

CHAPTER V. BUSINESS REGULATIONS

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ARTICLE 1. GENERAL REGULATIONS AND LICENSES

- 5-101. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city. (Code 2015)
- 5-102. **APPLICATION FOR LICENSE.** Every person, firm or corporation desiring to do business in the city shall apply to the city clerk for a license to operate such business, and in the case of new licenses, shall appear before the governing body before the commencement of business and issuance of the license. Upon approval by the governing body, the city clerk shall issue to the applicant a license which shall be signed by the city clerk. It shall be the duty of the city clerk to pay over the amount so collected on each license issued, to the city treasurer of the city. (Code 2015)
- 5-103. **NOT ASSIGNABLE OR TRANSFERABLE.** No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place. There shall be no refunds except as specifically provided. (Code 2015)
- 5-104. **LICENSE PERIOD; DURATION.** Unless otherwise provided, licenses shall commence and endure from January 1 and expire on December 31 of the same year, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30th day of June or the 31st day of December, next following the date of their issuance. (Code 2015)
- 5-105. **EXEMPTION OF FARMERS.** No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license. (K.S.A. 12-1617; Code 2015)

- 5-106. LICENSE FEE; PAYMENT. (a) The license or occupation fee hereby levied shall be in the following amounts hereinafter set out on the following occupations, trades, professions and businesses conducted, or pursued within the limits of the city for an annual period unless a shorter time is specifically stated:
- (1) Financial Institutions - \$100.00;
 - (2) Transportation Lines, Railroads, Buses - \$100.00;
 - (3) Electric, Gas and cable companies - as per franchise agreements;
 - (4) Telephone Company – as per franchise agreements;
 - (5) Carnivals -\$50.00 per day;
 - (6) Door to Door Canvassers - \$10.00 per day;
 - (7) General Contractors, Electricians, and Plumbers – as stated in Chapter 4 of the Code;
 - (8) Cereal Malt Beverage - as stated in Chapter 3 of the Code.
- (b) Any agent selling or canvassing or offering for sale any kind of merchandise not herein mentioned or enumerated or engaging in any kind of business not herein specifically mentioned - \$35.00.
- (c) Upon the commencement of a new profession or business for which the same are required, all license shall be due and payable immediately. If after July 1st, a half year's license may be issued. All licenses are due and payable on or before January 1st of each year and expire December 31st.
(Ord. 1060, Sec. 2:3; Code 1998)
- 5-107. SAME; WHEN PAYABLE; TIME PERIOD. (a) All license fees shall be due and payable before the commencement of a trade, occupation, business or profession for which license fees are required.
- (b) No license shall be issued until the fee is paid.
 - (c) Licenses shall be renewed on or before the expiration date of the current licenses.
 - (d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.
 - (e) The license for a day shall expire at midnight.
(Code 2015)
- 5-108. PAYMENT OF FEES; RECEIPT. The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business.
(Code 2015)
- 5-109. CONTENTS OF LICENSE. Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named.
(Code 2015)

- 5-110. RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed. (Code 2015)
- 5-111. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city. (Code 2015)
- 5-112. ADDITIONAL BUSINESS. Any person, firm, or corporation which shall engage in or carryon more than one kind of business at the same location at the same time shall be required to pay the full license fee for the first business and \$5 a year for each additional kind of business or occupation. (Ord. 1060, Sec. 5; Code 1998)
- 5-113. REVOCATION OF LICENSE. That any license issued under the provisions of this article shall be subject to revocation upon 10 days- notice to licensee and after hearing by the governing body of this city. When it appears from competent evidence that any licensee is not competent to carry on the trade, profession or business for which he or she received a license and the governing body may refuse to grant a license to carryon any calling, trade, profession or business for which the applicant is notoriously known to be unqualified. Any conviction in the municipal court of the city for any misdemeanor affecting the competency or desirability of a licensee shall be deemed presumptive evidence of his or her unfitness and conviction of any felony under the laws of the State of Kansas, shall work an immediate revocation without further notice or process. (Ord. 1060, Sec. 6; Code 1998)
- 5-114. PENALTY. Any person, firm or corporation violating any of the provisions of this article shall upon conviction thereof be deemed guilty of a violation of this code and shall be punished by a fine of not less than \$10 nor more than \$100. (Ord. 1060, Sec. 7; Code 1998)

ARTICLE 2. PAWNBROKERS

5-201. DEFINITIONS. For the purposes of this article, the following words and phrases shall mean:

(a) Pawnbroker - means any person who loans money on deposit or pledge of personal property or other valuable thing, other than intangible personal property, or who deals in the purchase of personal property on the condition of selling the same back again at a stipulated price. Pawnbroker does not include any person operating under the supervision of the state banking commissioner, credit union administrator or the consumer credit counselor of this state.

(b) Person - means any individual, firm, company, partnership, corporation or association.

(c) Precious metal - means gold, silver, or platinum group metals or any used articles or other used personal property containing such metals, but shall not include coins purchased for their numismatic value rather than their metal content or ingots or other industrial residue or byproducts composed of such metal purchased from manufacturing firms.

(d) Precious metal dealer - means any person who engages in the business of purchasing precious metal for the purpose of reselling such metal in any form. (Ord. 84-13, Sec. 1; Code 1995)

5-202. RECORDS OF TRANSACTIONS. (a) At the time of making the loan or purchase, pawnbroker shall enter in a book kept for that purpose:

(1) The date and the amount of every loan or purchase made by the pawnbroker;

(2) A full and accurate description of the property pledged; and

(3) The name, age, residence, driver's license number, and state of issuance, date of birth, and other personal identification number(s) of the pledger or seller, which may be required.

(b) At the time of purchasing precious metal, a precious metal dealer shall enter in a book kept for that purpose:

(1) The date of the purchase;

(2) A full and accurate description of each item purchased, including any identifying letters, numbers or marks on the item, serial number, model numbers and other identifying marks; and

(3) The name, age, residence and driver's license number and state of issuance, date of birth, and other personal identification which may be required, or other personal identification numbers of the seller.

(c) The pawnbroker or precious metal dealer shall make such entries within one hour after receiving the property and such entries shall be made in ink and shall not be in any manner erased, obliterated or defaced.

(d) The record required by this section shall be maintained by the pawnbroker or the precious metal dealer at the pawnbroker's or dealer's place of business for not less than three (3) years following the date of the transaction.

(Ord. 84-13, Sec. 2, Code 1995)

5-203. REPORTS. (a) It shall be the further duty of every pawnbroker and every precious metal dealer, on a form provided by the police department, to report legibly the description of all property received in pledge or purchase. Such report shall include all property purchased as second hand merchandise at wholesale, second hand merchandise taken in for sale or possessed on consignment for sale, second

hand merchandise taken in trade and merchandise which the pledger used all collateral for the loan of money. This report shall also include information to positively identify the pledger or seller. No such report need be made concerning property or merchandise acquired from another pawnbroker or precious metal dealer licensed in this state in a transaction involving the purchase or other acquisition from the other pawnbroker or precious metal dealer of the other pawnbroker's or dealer's stock in trade, or a substantial thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to such property or merchandise.

(b) Activity reports made pursuant to this section will be delivered monthly to an employee of the police department. The records collected will be those made during the preceding calendar month of business and shall be so delivered by the 10th day of the month immediately following the activity report period. Such reports shall only be available to law enforcement officers and city and state prosecutors for law enforcement purposes only. (Ord. 83-13, Sec. 3; Code 1995)

5-204. INSPECTION BY POLICE. Law enforcement officers of the city shall have access during regular business hours to the place of business of any pawnbroker or precious metal dealer conducting business in the city. Access shall be for the purpose of periodically inspecting property pledged or purchased in the transaction of the business of the pawnbroker or precious metal dealer, and records relating to those transactions, to determine if the pawnbroker or dealer is complying with the provisions of this article. (Ord. 84-13, Sec. 4; Code 1995)

5-205. MINORS; PROHIBITED TRANSACTIONS. (a) No pawnbroker shall receive in pledge, or as security for any loan, transfer, service, undertaking or advantage, anything of value from any person under the age of 18 years.

(b) No precious metal dealer shall purchase any precious metal for any person under the age of 18 years.

(c) No pawnbroker or precious metal dealer shall purchase or receive any stolen property or any property which he or she may for any cause have reason to believe or suspect cannot rightfully by lawfully be sold by the persons offering it for sale or pledge. (Ord. 84-13, Sec. 5; Code 1995)

5-206. RESALE, DISMANTLING. (a) No pawnbroker shall, for a period of 40 days from the time of purchase of any article or property by him or her, resale, dismantle, overhaul, dispose of, change or alter the same.

(b) Every precious metal dealer shall retain all precious metal purchased as a precious metal dealer, for a period of 40 days, and such metal shall remain in the condition in which it was purchased.

(c) The 40 day period, in (a) and (b) above, shall commence on the date that the police department received the report of its acquisition in compliance with section 5-203. If a law enforcement officer has probable cause to believe that any property reported by a dealer has been stolen the police chief may give written notice to the dealer to retain such property for an additional period of 15 days. Upon such notice, the dealer shall retain such property in an unaltered condition for an additional 15 day period unless the police chief notifies the dealer in writing that the waiting period is terminated at an earlier time.

(Ord. 84-13, Sec. 6; Code 1995)

5-207. TRANSACTIONS IN PRECIOUS METALS, REQUIREMENTS: REFUSAL TO REDELIVER STOLEN PROPERTY TO OWNER, EFFECT.

(a) A precious metal dealer shall require of every person from whom the dealer purchases precious metal for resale:

(1) Proof of identification; and

(2) A signed statement saying that the seller is the legal owner of the precious metal or is an agent of the legal owner who is authorized to sell such metal and stating when, where, and in what manner such metal was acquired by the seller.

(b) When converted or stolen property has been pawned or sold to a pawnbroker or precious metal dealer and the pawnbroker or dealer refuses to redeliver such property to the rightful owner upon demand and presentation of a bill of sale or other proper evidence of ownership by the owner, and legal action by the rightful owner to recover the property becomes necessary, the court may assess the pawnbroker or dealer for reasonable attorney's fees incurred by the rightful owner, if the court finds that the pawnbroker or dealer wrongfully withheld the converted or stolen property.

(Ord. 84-1.3, Sec. 7; Code 1995)

5-208. PENALTY. Any person, upon conviction in the municipal court of the city shall be deemed guilty of a violation of this code and shall be fined a sum of not more than \$500 or confined in jail for a definite term not to exceed one (1) year or by both such fine and imprisonment.

(Ord. 84-13, Sec. 9; Code 1995)

ARTICLE 3. GARAGE SALES

- 5-301. GARAGE SALES; NUMBER. No person, partnership, corporation or voluntary association shall advertise, conduct, carryon or permit any garage, patio, yard, or rummage sale on the grounds of or within any dwelling, within the city, more than two times in anyone calendar year; however, this section shall not apply to any person, partnership, corporation or voluntary association, conducting any such sale under and pursuant to a valid merchant's license issued by the city, or to any sale by the executor, administrator or conservator for an estate.
(Ord. 1028, Sec. 1; Code 1998)
- 5-302. PERMIT REQUIRED. Before any person, partnership, corporation or voluntary association shall have any such sale as described in section 5-301, other than those to which this article does not apply, they shall apply for and be issued a permit by the city clerk's office. Such permit shall set forth in writing the name of the person, partnership, corporation or voluntary association holding or conducting the sale, the location of such sale, and the date such sale is to be held. No sale for which a permit is required shall be held or scheduled for more than three calendar days. No permit shall be issued to any person, partnership, corporation or voluntary association more often than once every 60 days, and shall be subject to two times per year limitation above set forth. Further, no permit shall be issued for such sale to be held on the same premises more often than once every 60 days, and are still subject to the two times per year limitation above set forth. However, schools, churches, and non-profit organizations may carryon rummage sales of miscellaneous items for the benefit of the organization only, with no restrictions on the number of days when the sale is conducted on school, church or commercial property. (Ord. 1028, Sec. 2; Code 1998)
- 5-303. PERMIT FEE. The city clerk's office shall issue a permit to the applicant and the fee for the permit shall be an amount of \$5 per sale.
(Ord. 1028, Sec. 3; Code 1998)
- 5-304. PENALTY. Every person, member of a partnership, or officers of a corporation or members of a voluntary association convicted of a violation of any of the provisions of this article shall be considered guilty of a violation of this code and be fined not less than \$27, nor more than \$105.
(Ord. 1028, Section A; Code 1998)
- 5-305. WAIVER. Upon a majority vote of the city council, any part of this code concerning garage or rummage sales may be waived temporarily as they may deem necessary.
(Ord. 90-16, Sec. 1; Code 1995)

ARTICLE 4. JUNKYARDS

- 5-401. PURPOSE. It is for the purpose of promoting the public safety, health, welfare, and to enhance the appearance and beauty of the city and is hereby declared to be in the public interest and necessary and appropriate to regulate and restrict the establishment, operation, and maintenance of junkyards and salvage. (Ord. 892, Sec. 1; Code 1995)
- 5-402. PERMIT REQUIRED. (a) It shall be unlawful for any person, firm, or corporation to own, operate, extend, create, install, establish, or maintain a junkyard, auto wrecking yard, or unsightly storage yard for the storage or excess accumulation of junk, vehicles or equipment, appliances, or other scrap metals upon any lot, block, tract or parcel of land within the corporate limits of the city, or the owner of any lot, block, tract or parcel of land within the city to permit thereon the operation, establishment, or maintenance of such yard, except as provided herein.
- (b) Before any junkyard or storage yard as above described shall be operated, extended, created, installed, established, or maintained upon any property within the city on which storage, parking or dumping outside of a completely enclosed building, the owner or operator thereof shall submit under oath and in writing to the governing body an application for a permit for such junk, or storage yard, including the complete plans and specifications therefore together with a favorable petition signed by four-fifths of the resident property owners within 300 yards in all directions of the lot lines of the lot, block, tract or parcel on which junkyard or storage yard is to be operated, extended, created, installed, established, or maintained. Provided, that no application for permit as herein required shall be accepted by the governing body of the city without complete plans and specifications showing a neat, orderly and safe arrangement for the storage of all classifications of junk vehicles or equipment, appliances, and scrap metals and showing that there shall be constructed around the premises where such yard is to be located a solid board, screen, or other view obstructing type fence of permanent construction wholly enclosing such yard and rising from the ground to a uniform height of not less than 10 feet, or of sufficient uniform height as shall be reasonably necessary to prevent children from entering therein or thereon and so as to screen the junk, wrecked or disabled vehicles or equipment, appliances or scrap metals kept therein from the view of persons passing or living within 300 yards of the premises. (Ord. 892, Sec. 2:3; Code 1995)
- 5-403. INVESTIGATION; LICENSE FEE. Upon receipt of the application for the permit referred to in section 5-402 above, if the same shall be found to be in proper form, the mayor shall appoint a city council committee to go upon the premises and conduct an investigation to determine full compliance with the provisions of this article and the application submitted, and that the operation of the yard will not constitute a public nuisance or hazard to the health or safety of the inhabitants of the city, or of any neighborhood, family or resident of the city, and is upon physical investigation found to be in full compliance with this article and that the operation thereof will not constitute a public nuisance, or hazard to the health or safety of any of the inhabitants of the city, they shall so report and the permit requested shall be issued upon applicant's payment of an annual license fee of \$50. (Ord. 892, Sec. 4; Code 1998)

- 5-404. NOTICE AND HEARING. If the governing body of the city shall find upon receipt of the application that the same is not in compliance with the provisions of this article, or shall find upon investigation that the operation of the yard shall constitute a public nuisance or hazard to the health or safety of the inhabitants of the city, they shall so report and the mayor shall order a public hearing thereon and cause notice thereof to be sent to the applicant by registered mail and the notice shall be published once in the official city newspaper. The date of the hearing shall not be less than ten (10) nor more thirty (30) days from the date of application. At the conclusion of the public hearing, the governing body may grant the permit for the junk or storage yard, or it shall deny the granting of the permit upon make a finding that the existence or continued operation or maintenance of the yard constitutes a public nuisance or a hazard to the health or safety to the inhabitants of the city, or any neighborhood, family or resident of the city.
(Ord. 892, Sec. 5; Code 1995)
- 5-405. FINDINGS. If, at the conclusion of such public hearing, the governing body shall make a finding that the existence or continued operation or maintenance of the junk or storage yard constitutes a public nuisance or a health or safety hazard, it shall issue notice of such finding ordering the owner or operator to appear before the city council on a date not less than 10 days nor more than 60 days from the date of service of such notice, to show cause why an order should not be issued to have the nuisance or health or safety hazard removed or abated from the premises.
(Ord. 892, Sec. 6; Code 1995)
- 5-406. ABATEMENT OF NUISANCE; COSTS. (a) If no cause be shown, the governing body of the city shall by resolution recite the specific nuisance or health and safety hazard to be removed or abated and shall cause notice of the same to be served upon the owner and operator, or served upon any responsible employee of at least 14 years of age on the premises or by mailing the notice to the last known address of the owner, occupant, agent or operator requiring that the nuisance or health or safety hazard be removed and abated from the premises within 10 days from the date of service or mailing. If the owner, occupant, agent or operator of the junk or storage yard shall fail to comply with the requirements of the notice within the period of time, then the chief of police shall proceed to have the things described in the notice removed and abated from the lot, block, tract or parcel of land, and report the cost thereof to the city clerk and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance was located.
(b) It shall be the duty of the city clerk at the time of certifying other city taxes to the county clerk, to certify the aforesaid costs, and the county clerk shall charge the same on the tax roll of the county against the lot, block, tract or parcel of land, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.
(Ord. 892, Sec. 7:8; Code 1995)
- 5-407. PENALTY. Any person who shall make or cause to be made any false or fraudulent representations in the application herein required or who shall knowingly and willfully violate any of the regulations herein prescribed or who shall directly or indirectly prevent or obstruct the administration of this article, shall upon conviction thereof, be fined in a sum not exceeding \$500.00, or be imprisoned not to exceed 60 days, or so fined and imprisoned. (Ord. 892, Sec. 10; Code 1995)

ARTICLE 5. MOBILE HOME PARKS

5-501. DEFINITIONS. For the purposes of this article, the following words and phrases shall mean:

(a) Mobile Home – A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 36 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and is not subject to the Federal Manufactured Home Construction and Safety Standards established pursuant to 42 U.S.C. 5403.

(b) Camper Trailer - means any vehicle or portable structure capable of being towed by a private vehicle and intended for recreational purposes or for temporary living quarters.

(c) Mobile Home Park - means any plot of ground containing mobile home spaces, regardless of whether or not a charge is made for the occupation of such space.

(d) Camper Trailer Park - means any plot of ground of one acre or more in size and containing camper trailer spaces, regardless of whether or not a charge is made for the occupation of such spaces.

(e) Mobile Home Spaces - means a plot of ground designed for the accommodation of one mobile home within a mobile home park, which plot shall be clearly and permanently marked and designated by iron rods, pipes, or pins not less than one-half inch in diameter and extending at least 24 inches below grade.

(f) Camper Trailer Space - means a plot of ground designed for the accommodation of one camper trailer within a camper trailer park.

(g) Person - means any individual, firm, trust, estate, partnership, association, or corporation.

(h) Manufactured Homes – A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and is subject to the Federal Manufactured Home Construction Standards established pursuant to 42 U.S.C. 5403.

(i) Modular Homes. - A structure which is transportable in one or more sections; not constructed on a permanent chassis; designed to be used as a dwelling on a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and certified by its manufacturer as being constructed in accordance with a nationally recognized building code. (Ord. 82-6, Sec. 1, Ord. 00-12; Code 2015)

5-502. LOCATION OF MOBILE HOMES AND CAMPERTRAILERS. Except as set forth in Section 5-517, no person shall occupy any mobile home or camper trailer on any premises within the city limits, outside a mobile home or camper trailer park. The parking of an unoccupied mobile home or camper trailer in a garage or in a rear yard shall be permitted anywhere within the city limits, provided that no living quarters shall be maintained or any business conducted in such a mobile home or camper trailer while so parked. No camper trailer shall be permitted to remain in a

mobile home park, and no mobile home shall be permitted to remain longer than 30 days in a camper trailer park. (Ord. 14-9; Code 2015)

5-503. LICENSES OR TEMPORARY PERMIT REQUIRED. It shall be unlawful for any person to maintain or operate a mobile home park or camper trailer park within the city limits after the 26th day of May, 1982, unless such mobile home park or camper trailer park is licensed according to the terms of this article, except that the maintenance or operation of a mobile home park or camper trailer park as herein defined, in existence on the effective date of this article, may be continued under a temporary permit for such period of time and under such conditions as are hereinafter prescribed.

(Ord. 82-6, Sec. 3: Code 1988)

5-504. APPLICATION FOR LICENSE. Application for a license shall be filed with the building inspector. The application shall include:

- (a) The name and address of the applicant;
- (b) The location and legal description of existing or proposed mobile home park or camper trailer park;
- (c) A drawing at a scale of not less than 1:20 that shall show:
 - (1) Accurate dimensions of the existing or proposed mobile home park or camper trailer park;
 - (2) All roads and approaches and the method of ingress and egress from public streets;
 - (3) The complete installations for electric service, gas service, water service; sanitary-sewer service, street lighting and telephone service;
 - (4) Location, dimensions, construction, and surfacing of all interior streets, parking areas, patios, and other all-weather surfaces;
 - (5) The location and dimensions of all buildings and structures.
 - (6) The locations and dimensions of all mobile home spaces;
 - (7) The specific location of camper trailer spaces provided with electric service, potable water, and sanitary facilities.

If the city building inspector determines that such mobile home park or camper trailer park is in compliance with the provisions of this article and with the provisions of other ordinances of the city, he or she shall issue to applicant a license that shall, be valid for a period of one year from the date of its issuance. Any enlargement of an existent park shall require that prior application for enlargement be submitted to and approved by the building inspector. (Ord. 82-6, Sec. 4; Code 1988)

5-505. RENEWAL OF LICENSE. Such license shall be renewed each year upon determination of the building inspector that operation and maintenance of the mobile home park or camper trailer park has been in accordance with the provisions of this article. Application for renewal of license shall be filed not less than 60 or more than 90 days prior to date of expiration of current license. Any deficiencies in construction, operation, or maintenance provided to the applicant in written form by the building inspector shall be corrected within 60 days of the date of such written notice. Failure to correct the deficiencies within 60 days of written notification shall void the current license.

(Ord. 82-6, Sec. 5; Code 1988)

5-506. LICENSE FEES. The annual license fee shall be \$25, plus \$2 per mobile home space. The annual license fee for a camper trailer park shall be \$25. The fee

for reinstatement of a mobile home park shall be \$15 plus \$1 per mobile home space and the fee for reinstatement of a camper trailer park shall be \$15.
(Ord.82-6, Sec. 6; Code 1988)

5-507. TEMPORARY PERMIT. A temporary permit shall be issued by the building inspector, upon written request therefore, for every mobile home park or camper trailer park in existence on the 26th day of May, 1982. A temporary permit shall permit the mobile home park or camper trailer park to be operated and maintained for one year without being subject to the provisions of this article, provided further that such operation and maintenance does not conflict with any ordinances of the city. No more than four additional temporary permits shall be issued for any park, and thereafter any mobile home park or camper trailer park shall be required to be licensed. (Ord. 82-6, Sec. 7; Code 1988)

5-508. TEMPORARY PERMIT FEES. The fee for a temporary permit shall be the same as that set forth in section 5-507.
(Ord. 82-6, Sec. 8; Code 1988)

5-509. MOBILE HOME PARK REQUIREMENTS. Mobile home parks shall be designed, constructed, and maintained in accordance with the following requirements, except that subsections (a), (d), (g), (i), (j), (k), (o), and (q) shall not be applicable within the perimeters of mobile home parks existent at the time of the passage of this article; provided that when an existent park is expanded in area, subsequent to passage of this article, the expansion area shall be subject to all of the requirements of this section.

(a) Construction permit shall be required in conformance with the building code and public works manual of the city.

(b) The minimum mobile home park established after the passage of this article shall have an area of at least two acres.

(c) Land that the council, with the recommendation of the director of public works finds to be detrimental to the public interest if developed because of exposure to 50-year floods, standing water because of infeasibility of proper drainage, potential damage because of excessive or rapid run-off, or other problems shall not be developed as a mobile home park until such objectionable features are corrected.

(d) Mobile home spaces shall be provided and shall each contain a minimum lot size of 50 feet in width by 100 feet in length.

(e) Mobile homes shall be so harbored on each space that there shall be at least 15 feet between mobile home and other buildings.

(f) Mobile homes and accessory structures shall be located not closer than five feet to the perimeter line of any mobile home space.

(g) There shall be along the side and rear property lines of the park a buffer zone of at least 20 feet in width, which buffer zone shall be free of mobile homes, buildings, and structures, and which shall be landscaped with two belts of shrubs and two belts of trees of varieties approved and placed in accordance with standards prescribed by the public works director. There shall be along the front property line a set-back, free of buildings, structures, and mobile homes, of at least 15 feet.

(h) Each mobile home park shall abut upon a public street.

(i) Each mobile home space shall have direct access to a hard surface drive. The minimum width of one-way interior drives serving enclaves of mobile

home spaces and permitting no parking shall be 10 feet. The minimum width of two-way interior drives permitting no parking shall be 20 feet. The minimum width of one-way interior drives permitting parking on one side only shall be 18 feet. The minimum width of interior two-way drives permitting parking shall be 28 feet. All interior drives and public streets shall be designed and paved according to city specifications for residential streets and maintained in good condition. Street lights approved by the council upon recommendation by the electric utility director, shall be installed to provide 0.2 horizontal foot-candle maintained average with a maximum uniformity ratio of one to six. There shall be at least two paved off-street parking spaces for each mobile home.

(j) There shall be four-foot sidewalks installed along one side of all drives serving more than one mobile-home space, such sidewalks to be designed and constructed according to city specifications.

(k) Each mobile home shall be provided with at least one electrical outlet providing at least 100-amperage service. All electrical service cables shall be placed underground. All mobile homes shall be grounded.

(l) Each mobile home shall be provided with an adequate supply of potable water. The water system shall be installed in accordance with city specifications.

(m) Each mobile home shall be provided with a sewer of at least four inches in diameter, which shall discharge mobile home waste into a public or approved sanitary sewer system.

(n) Each mobile home in a park the perimeter of which is within 500 feet of a source of natural gas service shall be provided with natural gas outlet. If natural gas is not available within 500 feet of the perimeter of a mobile home park, each mobile home shall be provided with a compounded gas outlet.

(o) Each mobile home shall be provided with an underground telephone cable if telephone service is made available.

(p) Fire hydrants shall be located in accordance with the specifications of the supervisor of the department of public works.

(q) Common recreation areas of at least 10 percent of the total mobile home park area shall be provided. Required buffer zones shall not constitute recreation area.

(r) Sufficient storm shelters shall be provided for all mobile home residents. (Ord. 82-6, Sec. 9; Code 1988)

5-510. MOBILE HOME STANDS. (a) The mobile home stands shall be improved to provide adequate support for the placement and tie down of mobile. home. The stand shall not heave or settle unevenly, under the weight of mobile home, due to frost action, inadequate drainage, vibration, wind, or their forces, acting on the structure. Anchors or tie-downs, if provided, such as cast-in-places concrete "dead men," eyelets imbedded in concrete, screw augers or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds. Every mobile home shall be skirted with noncombustible material that is approved by the city building inspector. (Ord. 82-6, Sec. 10; Code 1988)

5-511. ENFORCEMENT OF MINIMUM STANDARDS. (a) It shall be the duty of the building official to enforce the provisions of section 5-510 of this article in accordance with the interpretations thereof contained in "Regulations Relating to Minimum Standards for Mobile Home Tie-Town

Systems," of the American National Standard Code. ANSI No. AI 19 and amendments thereto.

(b) The building official or his or her authorized representative shall inspect all mobile homes within the city as often as he or she deems necessary to insure the enforcement of the provisions of section 5-510 of this article.
(Ord. 82-6, Sec. 11; Code 1988)

5-512. VARIANCE. The governing body of the city may grant variances from requirements of section 5-510 of this article, the variances to be applicable only to mobile home spaces existent before passage of this article, in the event that such variance is justified by one or more of the following hardships: unusual topographical or geological problems that can be satisfactorily overcome by specific variance; or substantial, but not complete, conformity of the existent park as a whole with the requirements of this article, so that the alleviation of particular requirements would result in the rest of the mobile home park being in full compliance with this article; or inability to meet certain requirements because of factors beyond the applicant's control. Variance shall be granted only upon receipt by the board of adjustment of adequate documentation that a hardship as herein defined does exist and of a plan fully setting forth the exact nature of the variance or variances requested. A variance may be limited in time of applicability and shall become void by any construction not specifically described in the application for variances. Financial hardship is not sufficient ground for the granting of variance.
(Ord. 82-6, Sec. 13; Code 1988)

5-513. CAMPER-TRAILER PARK REQUIREMENTS. Camper-trailer parks shall be designed, constructed and maintained in accordance with the following requirements;

(a) Construction permits shall be required in conformance with the building code of the city.

(b) The minimum camper park or trailer park shall have an area of at least one acre.

(c) Land that the council, with the recommendation of the director of public works, finds to be detrimental to the public interest if developed because of exposure to 50-year floods, standing water because of infeasibility of proper drainage, potential damage because of excessive or rapid run-off, or other problems shall not be developed as a camper trailer park until such objectionable features are corrected.

(d) Camper trailer spaces shall be provided and shall each contain a minimum size of 25 feet in depth by 40 feet in width.

(e) Camper-trailers shall be so harbored on each space that there shall be at least 25 feet between camper trailers or camper trailers and other buildings.

(f) There shall be along all exterior property lines a buffer zone of at least 20 feet in width, which buffer zone shall be free of camper trailers, buildings, and structures, and shall be landscaped with two belts of shrubs and two belts of trees of varieties approved and placed in accordance with the standards prescribed by the city public works director.

(g) Each camper trailer space shall have direct access to a hard surface drive. The minimum width of one-way interior drives serving enclaves of camper trailer spaces and permitting no parking shall be 10 feet. The minimum width of two-way interior drives permitting no parking shall be 18 feet. The minimum width of one-way interior drives permitting parking on one side only shall be 18 feet. The

minimum width of interior two-way drives permitting parking shall be 28 feet. All interior drives and public streets shall be designed and paved according to city specifications for residential streets and maintained in good condition. Street lights approved by the council upon recommendation by the electric utility director shall be installed to provide 0.2 horizontal foot-candle maintained average with a maximum uniformity ratio of one to six.

(h) Each camper trailer space shall be hard surfaced.

(i) At least 30 percent of all camper trailer spaces shall be equipped with one electrical outlet per space, one outlet for an adequate supply of potable water per space, and a hook-up to a sanitary sewer system per space.

(j) Camper trailers without sanitary facilities shall not be located farther than 200 feet from a service building containing sanitary facilities and an adequate supply of potable water. Service buildings shall provide separate toilet facilities for each sex and shall be constructed in accordance with the building code of the city.

(k) Tip-proof garbage cans with tight-fitting covers shall be provided in quantities to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 100 feet from any camper trailer space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

(Ord. 82-6, Sec. 14; Code 1988)

5-514. CONDITION. The grounds of the mobile home park or camper trailer park and all buildings and structures shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance. All areas not used for access, parking, circulation, building, and service shall be completely and permanently landscaped.
(Ord. 82-6, Sec. 15; Code 1988).

5-515. TEMPORARY USES. Temporary use of house and travel trailers and mobile homes as living quarters for those persons temporarily deprived of the use of their permanent living quarters by fire, flood, tornado, windstorm, or other catastrophe, shall be authorized subject to the following terms, conditions and limitations:

(a) That the use of the trailer or mobile home shall be limited to the time required for repairs of the permanent living quarters provided that such period shall not exceed six months.

(b) That the trailer or mobile home shall be located during the period of the temporary use on the same lot as the damaged permanent quarters.

(c) That the permanent living quarters damaged by such catastrophe shall have been occupied as the permanent residence by the person or persons requesting temporary use of a trailer or mobile home as living quarters at the time of such catastrophe.

(d) That persons so deprived of the use of their permanent living quarters and wishing to make use of a trailer or mobile home as temporary living quarters shall make written application to the city inspector. The application shall set forth the circumstances which necessitated such application.

(e) That the city inspector may authorize the use of the temporary living quarters for a period not to exceed 30 days. When it is evident that the time required to effect repairs on the permanent living quarters involved, will exceed 30

days, the city inspector shall refer the application to the city council, at a regularly scheduled meeting, within the 30 day period, for their consideration and action. (Ord. 82-6, Sec. 17; Code 1988)

5-516. MOBILE HOME PARK STORM SHELTERS. (a) Definitions. As used in this article, the following terms shall have the following meaning:

(1) *Building Inspector*- The building inspector of this city.

(2) *Mobile Home Park Storm Shelter*- Any shelter designed to protect occupants from results of any natural disaster, including but not limited to a storm or tornado shelter (hereinafter referred to as "storm shelter" herein Section 5-518).

(b) Permit Required. No person, firm or corporation shall construct a storm shelter without first obtaining a permit therefore. The fee for the permit shall be as established by Galena, Kansas, for any other structure. If the shelter is a designated area in a building built for other purposes, no additional fee is required for the shelter part of the building.

(c) Application. The application for a permit to build a shelter shall be accompanied by drawings and specifications sufficient to show compliance with this ordinance.

(d) Requirements. The shelter shall comply with all of the following provisions:

(1) *Masonry Construction*. The building shall be of masonry construction, provided that the roof may be of any material adequate to withstand any anticipated wind forces.

(2) *Waterproof Walls*. All outside walls that will be below ground level when grading is completed shall be waterproof. Masonry shall be coated with water-sealant or the equivalent. Drain tile shall be provided at the footings of all outside walls, and shall drain to an adequate outlet.

(3) *Drain*. A drain shall be provided at the lowest point in the floor. The floor shall be concrete. The drain shall connect to an adequate storm sewer or other outlet. If the outlet is not low enough for the water to drain by gravity, a sump pump will be provided, with a standby pump operated by hand power or foot power.

(4) *Ventilation*. There shall be adequate ventilation provided. The ventilation system shall be designed to operate without any outside power source, using batteries and backup muscle power.

(5) *Occupancy Restricted*. No disaster shelter shall be occupied, except for occasional visits and inspections and except when being used as a shelter from a natural disaster. There shall be no items of personal property included in such storm shelter except as is required for emergency purposes in this Section 5-518.

(6) *Furniture, Plumbing, Equipment, Fixtures*. All furniture and equipment shall be noncombustible. All plumbing shall have shut-off valves where the water line or gas line enters the shelter, accessible from inside the shelter and capable of being turned off without tools. Flashlights shall be stored in the shelter, and tested regularly to make sure the batteries are at full strength. The shelter shall have a self-contained toilet that does not require outside connections. Food and water shall be stored in the shelter.

(7) *Entrances or Exits*. In addition to the entrance, there shall be at least one escape hatch, as far as possible from the entrance. A ladder, stairway or ramp shall be installed in each underground shelter to enable people to use the escape hatch to get to the ground surface, unless, due to the shelter being in a hill or slope, the escape hatch is low enough to be used without a ramp or ladder.

(8) *Emergency Radio.*

(e) Cleanliness. Such storm shelter shall be kept free of mold and other irritants and the unreasonable accumulation of dust, dirt and trash.
(Ord. 13-11; Code 2015)

5-517. PENALTY. Any person violating any provision of this article shall be deemed guilty of a violation of this code and upon conviction shall be punished by a fine of not more than \$500.00. Each day that such violation is permitted to continue shall constitute a separate offense. (Ord. 82-6, Sec. 16; Code 1988)

ARTICLE 6. POOL AND BILLIARD HALLS.

- 5-601. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal, agent or employee, to operate a public recreation parlor containing billiard, snooker, or pool tables, shuffle board or bowling lanes without a license issued by the governing body and signed by the mayor and the city clerk.
(Code 1988)
- 5-602. **RULES AND REGULATIONS.** The proprietor shall be responsible for the general conduct of the patrons of the recreation parlor and lawlessness, vagrancy, gambling, drinking of intoxicants or disorderly conduct is forbidden strictly.
(Code 1988)
- 5-603. **LOCATION.** No public billiard, pool, snooker, shuffle board or bowling establishment shall be located other than on the first floor, commonly called ground floor, and such room shall have an opening entrance directly to the street.
(Code 1988)
- 5-604. **BUSINESS HOURS.** It shall be unlawful to operate the billiard, pool, or snooker tables, shuffle board or bowling establishment between the hours of midnight and 6:00 a.m. It shall be unlawful to operate the tables, shuffle board or lanes at any time during the first day of the week.
(Code 1988)
- 5-605. **MINORS.** It shall be unlawful for any owner, operator, or manager of a pool hall or billiard hall to allow any person under the age of 18 years to loiter, play pool or be employed in the establishment unless written permission has been given by a parent or legal guardian.
(Code 1988)
- 5-606. **LICENSE FEES.** The license fee shall be the amount of the city general business license as found in section 5-106 of this Code.
(Code 2015)
- 5-607. **VIEW AND INSPECTION.** The view of the outside shall be unobstructed by any curtains, blinds or lattice placed before the doors or windows except as a roller blind may be needed to exclude direct sunlight that would be detrimental to equipment or play. The hall shall be open for a public inspection by city officials or police at any-time in performing their duties.
(Code 1988)
- 5-608. **PENALTIES.** Any person violating any of the provisions of this article or failing or refusing to perform any duty imposed by this article shall, upon conviction thereof, be fined in the sum of not less than \$25, nor more than \$200, for each offense. Upon conviction of such offense the city council may by a majority vote revoke any such license. (Code 1988)

ARTICLE 7. SOLICITORS, CANVASSERS, PEDDLERS

5-701. 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 definition 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, wares, merchandise, 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 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 a peddler.

(e) Transient merchant, itinerant merchant or itinerant vendor - are defined as any 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. 13-6; Code 2015)

5-702. 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 therefor 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 5-707(d).
(Ord. 13-6; Code 2015)

5-703. 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 therefor 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 therefor, if any, and the city and state where conviction occurred.

(k) The applicant's Kansas Sales Tax number.

(Ord. 13-6; Code 2015)

- 5-704. ISSUANCE; COUNTY RESIDENTS. (a) Except as provided in section 5-709, if the applicant is a current resident of Cherokee 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 Cherokee County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-705:706.
(Ord. 13-6; Code 2015)
- 5-705. SAME; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT.
- (a) Upon receipt of the above application from an applicant who is not a current resident of Cherokee 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 reasons 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 on 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.
(Ord. 13-6; Code 2015)
- 5-706. 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. (Ord. 13-6; Code 2015)
- 5-707. LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-702 shall be in the amount of \$100 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$1,000 be collected from a licensee during any six-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 sunset.

(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 5-702 upon the payment of \$100 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and sunset, 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; Ord. 13-6; Code 2015)

5-708. RENEWAL. All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-702:703 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-703 or an additional investigation and investigation fee under sections 5-705:706 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. (Ord. 13-6; Code 2015)

5-709. 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 5-701 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 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 the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

(Ord. 13-6; Code 2015)

5-710. 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.
(Ord. 13-6; Code 2015)

5-711. 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.
(Ord. 13-6; Code 2015)

5-712. 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. (Ord. 13-6; Code 2015)

5-713. DISTURBING THE PEACE. Except when authorized in writing by the city clerk, no licensee nor 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. (Ord. 13-6; Code 2015)

ARTICLE 8. SCRAP METAL DEALER REGISTRATION

- 5-801. SCRAP METAL DEALERS; REGISTRATION REQUIRED. On and after the effective date of this ordinance, it shall be unlawful for any business to purchase any regulated scrap metal without having first registered each place of business with the city as herein provided. (Code 2015)
- 5-802. SAME; DEFINITIONS. The words and phrases listed below when used in this ordinance shall have the following meanings:
- (a) Scrap metal dealer means any person that operates a business out of a fixed location, and that is also either:
 - (1) Engaged in the business of buying and dealing in regulated scrap metal;
 - (2) Purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or
 - (3) Operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer.
 - (b) Regulated scrap metal yard means any yard, plot, space, enclosure, building or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale or transfer.
 - (c) Regulated scrap metal shall mean wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum; catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price described in K.S.A. 2010 Supp. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.
 - (d) Bales of regulated metal means regulated scrap metal properly processed with professional recycling equipment by compression, shearing or shredding, to a form in which it may be sold by a scrap metal dealer consistent with industry standards.
 - (e) Ferrous metal means a metal that contains iron or steel.
 - (f) Junk vehicle means a vehicle not requiring a title as provided in Chapter 8 of the Kansas Statutes Annotated, and amendments thereto, aircraft, boat, farming implement, industrial equipment, trailer or any other conveyance used on the highways and roadways, which has no use or resale value except as scrap.
 - (g) Nonferrous metal means a metal that does not contain iron or steel, including but not limited to, copper, brass, aluminum, bronze, lead, zinc, nickel and their alloys.
 - (h) Tin means a metal consisting predominantly of light sheet metal ferrous scrap, including large and small household appliances, construction siding and construction roofing.
 - (i) Vehicle part means the front clip consisting of the two front fenders, hood, grill and front bumper of an automobile assembled as one unit; or the rear clip consisting of those body parts behind the rear edge of the back doors, including

both rear quarter panels, the rear window, trunk lid, trunk floor panel and rear bumper, assembled as one unit; or any other vehicle part.

(Code 2015)

5-803. SAME; REGISTRATION; APPLICATION; FEES; PENALTY.

(a) Application for registration for a scrap metal dealer shall be verified and made upon a form furnished by the city and approved by the attorney general and shall contain:

(1) The name and residence of the applicant;

(2) The length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) The particular place of business for which a registration is desired;

(4) The name of the owner of the premises upon which the place of business is located; and,

(5) The applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for theft, as defined in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2011 Supp. 21-5801, and amendments thereto, theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or K.S.A. 2011 Supp. 21-5802, and amendments thereto, theft of services, as defined in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as defined in K.S.A. 21-3705, prior to its repeal, or K.S.A. 2011 Supp. 21-5803, and amendments thereto, or any other crime involving possession of stolen property.

(6) In addition to the information required in subsection (a)(5), above, the applicant shall also disclose any prior convictions within 10 years immediately preceding the date of making the application for registration for any federal or local crime or offense similar to those stated in subsection (a)(5), to include, but not be limited to, sections 6.1, theft, 6.3, theft of lost or mislaid property, and 6.5, criminal deprivation of property, and amendments thereto, of the Uniform Public Offense Code for Kansas Cities.

(b) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of \$250.

(c) The city clerk shall provide the chief of police written notice of the filing of registration by a scrap metal dealer within 10 days of registration or renewal.

(Code 2015)

5-804. SAME; ISSUANCE OF REGISTRATION; RENEWAL; RENEWAL FEES.

(a) Upon receipt of the application for registration, the application fee and verifying the information contained in the registration application that the applicant is qualified, the city clerk shall forward the application to the governing body, or its designee. The governing body, or its designee, shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in the city and qualified to file such registration, to purchase regulated scrap metals.

(b) Registrations issued hereunder, unless revoked as herein provided, shall be effective for a period of 10 years.

(c) If an original registration is accepted, the governing body, or its designee, shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not

been revoked as provided by law. The registration fee for such renewal shall be \$50.

(d) No registration or renewal issued hereunder shall be transferable.
(Code 2015)

5-805 SAME; PENALTY. Violation of section 5-801 is a class A violation and punishable by a fine of not more than \$2,500 or imprisonment in jail for not more than 12 months or by both such fine and imprisonment. (Code 2015)

5-806. SAME; EXCEPTION. This ordinance shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components. (Code 2015)

5-807. SAME; ISSUANCE; DISQUALIFICATION. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the governing body, or its designee, shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this ordinance.

(2) A person who, within five years immediately preceding the date of filing, has pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2011 Supp. 21-5801 through 21-5839 and subsection (a)(6) of K.S.A. 2011 Supp. 21-6412, perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2011 Supp. 21-5903, compounding a crime, K.S.A. 21-3807, prior to its repeal, obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal, falsely reporting a crime, K.S.A. 21-3818, prior to its repeal, interference with law enforcement, K.S.A. 2011 Supp. 21-5904, interference with judicial process, K.S.A. 2011 Supp. 21-5905, or any crime involving moral turpitude.

(3) A person who, within the five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of section 5-801, and amendments thereto, K.S.A. 50-6,109 et seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times.

(4) A person who within the three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last three years.

(6) A partnership or limited liability company, unless all members of the partnership or Limited Liability Company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this ordinance. (Code 2015)

5-808.

SAME; SUSPENSION OR REVOCATION OF REGISTRATION.

(a) The governing body, upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

(1) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or any similar ordinance or code provisions adopted by the city;

(2) The employment or continuation in employment of a person if the registered scrap metal dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or the laws of another state comparable to such provisions, or any city ordinance, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

(3) Permitting any criminal activity under the Kansas criminal code, or similar ordinance adopted by the city in or upon the registrant's place of business.

(b) The governing body may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

(c) The governing body, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

(1) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;

(2) The registrant has become ineligible to obtain a registration under this ordinance;

(3) The nonpayment of any registration fees after receiving written notice that such registration fees are more than 30 days past due; or

(4) Within 20 days after the order of the governing body denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeal as though the court had original jurisdiction of the matter. Upon request by the registrant, the district court may enjoin the revocation or suspension of a registration until final disposition of any action brought under this ordinance.

(d) Any action brought under subsections (a), (b) or (c) shall be brought individually against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity.

(Code 2015)