

**PEDDLER'S PERMIT
APPLICATION**

City of Kiowa, 618 Main St., 620-825-4127

Application Permit #: _____

Investigative Fee: \$15.00

Permit Fee(s): _____

APPLICANT: _____ **PHONE #:** _____

ADDRESS: _____ **E-MAIL:** _____

CITY: _____ **STATE** _____ **ZIP CODE** _____

LENGTH OF TIME AT ADDRESS: _____

PREVIOUS ADDRESS IF LESS THAN 3 YEARS: _____

PARENT COMPANY: _____ **PHONE #:** _____

ADDRESS: _____ **E-MAIL:** _____

CITY: _____ **STATE** _____ **ZIP CODE** _____

LENGTH OF TIME AT ADDRESS: _____

PREVIOUS ADDRESS IF LESS THAN 3 YEARS: _____

PRODUCT BEING SOLD: _____

VEHICLE SALESPERSON WILL BE DRIVING: YEAR _____ MAKE _____ MODEL _____

TAG NUMBER STATE _____ **NUMBER** _____

APPLICANTS PICTURE ATTACHED.

HAVE YOU BEEN CONVICTED OF ANY CRIME (EXCEPT MINOR TRAFFIC) WITHIN TEN (10) YEARS PRIOR TO MAKING THIS APPLICATION? _____ YES _____ NO

Applicant's Signature

Date

Peddler or Solicitor: Fees shall be in the amount of \$5.00 per day, or portion thereof, that the permittee shall operate within the city limits. A permit for the entire year, or portion thereof, shall be available for \$300. In addition, a \$15.00 Investigative fee will be required at the time of application to cover the cost of investigation of the facts stated in the foregoing application.

Applicant must have a valid driver's license and a Kansas Sales Tax Certificate at the time of application.

Applicant understands that by signing and submitting this application for Peddler's Permit in the City of Kiowa, that it is the peddler or parent company's responsibility to be familiar with the City of Kiowa Code on Peddlers and to abide by the rules and regulations set out therein. Any violations of said article may cause the permit to be revoked.

Issuance of this permit in no way is construed as a statement of endorsement for the product being sold by the City of Kiowa, its departments or officers. The permit to be issued is conditional upon a background check by the Kiowa Police Department and payment of the application fee. Permit is issued to the individual and not to the parent company. If more than one sales rep from the parent company will be in the City of Kiowa they each will need a permit.

CHAPTER V. BUSINESS REGULATIONS

ARTICLE 1. – SOLICITORS, CANVASSERS, AND PEDDLERS

SECTION 1.

5-101. DEFINITIONS.

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- 1) Soliciting shall mean and include any one or more of the following activities:
 - a) 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,
 - b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or,
 - c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
 - 2) **Solicitor or Canvasser** shall mean any person, except residents of Barber County, Kansas, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, house to house, merchant to merchant, or from street to street, or making contact by telephone, taking or attempting to take orders for sale of goods, wares, and merchandise, foodstuffs, or personal property of any nature whatsoever, for future delivery, or for service whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether such person is collecting advance payment 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 box car, 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.
 - 3) **Peddler** shall mean any person, except residents of Barber County, Kansas, traveling by foot, automotive vehicle or any other type of conveyance, from place to place, from house to house, merchant to merchant, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meat, fish, vegetables, fruits, truck garden or farm products or other foods, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from an automotive vehicle, or other vehicle or conveyance; unless otherwise permitted under the provisions of any other ordinances of the city.
 - 4) **Transient merchant, itinerant merchant or itinerant** vendor shall mean any person, except residents of Barber County, Kansas, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares, 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 exhibition and sale of such goods, wares and merchandise, either privately or at a 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.
 - 5) **Street Salesman** shall mean any person, except residents of Barber County, Kansas, engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on public streets or sidewalks of this city.
 - 6) **Charitable** means and includes the terms "patriotic," "philanthropic," "social service," "welfare," "benevolent," "educational," "civic," or "fraternal," either actual or purported.
 - 7) **Permitted solicitor or peddler** means any person who has obtained a valid permit as provided in this article, which permit is in the possession of the solicitor or peddler on his person while engaged in soliciting or peddling.
 - 8) **Premises** means any building or property used for residential, commercial, educational, or industrial activity.

5-102. OPERATION IN CONGESTED AREAS.

- A. It shall be unlawful to use a stationary location in or upon any public street, or operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

5-103. OPERATION ON PRIVATE PROPERTY.

- A. It shall be unlawful to operate on private property without having first secured the permission of the owner or occupant of such property.

5-104. SALES FROM VEHICLES.

- A. It shall be unlawful, without a permit, to sell or offer for sale goods, wares, or merchandise from vehicles on any of the public streets of the city. The prohibition contained in this section shall not include the peddling from door to door, or from

vehicles, of fresh food products of a farm or garden, nor bona fide deliveries of goods, wares, merchandise or foods made on a regular route to regular customers, or ice cream vending.

5-105. PROHIBITED HOURS; NO SOLICITATION SIGNAGE.

- A. It shall be unlawful to solicit or peddle from 6:00 p.m. to 8:00 a.m.
- B. It shall be unlawful for any person, permitted or unpermitted, acting as a solicitor to solicit or contact any person at a residence which has posted a sign within reasonable view of such residence's front doorway stating "no solicitation", "no solicitors", or other similar language. This Section shall not apply to persons representing a duly organized not-for-profit or governmental organization qualified to do business and in good standing in the State of Kansas.

SECTION TWO: PERMIT

5-106. PERMIT REQUIRED

- A. It shall be unlawful for any person, firm, or corporation, except residents of Barber County, Kansas, to engage in the business of a solicitor in the City of Kiowa without having in force, and in his/her possession, a valid permit to engage in such business as hereinafter provided in Section 5-101. A separate permit shall be required of each peddler/solicitor, and shall not be issued to a company or corporation in general. This Section shall not apply to:
 - 1) Persons representing a duly organized not-for-profit or governmental organization qualified to do business and in good standing in the State of Kansas; or,
 - 2) An individual or entity which maintains a physical commercial location within a properly zoned area in the limits of the City used primarily for the sale of the same merchandise and/or services being solicited; or,
 - 3) Any person selling products of the farm or orchard actually produced by the seller.

5-107. ISSUANCE BY CITY CLERK

- A. A permit to engage in any of the businesses specified in the preceding Section shall be issued by the City Clerk upon application therefor and payment of the fee hereinafter provided. Such permit shall not be transferable and shall be valid only on the day or days for which it is issued.
- B. A Kansas State Sales Tax Certificate must be provided before permit is issued.
- C. A current driver's license must be provided.

5-108. PERMIT FEES

- A. The fee for the permit required hereof shall be as set forth in the city's fee resolution, which shall be paid to the City Clerk before the permit is issued.
- B. At the time of filing the application, a fee shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application. The amount of said fee shall be as set forth in the city's fee resolution.

5-109. EXPIRATION

- A. The permit shall remain in force and effect for the period specified therein, and shall be renewed upon the expiration of this period by filing a new application as provided in this article.

5-110. EXHIBITION UPON REQUEST

- A. No peddler or solicitor, or any person acting in behalf of either, shall refuse to exhibit the permit issued to him or her under the provisions of this division at the request of any person.

5-111. VIOLATION

- A. For purposes of construction and application of this Section, each solicitation at each address within the City limits shall be construed as a separate violation.

5-112. DUTY OF POLICE TO ENFORCE.

- A. It shall be the duty of any police officer of the city to require any person seen soliciting or peddling and who is not known by such officer to be duly permitted, to produce his or her permit and to enforce the provisions of this article against any person found to be violating the same.

5-113. REVOCATION OF PERMIT.

- A. Any permit issued hereunder shall be revoked by the police department if the holder of the permit is convicted of a violation of any of the provisions of this article, or has made a false material statement in the application, or otherwise become disqualified for the issuance of a permit under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the city clerk to the holder of the permit in person or by certified United States mail addressed to his or her residence address set forth in the application.

5-114. PENALTY.

- A. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not more than

\$500 for each offense.

5-115. APPLICATION.

- A. 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:
- 1) Name and description of the applicant;
 - 2) Permanent home address and full local address of applicant;
 - 3) Identification of applicant including driver's license number, date of birth, expiration date of license and description of applicant;
 - 4) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business.
 - 5) 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;
 - 6) 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;
 - 7) The length of time which business is proposed to be carried on;
 - 8) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for sale thereof are manufactured or produced, where such goods are located at the time the application is filed, and the proposed method of delivery;
 - 9) A photograph of the applicant, taken with 90 days prior to the date of making application which shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguished manner; or in lieu thereof, the fingerprints of the applicant may be taken by the Kiowa Police Department and filed with the application;
 - 10) A statement as to whether or not the applicant has convicted of any crime within the last ten years, including misdemeanors (other than minor traffic violations), gross misdemeanors, or violations 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.
 - 11) The applicant's Kansas Sales Tax number.

5-116. INVESTIGATION AND ISSUANCE.

- A. Upon receipt of the above application from an applicant, the city clerk shall refer the same to the Kiowa Police Department who shall cause an investigation of the fact 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 Kiowa Police Department 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 of business responsibility and the facts stated in the application are satisfactory and true, the police department 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 fee 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 police department. The solicitor shall carry the license certificate at all times.

5-117. INVESTIGATION FEE.

- A. At the time of filing the application, a fess as set in the city's fee resolution shall be paid to the city clerk to cover the cost of investigation of the facts stated in the forgoing application.

5-118. EXEMPTIONS.

- A. No license fee shall be required of for the following:
- 1) Any person selling products of the farm or orchard actually produced by the seller; or,
 - 2) Any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or governmental subdivision, or the state, or when part of all the expenses of the fairs or celebrations are paid for by the city, any governmental subdivision, or the state.
- B. Non-Profit Groups, such as religious organizations, charitable organizations, parent-teacher organizations, etc., will be subject to a one-time fee which includes the supervisor or lead responsible person, and the investigation fee.

5-119. RENEWAL.

- A. All licenses issued shall be subject to renewal upon a showing of compliance with Sections 5-101:106 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under Section 5-115 or an additional investigation and investigation fee under Section 5-117 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.

5-120. DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE.

- A. The city clerk or city police department may deny any application or may revoke or suspend for a period of time 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; or,
 - 2) Fraud, misrepresentation of false statement made in the course of carrying on the business; or,
 - 3) Any violation of this article; or,
 - 4) Conducting a business as defined in Section 5-101 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; or,
 - 5) Conviction of a crime of theft, larceny, fraud, embezzlement or any felony within 10 years prior to the application date.

5-121. APPEAL TO THE GOVERNING BODY.

- A. Any person aggrieved by the action of the police department 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. A decision and order of the governing body on such appeal shall be the final and conclusive.

5-122. REGULATIONS.

- A. It shall be unlawful for any person licensed under the provisions of this article 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.

5-123. USE OF STREETS AND SIDEWALKS.

- A. Except when authorized in writing by the city clerk, no person licensed under the provisions of this article or any other persons 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.

5-124. DISTURBING THE PEACE.

- A. Except when authorized in writing by the city clerk, no peddler, canvasser or solicitor, 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 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 purposes to sell.