

## **CHAPTER V. BUSINESS REGULATIONS**

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### **ARTICLE 1. AMUSEMENT DEVICES**

- 5-101.           DEFINITION. For the purposes of this article amusement devices are defined as all coin-operated machines or devices intended for amusement purposes, including, but not by way of limitation, machines commonly known as music machines, coin operated pool tables, juke boxes, pinball machines, video games, and coin-operated machines of every kind or description intended to be operated for amusement or entertainment, excluding weighing machines, and vending machines intended solely for the sale of merchandise at its fair market value. (Code 1984)
- 5-102.           PERMIT REQUIRED. It shall be unlawful for any person engaged in the business of operating an automatic music device or an automatic amusement device for profit or gain, whether as a single business or in conjunction with other businesses to have, allow, permit, the use on their premises any automatic music or amusement device without first obtaining an operation permit from the city clerk. (Code 1984)
- 5-103.           SAME; EXPIRATION. Each permit shall be valid for a period for 12 months from the date of its issuance and shall be valid as to the number of the devices located thereon. (Code 1984)
- 5-104.           SAME; CANCELLATION. There shall be no refund in the event the number of the devices located thereon decreases during the period that said permit is valid. It shall be permitted for the type or kind of automatic music or amusement devices to be interchanged during the existence of the permit as long as the number of devices does not exceed the number affixed upon the face of the permit. (Code 1984)
- 5-105.           PENALTY. Any person, firm, corporation, or business violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$25 per day per device for the period of time that the device or devices are allowed to be operated without acquiring the permit and paying the appropriate fees. (Code 1984)

## **ARTICLE 2. POOL AND BILLIARD HALLS**

- 5-201. 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 1965, 9-401)
- 5-202. 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 1965, 9-402)
- 5-203. 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 1965, 9-403)
- 5-204. BUSINESS HOURS. It shall be unlawful to operate the billiard, pool, or snooker tables, shuffle board or bowling establishment between the hours of 12 midnight and 6 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 1965, 9-404)
- 5-205. 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 1965, 9-405)
- 5-206. LICENSE FEES. The license fee shall be \$10 per year for each pool, billiard or snooker table, and \$10 per year for each bowling establishment or shuffle board, payable January 1 of each year. (Code 1965, 9-406)
- 5-207. 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. (Code 1965, 9-407)
- 5-208. 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 \$5 nor more than \$100 for each offense. Upon conviction of such offense the city council may by a majority vote revoke any such license. (Code 1965, 9-408)

## **ARTICLE 3. SOLICITORS, CANVASSERS, PEDDLERS**

- 5-301. DEFINITIONS. (a) Canvasser or Solicitor. Any individual, whether resident of the city or not, traveling from place to place within the city for the purpose of contacting individuals and requesting donations, or offering for sale any token

item, whose intrinsic value does not equal the amount of the required donation or payment. Excluded from this definition shall be any person engaged in the activity described in this subsection who is a resident of the city, or who is engaged in such activities on behalf of a bona fide charitable organization located in Shawnee County, Kansas, or directly benefitting residents of Shawnee County, Kansas.

(b) Peddler. Any person, whether a resident of the city or not, not having a permanent established place of business in the city, traveling from place to place, from house to house, or from street to street, by foot or by any vehicle, carrying or conveying goods, wares, merchandise, or services and offering them for sale and delivering the same to purchasers or soliciting orders and purchases for the sale of goods, wares, merchandise or services, for later delivery, or who, without traveling from place to place, shall sell or offer the same for sale from any temporary stand, or from any wagon, cart or vehicle parked or standing in the city.  
(Ord. 612, Sec. 1)

5-302. LICENSE REQUIRED. (a) It shall be unlawful for any person to engage in any of the activities of a peddler, canvasser or solicitor, as defined in the preceding sections of this article, within the city limits, 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.  
(Ord. 612, Sec. 2)

5-303. SAME; APPLICATION REQUIRED. Before the city clerk may issue any license as required by this article, he or she shall require a sworn application in writing prepared in duplicate upon a form provided by the city clerk which shall give the following information:

(a) Name 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) 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.

(e) 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; and,

(f) 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 traffic infractions) 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.  
(Ord. 612, Sec. 3)

5-304. INVESTIGATION AND ISSUANCE. (a) Upon receipt of the above application from an applicant and the receipt of \$15, 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. A new application shall be submitted every 12 months.

(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 of the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date it shall expire 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. 612, Sec. 4)

5-305.

LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a) The fee for the license required pursuant to section 5-302 shall be in the amount of \$5 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$25 be collected from a licensee during any 12-month period of time.

(b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Licenses may be issued for not to exceed six months. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and sunset.

(c) 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 affairs or celebrations sponsored by the city or any other governmental subdivision; and (3) boy scouts, girl scouts, school organizations, church organizations, Lions Club, veterans organizations and other similar non-profit organizations.

(Ord. 612, Sec. 5)

5-306.

DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE. The city clerk or chief of police may deny any application or may revoke or suspend any license issued under this article for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application for license;

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

(c) Any violation of this article;

(d) Conducting a business as defined in section 5-301 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;

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

(Ord. 612, Sec. 6)

5-307. 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 a statement with the city clerk setting forth the grounds for the 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. 612, Sec. 7)

5-308. 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 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. 612, Sec. 8)

5-309. REGULATIONS. (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality or nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.

(b) It shall be unlawful for any peddler, solicitor or canvasser who enters upon property owned or leased by another to willfully refuse to leave such property after having been notified to leave by the owner or possessor thereof

(c) 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. 612, Sec. 9)

5-310. 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 amplifying device, upon any public places of the city or upon any private premises in the city for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Ord. 612, Sec. 10)

#### **ARTICLE 4. SALE OF FIREWORKS**

5-401. SALE AND PERMITS. It shall be unlawful for any person to sell, or offer for sale at retail, any fireworks in the City unless such person has first obtained a permit

from the City as a retailer. Approval of sales locations and operations shall be determined on the basis of compliance with the following safety standards:

(1) The sales of fireworks, including the dates such sales are allowed, shall be in accordance with the Kansas Fireworks Regulations as administered by the State Fire Marshall, State of Kansas, and other applicable laws of the State of Kansas, including the Kansas Retailers' Sales Tax Act.

(2) The location of the stand, tent, or its operation shall not create any hazard relating to the movement or circulation of traffic or pedestrians. In no instance shall said stand, tent, or its operation, excluding any public parking area, be located less than fifty (50) feet from the edge of right of way of any public road or street.

(3) The location of the stand, tent, or its operation shall be at least fifty (50) feet from any dwelling or other structure, including any other fireworks stands, and at least ten (10) feet from any adjoining property line. No sales of fireworks shall be allowed within an existing permanent structure already occupied by another use.

(4) A person eighteen (18) years of age or older shall be present to supervise the operation of the stand at all times.

(5) The Chief of Police shall periodically inspect such operations for compliance with the above standards. The Chief of Police shall have the authority to close any stand operation in violation of this article, or in violation of any other license or permit required by law.

- 5-402. PROCEDURE FOR MAKING APPLICATION. (1) Applications for each fireworks sales location shall be filed on or before May 1<sup>st</sup> with the City Clerk's office on forms prepared by that office. Each application shall be accompanied by a permit fee of Five Hundred Dollars (\$500). Applications received after said date shall be returned and no action taken on them.
- (2) The Zoning Administrator shall submit each application to the Police Chief for review and recommendation.
- (3) By no later than May 15<sup>th</sup>, the Zoning Administrator shall submit his/her recommendation on each application, together with the report and recommendation of the Chief of Police, to the City Council for its consideration and action.
- (4) If an application is not approved by the City Council, the permit fee for that application will be refunded to the applicant.
- (5) Applicants may reapply for alternate locations as often as time allows if their applications are disapproved by the City Council on or before May 1<sup>st</sup>. When an application has been properly filed on or before May 1<sup>st</sup>, but is disapproved after that date, the applicant may reapply for no more than one (1) alternate site within five (5) days of the date the original application was disapproved. In such cases, the Zoning Administrator and the Chief of Police shall submit their respective reports and recommendations to the City Council within five (5) days of the date the application for said alternate site was filed.
- (6) Any permit issued under the provisions of this section shall be valid only for the period of June 27<sup>th</sup> through and including July 5<sup>th</sup> of the year in which issued. Persons responsible for the operations of permissible firework stands in which fireworks are stored or handled shall be familiar with safety requirements

for the materials being sold, and the appropriate actions necessary in the event of a fire.

- 5-403 PENALTIES. Any person who violates any provision of this ordinance regarding the permits for sale and/or sale of fireworks shall be deemed guilty of a misdemeanor crime, and upon conviction or a plea of guilty therefore, may be fined a definite sum of money, not exceeding One Thousand and No/100 Dollars (\$1,000.00). (Ord. 712)