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CODES & ORDINANCES

TRANSIENT MERCHANT ORDINANCE

ORDINANCE NO. 2019

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER IX “LICENSES AND BUSINESS REGULATIONS” OF THE CODE THE CITY OF BELOIT, KANSAS AND REPEALING ORDINANCE #1827.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Beloit:

Section 1: Article 1. Transient Merchants of Chapter IX. Licenses and Business Regulations of the Code of the City of Beloit, Kansas is hereby amended to read as follows:

9-101 DEFINITIONS.

For the purpose of this article, the following word shall be considered to have the following meaning:

- a. **Transient Merchant** shall mean any person who engages in, does or transacts any temporary or transient business in the state, either in one locality or in traveling from place to place in the city, and includes merchants who, for the purpose of carrying on such business, hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real estate. The term “transient merchant” as used in this article shall mean any person, whether a resident of this city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services within the city who in furtherance of such purpose leases, uses, or occupies any lot or tract of real estate including any building or structure thereon. The term “transient merchant” shall include the terms “solicitor,” “peddler,” or “itinerant merchant or vendor.”

9-102 CERTIFICATE OF REGISTRATION.

No person shall engage in the activities as defined in section 9-101 within the corporate limits of the city without first obtaining a certificate of registration and license therefore. Any applicant for a certificate of registration and license under this article 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, address, and date of birth of applicant.
- b. State sales tax number.
- c. Credentials from the person, firm or corporation or association whom 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. A brief description of the nature of the business and the goods to be sold.
- g. Location and zoning of any temporary facility, structure, building, or vehicle.
- h. Whether or not the applicant has ever been convicted of a crime involving moral turpitude or any felony conviction.
- i. Submit a copy of a paid personal property tax receipt from the Mitchell County Treasurer or another county treasurer in the State of Kansas for all goods or merchandise brought into Mitchell County from outside the State of Kansas to be sold or disposed of in a place of business temporarily occupied for their sale.

9-103 ISSUANCE OF LICENSE.

- a. Upon receipt of an approved application for certificate of registration and license, the City Clerk shall issue a license.
- b. It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this ordinance without a license issued by the city.



9-104 LICENSE FEE; EXEMPTIONS.

- a. All persons applying for this license shall pay all applicable fees. These fees shall be set yearly by a Resolution of the Governing Body.
- b. No license or fee shall be required of:
 - 1) Transient merchants on routine routes who visit regular customers.
 - 2) Any person with a permanent association with any local health practitioner, dealer, auctioneer, trader, contractor, or merchant. This includes, but is not limited to:
 - i. Health care providers.
 - ii. Transient merchants who pay a regular, monthly rent, throughout the year, at a physical location in Beloit.
 - 3) Sales at wholesale to retail merchants by commercial travelers of selling agents in the usual course of business.
 - 4) Any person selling products of the garden, farm, or orchard actually produced or processed by the seller in this state.
 - 5) Any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision.
 - 6) Any not-for-profit or charitable organization as determined by the city administrator.

9-105 REVOCATION OF LICENSE.

- a. The Code Enforcement Officer or his or her designee may revoke any license issued under these articles, for any of the following causes:
 - 1) Fraud, misrepresentation or false statement contained in the application for license.
 - 2) Fraud, misrepresentation of false statement made in the course of carrying on the business.
 - 3) Any violation of this article.
 - 4) Conducting the businesses as defined in section 9-101 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.
- b. Notice of the revocation of a license shall be in writing to the applicant and set forth the grounds for revocation.
- c. Any person aggrieved by the action of the Code Enforcement Officer or City Administrator in the denial of an application or revocation of a license as provided in this article, shall have the right of appeal to the governing body. Such appeal shall be taken by filing with the City Clerk within 14 days after notice of the revocation or denial of the license has been mailed to such applicant's last known address setting forth the grounds for appeal. 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 hearing on revocation. The decision and order of the governing body on such appeal shall be final and conclusive.

9-106 DISTURBING THE PEACE.

No transient merchant nor any person in his or her behalf, shall shout, make an outcry, blow a horn, ring a bell or 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 or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, park or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

9-107 USE OF STREET.

No transient merchant shall have any exclusive right to any location in the public streets, nor shall he or she be permitted a stationary location, nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience the public. For the purpose of this article, the judgment of the Code Enforcement Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.



9-108 INVITATION PREREQUISITE TO ENTRY UPON PRIVATE PREMISES.

The practice of going in and upon private residences in the city by transient merchants not having been requested or invited to do by the owner or occupant of such private residence is declared to be a nuisance and punishable as such nuisance as a misdemeanor. However, sales to the owner or legal occupant of residential premises pursuant to an invitation by such owner or legal occupant are allowed provided the transient merchant possesses the appropriate license. Such invitation may be issued at the premises immediately preceding the sale.

9-109 ENFORCEMENT OF THIS ARTICLE.

It shall be the duty of any Code Enforcement Officer or Police Officer to require any person engaged in the activities as 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 provisions of this article against any person found to be violating the same.

9-110 PENALTIES.

Any person found in violation of this article, shall be fined not less than \$150 and not more than \$500.

Section 2: Ordinance No. 1827 is hereby repealed.

Section 3: This Ordinance shall take effect and be in full force from and after its passage and one publication in the official city newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 7th day of March, 2006.

Phillip Roberts, Mayor

ATTEST:

Charlene Abell, City Clerk



RESOLUTION NO. 5-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELOIT SUPPLEMENTING THE 2006 ADOPTED FEE SCHEDULE TO INCLUDE TRANSIENT MERCHANT LICENSE FEES

WHEREAS, the City of Beloit, Kansas, charges fees for activities and services offered by the City; and

WHEREAS, the fees are needed to ensure the City of Beloit is compensated for staff time; and

WHEREAS, the City Council adopted fees on January 17, 2006, and these fees need to be supplemented because they did not include transient merchant license fees; and

WHEREAS, after reviewing the fees, the Governing Body believes that the fees are fair to both the public and the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that, effective March 8, 2006, additional City fees shall be as follows:

General Topic	Specific Topic	Proposed Fees
Administration:		
License Fees:	Investigation Fee	\$50
	Daily License	\$100
	Annual License	\$400
	Fireworks Stand	\$50

PASSED AND ADOPTED at a regular meeting of the Governing Body of the City of Beloit and signed by the Mayor this 7th day of March, 2006.

Phillip Roberts, Mayor

ATTEST:

Charlene Abell, City Clerk