

# PEDDLER'S PERMIT APPLICATION

City of Neodesha, 1407 N. 8<sup>th</sup>, 620-325-2828

Application Permit #: \_\_\_\_\_

Fee: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

LENGTH OF TIME AT ADDRESS: \_\_\_\_\_

PREVIOUS ADDRESS IF LESS THAN THREE YEARS: \_\_\_\_\_

PARENT COMPANY: \_\_\_\_\_ PHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

LENGTH OF TIME AT ADDRESS: \_\_\_\_\_

PREVIOUS ADDRESS IF LESS THAN THREE YEARS: \_\_\_\_\_

PRODUCT BEING SOLD: \_\_\_\_\_

VEHICLE SALESPERSON WILL BE DRIVING: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_

TAG NUMBER STATE \_\_\_\_\_ NUMBER \_\_\_\_\_

Peddler or Solicitor: Fees shall be in the amount of \$10.00 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 \$40.00 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 Neodesha, that it is the peddler or parent company's responsibility to be familiar with the City of Neodesha 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 Neodesha, its departments or officers. The permit to be issued is conditional upon a background check by the Neodesha 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 Neodesha they each will need a permit.

## ARTICLE IV. - SOLICITORS AND PEDDLERS

### DIVISION 1. - GENERALLY

#### Section 10-86

#### 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) **Charitable** means and includes the terms "patriotic," "philanthropic," "social service," "welfare," "benevolent," "educational," "civic," or "fraternal," either actual or purported.
  - 2) **Peddler** means 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, 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.

- 3) **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.
- 4) **Premises** means any building or property used for residential, commercial, educational, or industrial activity.
- 5) **Solicitor** means any person, whether a resident of the city or not, 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.

**Section 10-87 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.

**Section 10-88 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.

**Section 10-89 SALES FROM VEHICLES.**

- A. It shall be unlawful 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.

**Section 10-90 PROHIBITED HOURS; NO SOLICITATION SIGNAGE.**

- A. It shall be unlawful to solicit or peddle from 9:00 p.m. to 9:00 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.

**Sections 10-91 – 10-110 Reserved**

**SECTION TWO:** Division 2, Article IV of Chapter 10 of the City of Neodesha Code shall be amended to read as follows:

**DIVISION 2. PERMIT**

**Section 10-111 PERMIT REQUIRED**

- A. It shall be unlawful for any person, firm, or corporation to engage in the business of a solicitor in the City of Neodesha without having in force, and in his/her possession, a valid permit to engage in such business as hereinafter provided. 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.
  - 3) any person selling products of the farm or orchard actually produced by the seller;

**Section 10-112 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.

**Section 10-113 PERMIT FEES**

- A. The fee for the permit required hereof shall be as set forth in Section 16-10, 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 Section 16-10.

**Section 10-114 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.

**Section 10-115 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 under the provisions of this division at the request of any person.

**Section 10-116 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.

**Section 10-117 DUTY OF POLICE TO ENFORCE.** 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.

**Section 10-118 REVOCATION OF PERMIT.**

- A. Any permit issued hereunder shall be revoked by the chief of police 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.

**Section 10-119 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.