be satisfied from such examination and from any demonstration which he/she may require concerning the practicable ability and confidence or evidence as to previous satisfactory experience of the applicant, he may approve the application for the license and the license shall then be issued by the city clerk.

(Code 1978, 14-302; Code 1994; Code 2003; Code 2015)

5-403 CONTENTS OF LICENSE- Every such license shall show upon its face and types, classification or kinds of service which the licensee shall be authorized to render and perform.

(Code 1978, 14-303; Code 1994; Code 2003; Code 2015)

5-404 CITY CLERK, PREPARE RULES AND REGULATIONS- The city clerk is hereby authorized to prepare such rules and regulations which he/she may deem necessary and advisable for the purposes contemplated by this article, but such regulations shall be submitted to the governing body and approved by it.

(Code 1978, 14-304; Code 1994; Code 2003; Code 2015)

5-405 INSURANCE REQUIREMENTS- No such license shall be effective and no such license shall be issued until the applicant or licensee shall present to the city clerk a satisfactory certificate of insurance covering all of the operation of such applicant or licensee in such business in the city and showing limits of \$300,000 combined single coverage. A copy of the certificate of insurance shall be on file with the city clerk. In the event of a suspension or cancellation of the insurance coverage by the insurance company, the city shall cancel or suspend the appropriate license until the appropriate insurance coverage shall have been again obtained and filed with the city clerk. It shall be the duty of the licensee in the event of cancellation of insurance to notify the city clerk of the city, within five days after such cancellation is effected.

(Code 1978, 14-306; Code 1994; Code 2003; Ord. 561 passed 07-27-09; Code 2015)

5-406 APPOINTMENT OF AGENT FOR SERVICE OF PROCESS- It shall be the duty of any such applicant or licensee who is a nonresident of Kansas to appoint in writing, which appointment must be filed with the clerk of the Cheyenne County District Court, some person who is a resident of Cheyenne County on whom service may be had in any tort or contractual civil suit which may arise out of the performance of any of those acts authorized by provisions of this article.

(Code 1978, 14-306; Code 1994; Code 2003; Code 2015)

5-407 LICENSE FEE- The annual license fee for every licensee to engage in the business defined in section 5-401 of this article shall be the sum of \$25 per year or fraction thereof for residents of Cheyenne County and \$50 per year or fraction thereof for non-residents of Cheyenne County. The license shall be renewable each January 1, and shall be on an annual basis. The license shall be nontransferable and shall not be assigned.

(Code 1978, 14-307; Code 1994; Code 2003; Code 2015)

5-408

TRASH HAULING- No part of this article shall be construed to be in lieu of any trash hauling ordinance now in effect or hereinafter enacted by the city, and all applicants under this article shall adhere to the trash hauling ordinance of the city.

(Code 1978, 14-308; Code 1994; Code 2003; Code 2015)

**APPLICATION
PEDDLER, SOLICITOR OR CANVASSER LICENSE
CITY OF ST. FRANCIS, KANSAS**

Name _____

Address (Local) _____

City _____ State _____ Zip _____

Company Name _____

Address _____

City _____ State _____ Zip _____

Drivers License Number _____ State _____ Expiration _____

DOB _____ Hair _____ Eyes _____ Height _____ Weight _____ Sex _____

Vehicle Identification-Year _____ Make _____ Model _____ Color _____

License Number _____ State _____ Expiration _____

My Kansas Sales Tax Number _____

Description of the nature of business _____

How long will you be doing business in the City? _____

Length of time you have been employed by the company _____

Credentials establishing business relationship with the company _____

Authority authorizing the applicant to represent the employer in conducting business: _____

Where will services be performed, or where the goods or property proposed to sell or orders taken, are manufactured or produced? _____

Where such goods or products are located at the time of application? _____
How will they be delivered? _____

Photograph of the applicant, at least 2"x2: showing the head and shoulders in a clear and distinguishing manner, or in lieu thereof, fingerprints of the applicant may be taken by the Chief of Police and filed with the application.

I, _____, have not within two years prior to the date of this application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers.

OR

I, _____, have within two years prior to the date of this application been convicted of _____ in City _____, State _____. The punishment assessed was _____.

I, _____ swear that the facts given above are the truth, and my business will be conducted under the terms of this license.

The City Clerk or Chief of Police may deny any application or may revoke or suspend the license for a period of not to exceed 30 days for any of the following:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Fraud, misrepresentation or false statement contained in the course of carrying on the business.
3. Any violation of this article.
4. Conducting a business as defined in section 5-101 of the City Code in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the city.
5. Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

Applicant

Sworn to before me this _____ day of _____, 20_____.

City Clerk or Assistant City Clerk

Notary Public _____ Expiration _____, 20_____

Seal

I have examined the application for a peddler, solicitor or canvasser license and if the applicant is not a resident of Cheyenne County Kansas, I have had an investigation made by the Chief of Police.

I have received payment of \$25.00 for the investigation fee and license fee of \$50.00 per day or \$250.00 for the annual license fee.

City Clerk or Assistant City Clerk

Dated this _____ day of _____, 20_____

APPLICATION FOR TREE, SHRUB OR LANDSCAPE CONTRACTOR LICENSE

_____,20____

St. Francis, Kansas

To the honorable City Council of the City of St. Francis, Kansas:

I, _____, hereby apply for a license to operate a _____ business within the City of St. Francis, Kansas. To comply with ordinances of the City of St. Francis, and for the purpose of securing such a license I hereby certify the following statements are true:

I have liability insurance to cover all operations connected with this license, for the sum of at least \$25,000 for each person injured and not less than \$50,000 insurance coverage in the case of injury of two or more persons in any one accident and insurance coverage for not less than \$5,000 for property damages. **I will ask my agent to provide a copy of my policy to keep on file at the City office during the period of this license.** In the event of cancellation of insurance, I will notify the City Clerk of the City of St. Francis, within five days after such cancellation.

1. Name of Applicant _____

2. Name of Liability Insurance Company _____

3. Agent Name _____

4. Policy Number _____

5. The license fee of \$ _____ is submitted herewith.

I, _____, the above named applicant, do solemnly affirm that I have read the contents of this application and that all information herein contained is complete and true. The license shall be renewable each May 1, and shall be renewed on an annual basis.

| | |
|--------------------------|--------------|
| <input type="checkbox"/> | Approved |
| <input type="checkbox"/> | Not Approved |

Signed _____

Date _____