

OCCUPATIONAL LICENSE

Fees: \$10.00 per day OR \$250.00 per year

See below for detailed information and what must be provided to obtain a license.

PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser or *solicitor* means any individual, whether resident of the city or not, 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 such individual is collecting advance payments on such sales or not. Such definition includes any person, who, for such person, 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.

Peddler means any individual, whether a resident of the city or not, traveling by foot, wagon, 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, wares, merchandise, ice cream, milk products, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the 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 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 a peddler.

Residence means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting means and includes 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;
- (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.

Street salesperson means any person engaged in any manner in selling merchandise of any kind from a wagon or stand temporarily located on the public streets or sidewalks of the city.

Transient merchant, itinerant merchant or itinerant vendor means any individual, 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.

License required.

No individual shall engage in the activities as defined in section 10-55 within the corporate limits of the city without first obtaining a license. Any applicant for a license under this article shall file with the city clerk a sworn application on a form furnished by the city clerk, which **shall give the following information or require the submittal of the following documents:**

- (1) Name and date of birth of applicant.
- (2) State sales tax number.
- (3) Credentials from the person whom the applicant is employed by or represents.
- (4) Current photographic government identification of the applicant.
- (5) Period of time for which the certificate and license is applied.
- (6) Address of the applicant's present place of residence.
- (7) A brief description of the nature of the business and the goods to be sold.
- (8) Location and zoning of any temporary facility, structure, building or vehicle.
- (9) Whether or not the applicant has ever been convicted of a crime involving moral turpitude or any felony conviction.

Issuance of license.

Upon receipt of an application for a license, the city clerk shall issue a 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 solicitor shall carry the license with the solicitor at all times.

License fee; exemptions.

- (a) The fee for the license required pursuant to section 10-56 shall be on file in the city clerk's office.
- (b) No license fee shall be required of businesses located within the city limits that have maintained a physical address for public access for at least three consecutive years; producers and growers, or their agents or employees engaged in the sale of farm, or garden products, or fruits grown within this state; 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 the expenses of said fairs or celebrations are paid for by the city, any other governmental subdivision, or the state.

State law references: Exemption from fee for any producer, grower or agent or employee for agricultural or aquacultural products grown in the state, K.S.A. 12-1617.

Revocation of license.

- (a) The chief of police may revoke 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 the businesses in an 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 revocation of a license shall be in writing to the applicant and the city clerk and set forth the grounds of revocation.

- (b) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation of a license as provided in this article, shall have the right of appeal to the governing body. Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation or denial of the license has been mailed to such applicant's last known address setting forth the grounds for appeal. 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 hearing on revocation. The decision and order of the governing body on such appeal shall be final and conclusive.

Use of street.

No peddler shall have any exclusive right to any location in the public streets, nor shall a peddler be permitted a stationary location, nor shall a peddler be permitted to operate in any congested area where the peddler's operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.