

(Ordinance Summary published in The Butler County Times-Gazette on January _____, 2015 and the full text of the Ordinance made available at www.andoverks.com for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 1587

AN ORDINANCE AMENDING AND RESTATING CHAPTER V, ARTICLE 1, DOOR TO DOOR SALES OF THE CODE OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, it has been determined by the governing body of the City of Andover, Kansas that it is in the best interest of the City to amend and restate certain sections of the Code of the City of Andover, Kansas.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. Chapter V, Article 1 of the Code of the City of Andover, Kansas shall be amended and restated as follows:

CHAPTER V. BUSINESS REGULATIONS AND LICENSES

ARTICLE 1. SOLICITING IN RESIDENTIAL AREAS

SECTION 5-101 DEFINITIONS

For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings

- (a) Solicitor shall mean anyone seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, books, magazines, newspapers and every other type of periodical, services of any kind or character, or description for any kind of consideration.
- (b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SECTION 5-102 LICENSE REQUIRED

- (a) It shall be unlawful for any person, firm or corporation to engage in the business of a solicitor without having in force and in his/her possession, a valid license to engage in such business as hereinafter provided.
- (b) It shall be unlawful for any person acting as a solicitor to solicit or contact any person at a residence which has posted a sign within reasonable view

of such residence front doorway stating “no solicitation”, “no solicitors”, or similar language.

SECTION 5-103 INVESTIGATION; ISSUANCE BY CITY CLERK

- (a) A license to engage in any of the businesses specified in the preceding Section will be applied for with a form provided by the City Clerk, a color copy of the applicants driver’s license or State issued I.D., a Kansas Sales Tax certificate, and appropriate license fee. Incomplete applications will not be accepted.

- (b) The City Clerk shall refer the application to the Chief of Police who shall cause an investigation of the facts stated. The City Clerk will advise the applicant of approval or denial within ten (10) business days of application. Such license is non-transferable, valid only on the day or days for which it is issued and must be in possession of the applicant while soliciting.

SECTION 5-104 LICENSE FEES; EXEMPTIONS

- (a) The fee for the license required by Section 5-101 shall be ten dollars (\$10) per day or one-hundred dollars (\$100) per year.

- (b) A daily license may renewed without an investigation within thirty (30) days from the date of the original issuance of the license.

- (c) No license fee will be required of groups or organizations which are non-profit in nature such as the Boy Scouts, Girl Scouts, church groups, and school groups.

- (d) No license fee will be required of producers and growers or their agents or employees engaged in the sale of farm or garden product or fruits grown within the State of Kansas.

SECTION 5-105 VIOLATIONS; REVOCATION

- (a) For application of this section each solicitation at each residence within the City limits shall be construed as a separate violation. The Chief of Police may revoke any license issued for fraud, misrepresentation or false statement contained in the application for license, statement made in the course of soliciting, conducting business 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 residents.

- (b) Any person aggrieved by the action of a denial of application or revocation of license shall have the right of appeal. Such appeal must be filed with the City Clerk within 14 days of the denial or revocation. The governing body shall set a time and place for a hearing and the decision made by the

governing body will be final and conclusive.

SECTION 5-106 ENFORCEMENT; PENALTY

- (a) It shall be the duty of any police officer to require any person engaged in the activities defined in this article, who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provision of the article against any person found to be violating the same.
- (b) Any person who shall fail or refuse to comply with the provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) and/or incarcerated in the Butler County Jail for not more than thirty (30) days.

Section 2. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this 30th day of December, 2014.

CITY OF ANDOVER, KANSAS

(seal)

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk

(Ordinance Summary published in The Butler County Times-Gazette on January 3, 2015 and the full text of the Ordinance made available at www.andoverks.com for a minimum of one (1) week from the date of publication.)

Ordinance No. 1587 Summary

On December 30, 2014, the City of Andover, Kansas adopted Ordinance No. 1587 amending and restating Chapter V, Article I of the Code of the City of Andover, Kansas which amends and regulates the licensure and prohibition of transient merchants and solicitation with the City limits. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 1609 E. Central or at www.andoverks.com. This summary is certified legally accurate and sufficient by the Andover City Attorney pursuant to K.S.A. 12-3001, et seq.

City Attorney