



APPLICATION FOR SOLICITORS PERMIT

NO PERMIT SHALL BE ISSUED UNTIL ONE WORKING DAY HAS ELAPSED FROM THE RECEIPT OF THE COMPLETED APPLICATION.

LICENSE FEE: \$250.00 + \$10.00 PER DAY (NOT TO EXCEED 3 DAYS) APPLICATION DATE: _____

RESPONSIBLE PERSON: _____

RESPONSIBLE PERSON ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

RESPONSIBLE PERSON PHONE NUMBER: _____

DATE(S) OF SALE – NOT TO EXCEED 3 DAYS: _____

LOCATION OF VEHICLE OR STAND: _____

VEHICLE TAG NUMBER (IF SELLING FROM AUTOMOBILE, TRUCK, WAGON OR OTHER VEHICLE): _____

KANSAS SALES TAX NUMBER: _____

THE FOLLOWING INFORMATION IS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION AND PERMIT FEE:

- A COPY OF WRITTEN PERMISSION SECURED FROM THE OWNER OF THE PRIVATE PROPERTY UPON WHICH THE STAND OR VEHICLE IS TO BE ERECTED;
▪ A COPY OF THE TRANSIENT MERCHANT'S LICENSE ISSUED BY THE APPROPRIATE COUNTY CLERK STATING THE REASON THE BUSINESS IS EXEMPT FROM LICENSING.
▪ CERTIFICATE OF INSURANCE: A COPY OF THE BUSINESS'S CERTIFICATE OF LIABILITY INSURANCE MUST BE SUBMITTED WITH THE APPLICATION.

I HEREBY CERTIFY THAT THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT AND THAT ALL BUSINESS OPERATIONS CONDUCTED UNDER SUCH LICENSE WILL BE IN COMPLIANCE WITH THE CODE OF ORDINANCES OF THE CITY OF GREAT BEND, KANSAS.

SIGNATURE OF APPLICANT _____

--CITY OFFICE USE ONLY--

APPROVED / DENIED

LICENSE #: _____ ISSUED: _____ EXPIRES: _____

CITY CLERK SIGNATURE: _____

CHAPTER 5.88. - SOLICITORS

Sec. 5.88.010. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Goods, wares or merchandise means and includes personal property of every kind or nature held for immediate sale and delivery, or for sale and delivery in the future.

Services means and includes, but is not limited to, the performance of labor, maintenance, repair, supply, installation, distribution, public amusement, etc., the performance of which is to be done immediately or which is to be performed in the future.

Solicitor means any individual, whether a resident of the city or not, whose trade or business is principally carried on by traveling either on foot, by automobile, truck, wagon, or by any other type of conveyance from place to place, from house to house, or from street to street in the city taking, or attempting to take, orders for the sale of goods, wares, merchandise or services as defined in this section, whether or not such individual has, carried or exposes a sample of the subject of such sale, or whether the solicitor is collecting advance payments or not. In addition:

- The term "solicitor" shall include any individual who solicits donations by offering to deliver or actually delivering goods, wares, merchandise or services in exchange for the donation of money.
- The term "solicitor" shall also include any individual who, for themselves or another, hires, leases, uses or occupies on a temporary basis not exceeding four months, any building, structure, tent, stand, railroad boxcar, boat, motel room, hotel room, lodging house, apartment, shop, parking lot or other property for the purpose of making sales of, or for the purpose of exhibiting samples of goods, wares, merchandise and services as defined in this section.
- The term "solicitor" shall also include the terms "huckster," "peddler," "hawker," "street salesman" and "itinerant merchant."
- The term "solicitor" shall not include commercial travelers, calling upon retail, wholesale or industrial establishments within the city, and making sales of goods, wares, merchandise or services as defined in this section.

Sec. 5.88.020. - Permit—Required; exemptions

- It is unlawful for any individual to sell from any automobile, truck or wagon or other vehicle temporarily parked or from a stand temporarily located for such purpose unless such person has first secured a permit from the city clerk.
- The following organizations and their members and the following activities shall be exempt from the permitting and registration provisions of this section:
 1. Exhibitions, street fairs, amusement enterprises, expositions, promotional ventures or other civic entertainment where a permit has been obtained, if applicable, or where such activity is sponsored in part by the city, civic organization, not-for-profit organizations, public or private schools, or educational institutions.
 2. Auctions.
 3. Garage sales.
 4. Sales of agricultural products, nursery products and foliage plants, including sales through an organized farmers' market.
 5. Sales conducted within the following structures: trade centers, convention centers, shopping centers, and trade, exhibition or convention centers located in hotels and motels.
 6. Sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools, educational institutions, civic organizations or not-for-profit organizations.
 7. Sales by any person who has had a permanent business location in the city for not less than six months in the current or the previous calendar year.
 8. Newspaper vendors.
 9. Food vendors that are otherwise regulated or inspected by the county health department.
 10. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business.
 11. Sales to the owner or legal occupant of residential premises at such premises pursuant to an invitation by such owner or legal occupant. Such invitation may be issued at the premises immediately preceding the sale.

Sec. 5.88.030. - Permit—Application; waiting period

- The application for a permit required by this chapter shall be made through the city clerk. The application shall contain the following information:
 1. Dates the sale will take place from the automobile, truck, wagon or other vehicle or from a stand, which dates shall not exceed three days for a permit;
 2. In the event an automobile, truck, wagon or other vehicle is used, the tag number;
 3. The location of the vehicle or stand;
 4. The state sales tax number of the applicant;
 5. A copy of the written permission secured from the owner of the private property upon which the stand or vehicle is to be erected;
 6. A copy of the transient merchant's license issued by the appropriate county clerk or a letter from the county clerk stating the reason the business is exempt from licensing;
 7. A certificate of insurance indicating the permittee is insured for liability in a minimum amount of \$100,000.00. The insurance proof shall be filed on forms indicated by the city clerk;
 8. Any fee set out in the master fee schedule established in accordance with [section 3.00.010](#).
- No permit shall be issued until one working day has elapsed from the receipt of the completed application, with all appropriate attachments, in the city clerk's office. Permits issued hereunder shall allow the permittee to operate at the location described, provided the consent of the landowner remains in effect, for dates indicated in the permit but not to exceed three days per permit. Additional permits may be issued upon proper application being filed and approved by the city clerk pursuant to the provisions of this section.

Sec. 5.88.040. - Permit—Issuance

- After a waiting period of one working day, the city clerk shall issue the permit applied for under this chapter, authorizing the sales to take place and from the vehicle designated, upon payment of the required fees and compliance with all provisions of this chapter. The permit shall authorize the sales to take place for the dates listed in the permit, not to exceed three consecutive days.

Sec. 5.88.050. - Entering private premises without invitation

- The practice of going on private premises on which is located a dwelling in the city by any individual who has not been first requested or invited by the owner or occupant of the premises, for any of the following purposes:
 1. Soliciting orders for the sale of goods, wares, merchandise or services, the delivery or performance of which is to be made in the future;
 2. The sale of goods, wares, merchandise or services, the delivery or performance of which is to be accomplished immediately; or
 3. Soliciting donations by offering to deliver or making actual delivery of goods, wares, merchandise, or offering to perform or performing services in exchange for the donation of money; shall be deemed a nuisance and unlawful, provided that nothing in this section shall prohibit persons from going door to door attempting to carry out the above action but such persons shall not remain upon the property once it has been communicated to such person that the occupant does not wish to take part in the action; and provided, further, the occupant may communicate the desire not to participate by displaying a notice of "No Peddlers" or "No Solicitors" or words of similar meaning in a conspicuous place upon or near the main entrance, plainly visible, at least three by five inches in size containing letters at least one-third of an inch in height.
- The practice of going on private premises on which is located a business, commercial or an individual establishment in the city by any individual who has not secured the prior permission and authorization of the owner or occupant of such premises, to contact the employees and customers of the owner or occupant for the following purposes:
 1. Soliciting orders for the sale of goods, wares, merchandise or services, the delivery or performance of which is to be made in the future;
 2. The sale of goods, wares, merchandise or services, the delivery or performance of which is to be accomplished immediately; or
 3. Soliciting donations by offering to deliver or making actual delivery of goods, wares, merchandise, or offering to perform or performing services in exchange for the donation of money; shall be deemed a nuisance and unlawful.

- The police chief and the police officers of the city are required and directed to suppress all unlawful nuisances described in this chapter and are empowered to arrest, in the manner authorized by law, all individuals against whom complaint has been made as having engaged in any of the above unlawful practices.
- The granting of any city license, or the possession of any such license, shall not make any individual immune from arrest and prosecution under this chapter.

Sec. 5.88.060. - Soliciting and selling on or near streets

- Except as otherwise provided in this section, it is unlawful for any individual to solicit or sell any goods, wares, merchandise or services, or to deliver or offer to deliver goods, wares, merchandise or services for a donation of money, the solicitation, sale or offer being made on foot, from a stand, or from an automobile, truck, wagon, or other vehicle temporarily located or parked within the right-of-way (including the sidewalk, parking and traveled portion thereof) of any street within the city or within the boundaries of any property owned by the city.
- The city administrator is authorized to grant permits to use the public right-of-way to fraternal, nonprofit or benevolent organizations for the purpose of solicitation of donations and to businesses to offer for sale their wares on the sidewalk immediately adjacent to their business, provided that any business issued such a permit shall allow for the unrestricted flow of pedestrian traffic past their business, subject to the following:
 1. Applications for permits shall be made at least five working days prior to the date of requested use.
 2. No permit shall be issued by the city administrator allowing the use of public right-of-way in excess of 48 hours.
 3. No permit shall be issued by the city administrator allowing the closure or partial closure of any street.

The city administrator is authorized to adopt procedures, provide forms and direct staff to assist and enforce the issuance of permits.

- The city council may waive the restrictions of this section or any part thereof and authorize the issuance of a temporary permit to solicit, sell or offer in exchange for a donation, goods, wares, merchandise and services as defined in this chapter subject to such terms and conditions as determined and authorized by the city council.
- It is unlawful for any individual to sell on public right-of-way and from any automobile, truck, wagon or other vehicle temporarily parked or from a stand temporarily located for such purpose unless such person provides off-street parking for a minimum of five motor vehicles; such off-street parking to be adjacent to, and in front of, or to the side of, the location where the automobile, truck, wagon, or other vehicle or stand is temporarily parked or located; and further provided that such sales may only be made in an area zoned C-2, C-3, M-1, or M-2, as defined in city zoning regulations.

Sec. 5.88.070. - Violation; penalty

- Any person who shall fail or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction or a plea of guilty shall be punished by a fine of not more than \$100.00 for each offense. Each day violation of any section of this chapter continues shall constitute a separate offense.

Full Code of Ordinances for CHAPTER 5.88 – SOLICITORS can be found under the Business page of the City of Great Bend website.

Chapter 5.04 – BUSINESS LICENSES GENERALLY

Sec. 5.04.140. - Expiration; notice to police chief

- Within 24 hours after any license has expired, the city clerk shall notify the police chief of such expiration, unless the same has been renewed.

Sec. 5.04.150. - Violation; penalty

- Any person who shall conduct or pursue any occupation, business, trade or profession for which a license is required by this chapter, without having obtained such license, shall be deemed to do so unlawfully, and for such violation, shall be deemed guilty of a misdemeanor and upon conviction or a plea of guilty, shall be punished for each offense by a fine in the amount set out in the master fee schedule established pursuant to for each offense. Each day that any business, occupation, trade or profession is

conducted without the license shall constitute a separate offense. Any person failing, neglecting or refusing to comply with any provision of this chapter shall likewise be guilty of a misdemeanor and so punishable.

- When any firm or corporation engages in any business, trade or occupation required to be licensed without first obtaining a license as required, the manager, local agent, party in charge or any employee may be arrested and charged for such violation, and either or any member of a partnership, or the party in charge of its business, shall be equally liable and subject to the penalty herein provided.

Full Code of Ordinances for Chapter 5.04 – BUSINESS LICENSES GENERALLY can be found under the Business page of the City of Great Bend website.