

## Chapter 600

### ALCOHOLIC BEVERAGES

Editor's Note — Ord. no. 1411 §1, adopted February 18, 2013, repealed ch. 600 and enacted new provisions set out herein. Former ch. 600 derived from CC 1985 §§4-101 — 4-106, 4-108 — 4-110, 4-113, 4-115, 4-201 — 4-212, 4-214, 4-216 — 4-219; ord. no. 839, 3-21-1988; ord. no. 843, 5-16-1988; ord. no. 989, 6-19-1995; ord. no. 1149 §§16 — 17, 8-19-2002; ord. no. 1196 §1, 5-17-2004; ord. no. 1227, 3-20-2006; ord. no. 1353 §§1 — 3, 8-16-2010.

#### ARTICLE I

##### Cereal Malt Beverages

**Section 600.010. Definitions.** [Ord. No. 1411 §1, 2-18-2013]

As used in this Article, the words and phrases used herein shall have the meanings set forth under State law, as the same exist from time to time, unless the context otherwise requires.

**Section 600.020. License Required of Cereal Malt Beverage Retailers.** [Ord. No. 1411 §1, 2-18-2013]

No person shall sell any cereal malt beverage at retail without first having secured a license from the City for each place of business which such person desires to operate within the corporate limits of the City of Mulvane, Kansas, as herein provided.

**Section 600.030. License Tax.** [Ord. No. 1411 §1, 2-18-2013]

- A. The license tax for the retail sale of cereal malt beverages (as a general retailer, limited retailer or temporary retailer) shall be as set forth in Section 100.240.
- B. The full amount of the license tax shall be required regardless of the time of the year in which the application is made and the licensee shall be authorized to operate under the license for only the remainder of the calendar year in which the license is issued.

**Section 600.040. Application for Licenses.** [Ord. No. 1411 §1, 2-18-2013]

Any person desiring to obtain or renew a cereal malt beverage license shall make an application to the Governing Body of the City and accompany the application by the required license tax for such place of business for which the person desires the license. The application shall be verified, upon a form prepared by the Attorney General of the State of Kansas, as in effect from time to time.

**Section 600.050. Examination — Disqualification — Approval.** [Ord. No. 1411 §1, 2-18-2013]

Subject to the restrictions, qualifications, and limitations of State law, if the application for

license is in proper form and accompanied by the license tax, the Governing Body shall examine the application and shall thereafter issue or renew a license to the applicants qualified at law.

**Section 600.060. License Granted.** [Ord. No. 1411 §1, 2-18-2013]

The journal of the Governing Body shall show the action taken, and if the license is granted, the action of the Governing Body shall direct the officers charged by law to issue other licenses under the general licensing power of the City to execute the license by order of the Governing Body. The license shall not be transferable. The license shall state that it is not transferable and the calendar year for which issued. The license shall be kept posted in a conspicuous place in the place of business.

**Section 600.070. Special Event Permits.** [Ord. No. 1411 §1, 2-18-2013]

A. Any person desiring to obtain a special event permit shall make an application to the City Clerk and accompany the application by the required license tax. Upon receipt of a properly complete application and the accompanying tax, the City Administrator or City Clerk may issue a special event permit, which shall allow the holder of such permit to offer for sale, sell and serve cereal malt beverages for consumption on specified unlicensed premises within the City, provided that:

1. The special event permit specifies the premises for which the permit is issued;
2. The special event permit is issued only for the duration of the special event, the dates and hours of which are specified in the permit;
3. No more than four (4) special event permits are issued to any one (1) applicant in a calendar year; and
4. The special event permit is not be transferable or assignable.

Any applicant for a special event permit shall pay the City, at the time of application, the required license tax in cash as provided for in Section 100.240 of this Code for each temporary permit issued hereunder. For the purposes of this Chapter, a special event permit shall be considered a "license" and any holder of a special event permit shall be considered a "licensee".

**Section 600.080. Suspension or Revocation of License.** [Ord. No. 1411 §1, 2-18-2013]

In addition to any and all other penalties imposed hereunder or under State law, the Governing Body of the City may suspend, or revoke such cereal malt beverage license for any violation of this Chapter, any violation of the Kansas Liquor Control Act, as amended from time to time, and for the reasons set forth, and in the manner provided by State law.

**Section 600.090. Wholesaler and/or Distributor.** [Ord. No. 1411 §1, 2-18-2013]

It shall be unlawful for any wholesaler and/or distributor, his/her or its agents or employees to sell and/or deliver cereal malt beverages within this City to persons authorized under this Article to sell the same within this City unless such wholesaler and/or distributor has first secured a

license from the Kansas Department of Revenue.

ARTICLE II  
**Intoxicating Liquors**

**Section 600.100. Definitions.** [Ord. No. 1411 §1, 2-18-2013]

As used in this Article, the words and phrases used herein shall have the meanings set forth under State law, as the same exist from time to time, unless the context otherwise requires.

**Section 600.110. Licenses Required.** [Ord. No. 1411 §1, 2-18-2013]

- A. No person shall maintain a club, farm winery, alcohol manufacturer, microbrewery, microdistillery, drinking establishment, alcohol distributor, retail package alcohol liquor establishment, or otherwise manufacture, offer for sale, sell, or serve alcoholic liquors either in their original package or by the drink without first having secured a valid, unexpired, and unrevoked license therefor from the State Director and, except in the case of a person holding a valid, unexpired and unrevoked caterer's license from the State Director, a valid, unexpired and unrevoked license or permit from the City for each place of business which such person desires to operate within the corporate limits of the City of Mulvane, Kansas.
- B. The qualifications, rights, and responsibilities of the licensees under the liquor licenses issued by the City shall be identical to the qualifications, rights, and responsibilities of licensees under licenses issued by the State Director.

**Section 600.120. License Tax.** [Ord. No. 1411 §1, 2-18-2013]

- A. A biennial license tax is hereby levied upon all persons making application for and securing a license required under this Article as set forth in Section 100.240.
- B. The full amount of the license tax shall be paid regardless of the time of the year that the application is made and the licensee shall operate under the license for only the remainder of the calendar year plus one (1) additional calendar year for which the license is issued. No, rebate or return of any portion of the license tax shall be made in the event the license is revoked for any cause provided under this Article.
- C. No license issued pursuant to this Article is transferable.

**Section 600.130. Application for License.** [Ord. No. 1411 §1, 2-18-2013]

- A. Any person desiring to secure or renew a license under the provisions of this Article shall make and file a verified application to the Governing Body of the City and shall accompany the application with the required license tax as provided for in Section 100.240 of this Code. A true copy of the application shall be submitted to the Chief of Police, the Director of the City-County Health Department and the City Attorney by the City Clerk for investigation and recommendation to the Governing Body of the City. The application for any license required under this Article shall contain the following information:
  - 1. The name and residence of the applicant.

2. The location of the premises for which the license is desired.
3. A set of fingerprints of the applicant, if required by the Chief of Police.
4. The name of the fee title owner or owners of the premises upon which the place of business is to be located.
5. True copy of the license issued to the applicant by the State Director.

**Section 600.140. Examination of Applicant and Application by Governing Body — Issuance or Denial of License.** [Ord. No. 1411 §1, 2-18-2013]

Subject to the restrictions, qualifications, and limitations of State law, if the application for license is in proper form, accompanied by the license tax, and the State Director has issued the applicant the appropriate license under State law, the Governing Body shall examine the application and shall thereafter issue or renew a license to the applicants qualified at law.

**Section 600.150. Temporary Permit.** [Ord. No. 1411 §1, 2-18-2013]

The City Administrator or City Clerk may issue a temporary permit, which shall allow the holder of such permit to offer for sale, sell and serve alcoholic liquor for consumption on specified unlicensed premises within the City, if the proposed holder of such permit shall present a valid, unexpired, and unrevoked temporary permit issued by the State Director to such proposed holder and applicable to said unlicensed premises; provided however, that if said premises includes any City street, alley, road, sidewalk or highway, such proposed temporary permit shall be issued only if approved by the Governing Body. Any applicant for a temporary permit shall pay the City, at the time of application, the required license tax as provided for in Section 100.240 of this Code for each temporary permit issued hereunder. For the purposes of this Chapter, a temporary permit shall be considered a "license" and any holder of a temporary permit shall be considered a "licensee".

**Section 600.160. Revocation or Suspension by Governing Body of License — Grounds — Right of Appeal.** [Ord. No. 1411 §1, 2-18-2013]

The Governing Body of the City may suspend or revoke such liquor license for any violation of this Chapter, any violation of the Kansas Liquor Control Act, as amended from time to time, and for any reason set forth in State law.

ARTICLE III  
**General Provisions**

**Section 600.170. Compliance With Laws — Prohibited Acts.** [Ord. No. 1411 §1, 2-18-2013]

- A. Any person holding a license under this Chapter shall at all times comply with all State and local laws, regulations, and rules applicable to such license holder. All restrictions, requirements, and obligations imposed upon an alcoholic beverage license and licensee by State law shall apply to the license granted hereunder and the licensee.
- B. The City has not expanded the days of sale at retail of cereal malt beverages or alcoholic liquor pursuant to K.S.A. 41-2911.

**Section 600.180. Consumption of Alcoholic Liquor and Cereal Malt Beverages Prohibited in Certain Places.** [Ord. No. 1411 §1, 2-18-2013]

No person shall drink or consume any alcoholic liquor or cereal malt beverage on public property within the corporate limits of the City, except during special events of a specified time, place, and duration, and upon approval by the Governing Body of the City. Such request may be approved by the Governing Body of the City by resolution for the specified time, place, and duration of the event specified in the request. Approval by the Governing Body of a cereal malt beverage special event permit under Section 600.070 or a liquor temporary permit under Section 600.150 shall be deemed to permit such consumption as specified therein.

**Section 600.190. Immediate Entry to and Inspection of Premises Condition of License — Revocation for Refusal.** [Ord. No. 1411 §1, 2-18-2013]

Every license granted under this Chapter is conditioned upon the right of any duly authorized officer or agent of the director, the City, or any Law Enforcement Officer to immediate entry to and inspection of any premises licensed under this Chapter, and acceptance of any license shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such right of immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the licensed premises is open for business. Such consent shall not be revocable during the term of the license. Refusal of such entry shall be grounds for revocation of the license.

**Section 600.200. Severability.** [Ord. No. 1411 §1, 2-18-2013]

If any provisions of this Article or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Article which can be given effect without the invalid provisions or application and to this end the provisions of this Article are severable.

**Section 600.210. Penalties.** [Ord. No. 1411 §1, 2-18-2013]

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be adjudged guilty of a misdemeanor and punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period not exceeding six (6) months, or both.

## Chapter 605

### LICENSES AND BUSINESS REGULATIONS

Cross References — Ambulance company licensing, see ch. 230, art. II; ambulance personnel licensing, see ch. 230, art. IV.

#### ARTICLE I

##### Peddlers, Solicitors and Itinerant Merchants

**Section 605.010. Licenses Required.** [CC 1985 §8-101; Revised, 1961; Ord. No. 1390 §1, 2-6-2012]

- A. It shall be unlawful for any person, firm, or corporation to engage in the business of a solicitor in the City of Mulvane without having in force, and in his/her possession, a valid license to engage in such business as hereinafter provided. 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.
- B. "*Solicitor*" for the purposes of this Article shall mean each individual, whether individually or representing any corporation, partnership, limited liability company, or other entity, attempting direct personal contact for the purpose of selling merchandise or services, or soliciting interest in or advertising the purchase of merchandise or services door-to-door on public or residential private property to persons or other entities with whom such solicitor does not have a prior contractual relationship.

**Section 605.020. Issuance by City Clerk.** [CC 1985 §8-102; Revised, 1961]

A license 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 license shall not be transferable and shall be valid only on the day or days for which it is issued.

**Section 605.030. License Fees.** [CC 1985 §8-103; Amending Ord. No. 918, 5-20-1991; Ord. No. 1149 §18, 8-19-2002]

The fee for the license required by Section 605.010 hereof shall be as set forth in Section 100.240, which shall be paid to the City Clerk before the license is issued. Annual license fees shall be paid on or before May first (1st) of each year. State sales tax certificate must be provided before license is issued.

**Section 605.035. No Solicitation.** [Ord. No. 1390 §2, 2-6-2012]

It shall be unlawful for any person, licensed or unlicensed, 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 605.040. Violation.** [CC 1985 §8-104; Ord. No. 776, 1-20-1986]

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.

ARTICLE II  
**Pool Halls**

**Section 605.050. License Required.** [CC 1985 §8-201; Ord. No. 127 §1, 4-2-1951]

It shall be unlawful for any person, firm or corporation to operate or maintain for hire any pool, snooker or billiards hall, table or tables, within the limits of the City of Mulvane, Kansas, without first procuring a license therefor as provided herein.

**Section 605.060. License Fee.** [CC 1985 §8-202; Ord. No. 127 §4, 4-2-1951; Ord. No. 237, 5-18-1959; Ord. No. 1149 §19, 8-19-2002]

The license fee for operating or maintaining for hire any pool, snooker or billiards hall, table or tables within the limits of said City shall be as set forth in Section 100.240. Such license fee shall be paid to the City Clerk who shall issue such license to such person, firm or corporation whose application shall have been first approved by the Mayor and Councilmen of said City, and such license so issued shall not be transferable. All license fees shall be payable in advance and the full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license until the first (1st) day of May next following.

**Section 605.070. Construction Requirements.** [CC 1985 §8-203; Ord. No. 127 §5, 4-2-1951]

The room where any such billiards or pool hall is run, operated and maintained shall not be divided by any partitions, and the windows and doors of said room shall at all times be maintained so as to afford a full and unobstructed view of the interior of such room from the street, and said room shall be fitted and supplied with a toilet on the main ground floor, properly connected to and with the sewer system of said City.

**Section 605.080. (Reserved)** <sup>1</sup>

**Section 605.090. Disorderly Conduct Prohibited.** [CC 1985 §8-205; Ord. No. 127 §6, 4-2-1951]

It shall be unlawful for any person, firm or corporation licensed as aforesaid to permit any illegal

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1. Editor's Note — Ord. no. 1389 §1, adopted January 16, 2012, repealed section 605.080 "closing hours — sunday operation prohibited" in its entirety. Former section 605.080 derived from CC 1985 §8-204; ord. no. 127 §3, 4-2-1951. This section has been reserved for the city's future use.

drinking in such pool, snooker or billiards hall or to allow or permit any loud, profane or vulgar language to be used there.

**Section 605.100. Minors.** [CC 1985 §8-206; Ord. No. 747 §1, 5-7-1984]

It shall be unlawful for any owner, proprietor or manager of any public billiard or pool hall to permit any person under the age of eighteen (18) years to be or remain in such billiard hall or to play pool, billiards or snooker, therein, for pay or otherwise, provided however, that the foregoing prohibition shall not apply to any person who is present within said public billiard or pool hall in the direct custody and under the dominion and control of his/her natural parent or legal guardian, said person being present to supervise and maintain control over the minor at all times.

**Section 605.110. (Reserved)** <sup>2</sup>

**Section 605.120. Revocation of License.** [CC 1985 §8-208; Revised, 1961]

The Governing Body, upon notice to the licensee and affording him/her an opportunity to be heard, may revoke any license granted hereunder for violation of the provisions of this Article.

ARTICLE III

**Bowling Alleys and Coin-Operated Amusement Devices**

**Section 605.130. Bowling Alleys.** [CC 1985 §8-301; Ord. No. 127 §9, 4-2-1951]

Operators of bowling alleys shall pay a yearly license fee of ten dollars (\$10.00) per alley for the first (1st) two (2) alleys and twenty dollars (\$20.00) for each additional alley operating in the City of Mulvane, Kansas; provided, that all alleys operating under one (1) license shall be in one (1) place of business.

**Section 605.140. Coin-Operated Amusement Devices.** [CC 1985 §8-302; Ord. No. 127 §10, 4-2-1951; Ord. No. 1149 §20, 8-19-2002]

Persons maintaining coin-operated music machines, juke boxes, pinball machines or other similar coin-operated amusement devices shall pay a yearly license fee as set forth in Section 100.240 for each machine in operation in the City of Mulvane, Kansas.

**Section 605.150. License Fees.** [CC 1985 §8-303; Ord. No. 127 §11, 4-2-1951]

All license fees imposed or required by this Article shall be payable to the City Clerk in advance and all licenses shall expire at the end of April of each calendar year. All licenses issued under this Article shall be issued for the place of business in which the item or items requiring a license are located and shall not be transferable.

ARTICLE IV

**Recreational Centers**

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2. Editor's Note — Ord. no. 1389 §2, adopted January 16, 2012, repealed section 605.110 "number of pool halls limited" in its entirety. Former section 605.110 derived from CC 1985 §8-207; ord. no. 127 §7, 4-2-1951. This section has been reserved for the city's future use.



**Section 605.160. Definition.** [CC 1985 §4-301; Ord. No. 557, 9-6-1977]

Any place of business located within the City wherein the primary purpose of said business is to offer to the public amusement or entertainment consisting of pinball machines, pool tables, marble machines, juke boxes, foosball, air hockey and any or all other coin-operated amusement devices shall for the purposes of this Article be deemed a "*recreational center*".

**Section 605.170. Open View of Interior.** [CC 1985 §4-302; Ord. No. 557, 9-6-1977]

From and after the effective date of this Article, a substantial portion of the interior of such recreational center shall be open to view from one (1) or more points on the exterior of such recreational center. Blinds, curtains, windows, doors and other such openings into any recreational center shall be at all times so drawn, constructed and arranged so that an unobstructed view may be had of the interior of said premises; provided however, all amusement centers licensed for the first (1st) time shall have at least one (1) door or window located so that an unobstructed view may be had of a substantial portion of the interior of said premises from the street. In extreme hardship cases, these requirements may be waived or altered by the Governing Body.

**Section 605.180. Interior Lighting.** [CC 1985 §4-303; Ord. No. 557, 9-6-1977]

The interior of all recreational centers shall be adequately lighted during business hours with at least one (1) footcandle of light thirty (30) inches above the floor in all portions thereof.

**Section 605.190. Conduct of Business.** [CC 1985 §4-304; Ord. No. 557, 9-6-1977]

The management of all recreation centers shall conduct the business in orderly fashion and shall not permit loud, boisterous or riotous conduct upon the premises. No cereal malt beverages may be served or consumed on said premises.

**Section 605.200. Violation.** [CC 1985 §4-305; Ord. No. 557, 9-6-1977]

Violation of this Article is a Class C misdemeanor.

ARTICLE V  
**Entertainers**

**Section 605.210. Identification Permit.** [CC 1985 §10-1501; Amended Ord. No. 920, 6-3-1991]

Every professional dancer, entertainer, or other performer except a musician or vocalist performing solely as a musician or vocalist who for compensation performs in any place licensed under Chapter 600 of the City of Mulvane Code, shall first obtain an identification permit. Any person engaging in any such performance without first having made application for such identification permit shall be guilty of a Class A misdemeanor.

**Section 605.220. Employer.** [CC 1985 §10-1502; Amended Ord. No. 920, 6-3-1991]

Any person licensed under the provisions of the City Code of the City of Mulvane, Kansas, who employs or allows a professional dancer, entertainer or other performer who does not have an identification permit as set out herein or who permits or allows an entertainer or performer

subject to regulation under the City Code to dance or perform within or about the premises shall be guilty of a Class A misdemeanor. Upon conviction thereof, all City licenses held by such employer or person allowing such prohibited conduct shall be subject to forfeiture, suspension and/or revocation.

**Section 605.230. Application for Permit.** [CC 1985 §10-1503; Amended Ord. No. 920, 6-3-1991; Ord. No. 1391 §1, 2-6-2012]

Any person desiring such identification permit shall file written application therefor with the Chief or Police or his/her designee giving his/her name, address and current and/or previous place of employment. Every performer or entertainer subject to this Article shall then be photographed and fingerprinted by the Police Department after which an identification permit shall be issued on such forms, interim and permanent, as are approved by the Chief of Police. Each such permit shall be valid for a period of one (1) year after which a new application shall be filed by any person desiring a current identification permit. An annual fee shall be paid for the filing of such application for the issuance of the identification permit as set forth in Section 100.240.

**Section 605.240. Unlawful Actions.** [CC 1985 §10-1507; Amended Ord. No. 920, 6-3-1991]

It shall be unlawful for any professional dancer, entertainer, or other performer licensed hereunder to perform any manner of obscene, lewd, lascivious or prurient dance and it shall also be unlawful to allow any such performance. It shall be prima facie evidence of violation of this Section to wear any costume or other clothing which does not cover or which is transparent or does not conceal reproductive organs.

**Section 605.250. Revocation of Identification Permit.** [CC 1985 §10-1508; Amended Ord. No. 920, 6-3-1991]

- A. No person who within two (2) years preceding the date of making application has been convicted of any felony or of any crime involving a morals charge or the violation of any controlled substance or intoxicating liquor law of any City, State or the United States shall be issued an identification permit. Any such identification permit required herein may be revoked permanently by the Governing Body of the City of Mulvane, Kansas, upon hearing at any regular meeting of the City Council, and may be suspended immediately for not to exceed thirty (30) days by the Chief of Police for any of the following reasons:
1. If the permittee has fraudulently obtained the identification permit by giving false information therefor;
  2. Drunkenness of the permittee;
  3. Violation of any provision of City ordinances or State or Federal Statutes pertaining to intoxicating liquor, cereal malt beverages, or controlled substances.
  4. The conviction of any felony or of any crime involving a morals charge.
- B. For the purposes of this Code, "*morals charge*" shall include those charges involving prostitution, pimping, indecent exposure, lewd and lascivious conduct, illegal use, possession or sale of controlled substance as defined by State law.

**Section 605.260. Penalty.** [CC 1985 §10-1509; Amended Ord. No. 920, 6-3-1999]

Any person, corporation, firm or association violating any provision of this Article shall be guilty of a Class A misdemeanor.

ARTICLE VI  
**Trash Hauling**

**Section 605.270. License Required.** [CC 1985 §7-601; Ord. No. 439, 5-21-1973; Ord. No. 1069, 10-18-1999]

All firms, persons, corporations, partnerships or others engaged in the collecting, hauling or disposing of trash, garbage or other waste within the City of Mulvane, Kansas, for consideration shall, prior to engaging in such business, obtain a license from the City of Mulvane.

**Section 605.280. Application for License.** [CC 1985 §7-602; Ord. No. 439, 5-21-1973; Ord. No. 1069, 10-18-1999]

- A. All persons making an application for a license to engage in the business of hauling trash for consideration within the City of Mulvane, Kansas, shall first be required to file with the City Clerk the following:
1. A verified statement that the applicant individually has not been convicted of a felony as defined by the laws of the State of Kansas or the United States of America.
  2. A certificate or statement to be furnished by the Chief of Police of the City of Mulvane, Kansas, or a duly authorized deputy stating that said individual has examined each vehicle to be used by the applicant for the purpose of hauling trash, garbage or other waste and that said individual finds each vehicle to be so used to be in a safe mechanical condition and that said vehicle is supplied with an adequate cover to protect said trash, garbage or other waste from flies or insects and, further, that said trash is in a covered condition and cannot negligently fall from said vehicle.
  3. A Certificate of Insurance in the amount of not less than one million dollars (\$1,000,000.00) is required.
  4. Each applicant shall furnish a certificate showing that he/she is authorized to dump trash, garbage or other refuse at a dump approved by the Wichita-Sedgwick County Health Department or Sumner County Health Department or a duly licensed Health Department within the State of Kansas.

**Section 605.290. Issuance of License.** [CC 1985 §7-603; Ord. No. 439, 5-21-1973; Ord. No. 1069, 10-18-1999; Ord. No. 1149 §21, 8-19-2002]

Upon receipt of the certificates and proof as set out in Section 605.280 and upon the payment by the applicant for the purpose of hauling said trash, garbage or other waste to the City, said City Clerk shall issue to said qualified applicant a "Trash Hauler's License". All licenses shall expire on the thirty-first (31st) day of December each year and shall not be assignable or transferable, and there shall be no refunds for any unused portion of the period of said license. In the event that an application is made, the qualifications met and a license issued, the fee as set forth in Section 100.240 shall be paid.

**Section 605.300. Vehicles.** [CC 1985 §7-604; Ord. No. 439, 5-21-1973]

Each vehicle used for the purpose of collecting and hauling trash, garbage or other waste shall have prominently displayed on said vehicle the license number together with the name and telephone number of the licensee.

**Section 605.310. Revocation of License.** [CC 1985 §7-605; Ord. No. 439, 5-21-1973]

All licenses issued under the provisions of this Article may be revoked upon the recommendation of the Chief of Police of the City of Mulvane or the City Administrator of the City of Mulvane after approval by the Governing Body of said City for good cause; provided however, no license shall be revoked until notice has been given to the licensee and a hearing held before the Governing Body of the City of Mulvane, Kansas.

ARTICLE VII  
**Hauling of Sewage**

**Section 605.320. Unauthorized.** [CC 1985 §11-401; Ord. No. 440, 5-12-1973]

The health, welfare and comfort of the citizens of the City of Mulvane shall be protected from the unauthorized dumping, discharging or hauling of sewage or septic tank refuse by the regulation and licensing of all persons, firms, or corporations engaged in the business of hauling sewage or septic tank cleaning.

**Section 605.330. Fee.** [CC 1985 §11-402; Ord. No. 440, 5-12-1973]

No person, firm or corporation shall be permitted to haul, dump or discharge any sewage or septic tank refuse within the City limits of the City of Mulvane, Kansas, without first having secured a license therefor, paying the hereinafter specified fees and having paid a licensing fee to said City in the amount of fifty dollars (\$50.00). All licenses issued by the City shall be non-assignable and shall be renewable on or before the first (1st) day of June of each year.

**Section 605.340. Standards for Hauling.** [CC 1985 §11-403; Ord. No. 440, 5-12-1973]

- A. To secure a license from the City of Mulvane for the purpose of hauling, dumping or discharging sewage or septic tank refuse within the City of Mulvane, Kansas, the applicant shall meet the following standards:
1. The applicant must be a duly licensed hauler, having received a license from the appropriate County, State or Municipal Department of Health.
  2. The applicant must furnish to the City Administrator or his/her duly authorized deputy proof satisfactory to said City Administrator or his/her duly authorized deputy that the applicant has met all standards promulgated by the County, City or State Departments of Health; provided however, all vehicles in which sewage or septic tank refuse is hauled, carried or discharged shall be closed containers with the appropriate discharge apparatus and must prominently display the license number of the City of Mulvane on both sides of the vehicle.
  3. All vehicles or materials of conveyance used by the applicant in his/her business must

carry public liability insurance as may be required by the Kansas Corporation Commission if the applicant has complied with the rules and regulations of said Commission, but in any event, in an amount of not less than fifty thousand dollars (\$50,000.00) each person and one hundred thousand dollars (\$100,000.00) each accident.

4. No vehicle, whether approved by the appropriate City, County or State Department of Health, or not approved, shall haul, dump and discharge sewage except in the receptacles designated by or provided by the City as designated places for reception by the City sewage treatment plant.
5. After consultation with the City Engineer and the Superintendent of the sewage treatment plant, the City Administrator shall prepare and post in conspicuous places all necessary rules and regulations for the safe, sanitary and orderly discharge of sewage or septic tank refuse by licensees, said rules to be modified from time to time as said City Administrator deems advisable. The City Administrator shall cause said rules and regulations to be posted at least in the City Building, at each designated discharge site and shall deliver a copy of said rules and regulations to each licensee upon issuance of a license to said individual, firm or corporation.

**Section 605.350. Designated Sites.** [CC 1985 §11-405; Ord. No. 440, 5-12-1973]

No sewage or septic tank refuse shall be dumped by any individual, firm or corporation, licensee or otherwise, except at the specified and designated sites described in the foregoing Sections of this Article in compliance with all posted rules and regulations.

**Section 605.360. Violation.** [CC 1985 §11-407; Ord. No. 440, 5-12-1973]

- A. Every person, firm or corporation who disobeys, violates or disregards the posted notices setting forth the rules and regulations adopted by the City Administrator may, after a hearing before the Governing Body of the City of Mulvane, have his/her license revoked for cause.
- B. Violation of the criminal terms of this Article by the licensee shall be grounds for revocation of said license.
- C. Upon conviction for cause or violation of the criminal penalty for this Article or for any other reasons causing a license to be suspended, no refunds or rebates shall be given the licensee.

**Section 605.370. Non-Assignable — Renewal.** [CC 1985 §11-408; Ord. No. 440, 5-12-1973]

No licenses are assignable and must be renewed each year on or before the first (1st) day of June of said calendar year.

ARTICLE VIII

**Arborists**

**Section 605.380. Licensing of Arborists.** [CC 1985 §12-110.2; Amending Ord. No. 899, 7-2-1990; Ord. No. 1149 §22, 8-19-2002]

It shall be unlawful for any person, persons or firms to engage in the business or occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be as set forth in Section 100.240 and shall be valid for twelve (12) months from the date of issue; provided however, that no license shall be required of any duly insured public utility or authorized officer or agent of the City doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of current liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the City and/or any person injured or damaged resulting from the pursuit of such endeavors as an arborist.

#### ARTICLE IX

##### **Miscellaneous Business License Fees**

**Section 605.390. Miscellaneous Business License Fees.** [Ord. No. 1149 §23, 8-19-2002]

It shall be unlawful for any person, persons or firms to engage in the business or occupation listed herein within the City without first applying for and procuring a license. The fees for auction permits, food vending licenses, garage sale permits, pawnbrokers' licenses, recycle truck licenses and taxi licenses shall be as set forth in Section 100.240.

**Section 605.400. Transient Guest Tax.** [Ord. No. 1315 §2, 10-6-2008]

The City hereby levies a transient guest tax in an amount set out in Section 100.240 of this Code upon the gross receipts derived from or paid directly or through an accommodations broker by transient guests for lodging or accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court located within the City. The transient guest tax levied pursuant to this Section shall be based on the gross rental receipts collected by any business.

#### ARTICLE X

##### **Video Service Provider Fee**

**Section 605.410. Video Service Provider Fee.** [Ord. No. 1334 §§1 — 2, 9-21-2009]

- A. The Governing Body of the City is hereby authorized to levy a video service provider fee pursuant to K.S.A. Section 12-2024(b) and (c) and amendments thereto.
- B. The City hereby levies a five percent (5%) video service provider fee upon the gross revenues of any video service provider holding a State-issued video service authorization from the State of Kansas and providing video services within the jurisdiction of the City. The video service provider fee levied pursuant to this Article shall be based on the gross revenues as defined at K.S.A. Section 12-2024(d) and (e) and amendments thereto.