ORDINANCE NO. 190

AN ORDINANCE REGULATING SOLICITORS, PEDDLERS, HAWKERS, INTINERANT MERCHANTS OR TRANSIENT VENDORS OF MERCHANDISE IN THE CITY OF BASEHOR, KANSAS, AND REPEALING ORDINANCE NO. 12 AND ANY OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

SECTION 1. Legislative Intent

It is the purpose of this Ordinance to protect the safety and welfare of the public by licensing persons who go door-to-door to sell goods or services and by prohibiting persons from going door-to-door to sell or solicit orders for the sale of goods or services for future delivery when the persons require a prepayment from the purchaser. Prohibiting such door-to-door solicitations is necessary to protect the residents of the city from fraud and misrepresentation. Licensure of all other persons going door-to-door to sell goods or services is also necessary to provide information about such sales persons to residents of the city and law enforcement officers.

SECTION 2. Organizations and Entities Exempt From Licensing Requirements

The following organizations and entities shall be exempt from the licensing requirements of this Ordinance: (1) persons distributing information in the exercise of their first amendment rights; (2) businesses such as newspaper and milk deliveries, trash collection and linen services that are engaged in selling and delivering goods or services by vehicle over a fixed route from previous orders or on regular schedules; (3) any non-profit organizations. Non-profit organizations shall include but not be limited to any organization with an exemption from Federal income tax under 26 U.S.C. 501 (c) (3) or any organization which is "patriotic", phillanthropic", "benevolent", "educational", "civic", "political", or "fraternal", either actual or proposed.

SECTION 3. Certain Sales Prohibited

No person in the city other than the organizations identified in SECTION 2 hereunder shall go to any private residence to sell or solicit orders for the sale of goods or services for delivery at any subsequent time when such person requires a prepayment from the purchaser, without having been requested or invited to do so by the owner or occupant of the private residence.

SECTION 4. License Required

No person shall sell merchandise or services or solicit orders for the sale and future delivery of merchandise or services on a door-to-door basis in the City of Basehor without first obtaining a license from the city clerk.

SECTION 5. Term of License

The License term shall be 12 months or such shorter term as the licensee requests and as is set forth on the face of the license.

SECTION 6. Fee

The fee for the license required pursuant to Section 3 shall be in the amount of $20.00 per organization

SECTION 7. Information Required of Applicant

Any applicant for a license under this Ordinance shall file with the city clerk a sworn application on a form furnished by the city clerk, which shall give the following information:

(a) Name and date of birth of applicant;

(b) State sales tax number;

(c) Credentials from the person, firm or corporation or association who the applicant is employed by or represents;

(d) Physical description of the applicant;

(e) Period of time for which the certificate and license is applied;

(f) Address of the applicant's present place of residence;

(g) A brief description of the nature of the business and the goods to be sold;

(h) Location and zoning of any temporary facility, structure, building or vehicle;

(i) If a vehicle is to be used, a description of the same, together with the state vehicle license number;

(j) Whether or not the applicant has ever been convicted of a crime involving moral turpitude or any felony conviction.

SECTION 8. Revocation of License

The chief of police may revoke any license issued under this Ordinance for any of the following causes:

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

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

(c) Any violation of this Ordinance.

(d) Conducting the business as defined in Section 1 or Section 2, in an unlawful manner or in such a manner as constitute a breach of the peace or to constitute a menance to the health, safety or general welfare of the city.

Notice of the revocation of a license shall be in writing to the applicant and the city clerk and set forth the grounds of revocation.

SECTION 9. Penalty

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than Five Hundred Dollars ($500.00) for each offense, or shall be in prison for a period not to exceed 30 days, or shall be both so fined and imprisoned.

SECTION 10. Severence Clause

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance but they will remain in effect, it being the

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legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part.

SECTION 11. Repealing

Ordinance No. 12, and any other Ordinance in conflict herewith, are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and approved by the Governing Body of the City of Basehor, Kansas this 7th day of May, 1985.

Anna M. Landauer

ANNA MARY LANDAUER, Mayor

ATTEST:

Mary A. Mogle

MARY ANN MOGLE, City Clerk

First Reading - April 9, 1985
Second Reading & Approved - May 7, 1985