

## **ORDINANCE NO. 909**

### **AN ORDINANCE GOVERNING LICENSING AND REGULATION OF DOOR TO DOOR SALES WITHIN THE CITY OF SEDAN, KANSAS**

WHEREAS, it has been determined by the governing body of the City of Sedan, Kansas, that it is in the best interest of the City to more closely monitor door to door sales within the City of Sedan, Kansas:

*Now, therefore, be it ordained by the governing body of the City of Sedan, Kansas:*

#### **SECTION I: DEFINITIONS**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the following meanings:

- (a) Solicitor shall mean anyone seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, books, magazines, newspapers and every other type of periodical, services of any kind or character, or description for any kind of consideration.
- (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) No license or fee shall be required of: any merchant on routine routes who visit regular customers; sales at wholesale to retail merchants by commercial travelers of selling agents in the usual course of business; and any person with a permanent association with any local health practitioner, dealer, auctioneer, trader, contractor or merchant.

#### **SECTION II: LICENSE REQUIRED**

It shall be unlawful for any person, firm or corporation to engage in the business of a solicitor without having in force and in his/her possession, a valid license to engage in such business as hereinafter provided.

It shall be unlawful for any person acting as a solicitor to solicit or contact any person at a residence which has posted a sign within reasonable view of such residence front doorway stating "no solicitation" or similar language.

#### **SECTION III: INVESTIGATION, ISSUANCE BY CITY CLERK.**

A license to engage in any of the business specified in the preceding section will be applied for with a form provided by the City Clerk, a color copy of the applicant's driver's license or State issued I.D., and appropriate license fee. Incomplete applications will not be accepted.

The City Clerk shall refer the application to the Chief of Police or his designee, who shall cause an investigation of the facts stated. The City Clerk will advise the applicant of approval or denial within one (1) business day of the application. Such license is non-transferrable, valid only on the day or days for which it is issued, and must be in possession of the application while soliciting.

#### SECTION IV: LICENSE FEES, EXEMPTIONS

The fee for the license required by Section 2 shall be ten dollars (\$10) per day or one-hundred dollars (\$100) per year.

This license shall be required of groups or organizations which are nonprofit in nature such as the Boy Scouts, Girl Scouts, church groups, and school groups; however, such groups or organizations shall be exempt from paying the licensing fee.

No license or fee will be required of producers and growers or their agents or employees engaged in the sale of farm or garden product or fruits grown within the State of Kansas, nor will license or fee be required for events within the City of Sedan.

This Ordinance does not apply to garage sales within the City of Sedan.

#### SECTION V: VIOLATIONS/REVOCATION

For application of this section each solicitation at each residence within the City limits shall be construed as a separate violation. The Chief of Police or his designee may revoke any license issued for fraud, misrepresentation or false statement contained in the application for license, statement made in the course of soliciting, conducting business 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 residents.

Any person aggrieved by the action of a denial of application or revocation of license shall have the right of appeal. Such appeal must be filed with the City Clerk within three (3) days of the denial or revocation. The governing body shall set a time and place for a hearing and the decision made by the governing body will be final and conclusive.

#### SECTION VI: ENFORCEMENT, PENALTY

It shall be the duty of any police officer to require any person engaged in the activities defined in this article that is not known by such officer to be duly licensed, to produce his or her license and to enforce the provision of the article against any person found to be violating the same.

Any person who shall fail or refuse to comply with the provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100) and/or incarcerated in the Chautauqua County Jail for not more than thirty (30) days.

This ordinance shall take effect and be in full force from and after its adoption by the governing body of the city, approval by the Mayor and publication of a summary hereof certified as legally accurate and sufficient.

*Adopted by the Governing Body of the City of Sedan, Kansas, this 19<sup>th</sup> day of December, 2016.*

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Jack Warren, Mayor

Attest:

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Sherry Miller, City Clerk

City Seal: