

ORDINANCE NO. 626

AN ORDINANCE AMENDING THE SOLICITORS, CANVASSERS, PEDDLERS CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER CHAPTER 5 BY AMENDING SECTIONS 5-103(i), 5-104, 5-105, 5-107, 5-109, AND 5-110

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. FRANCIS, KANSAS, that Sections 5-103(i), 5-104, 5-105, 5-107, 5-109, AND 5-110 of Article 1 of Chapter 5 of the 2015 Code of the City of St. Francis, Kansas are hereby amended to read as follows:

5-103 ...

(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; in lieu thereof, the fingerprints of the applicant may be taken by the Cheyenne County Sheriff's office and filed with the application or the applicant may furnish a current, valid, government issued photo identification; ...

5-104 INVESTIGATION AND ISSUANCE; COUNTY RESIDENTS- (a) Upon receipt of the above application from an applicant who is a current resident of Cheyenne County, Kansas, the city clerk 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 city clerk 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 then 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 city clerk shall endorse his or her findings and approval of the application and, 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 local law enforcement. The licensee shall carry the license certificate at all times. (Code 1994; Code 2003; Code 2015)

5-105 INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENTS- (a) Upon receipt of the above application from an applicant who is not a current resident of Cheyenne County, Kansas, the city clerk 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 city clerk 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 then 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 city clerk shall endorse his or her findings and approval of the application and, 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 local law enforcement. The licensee shall carry the license certificate at all times. (Code 1994; Code 2003; Code 2015)

5-107 LICENSE FEE; TIME LIMITS; EXEMPTIONS- (a) The fee for the license required pursuant to section 5-102 shall be in the amount of \$50 per calendar year, or portion thereof, for current residents of Cheyenne County, Kansas, in the amount of \$75 per calendar year, or portion thereof, for non-residents of Cheyenne County, Kansas or \$10 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 calendar year.

(b) Any such license granted for a period of days upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Any such license granted for a calendar year, or portion thereof, upon application as required herein above shall expire at 11:59 p.m. CT on December 31 each year. 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 the fee as required in subsection (a) 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. Such license shall expire at 11:59 p.m. CT on December 31 each year.

(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)

5-109 DENIAL, REVOCATION, OR SUSPENSION OF LICENSE; NOTICE- (a) The city clerk may deny any application, and the city clerk or law enforcement 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 city clerk in the denial of an application or by action of the city clerk or law enforcement in the 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.

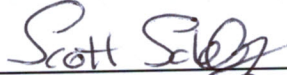
(c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.

(d) The decision and order of the governing body on such appeal shall be final and conclusive.

(Code 1994; Code 2003; Code 2015)

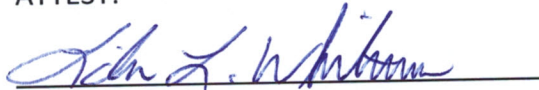
This amendment to the 2015 Code of the City of St. Francis, Kansas shall be effective upon its publication in the *St. Francis Herald and Bird City Times*.

ADOPTED AND APPROVED by the governing body, this 28th day of December, 2020.



SCOTT SCHULTZ, Mayor
City of St. Francis, Kansas

ATTEST:



LILA L. WHITMORE, City Clerk
City of St. Francis, Kansas