

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)¹

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 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)²

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]

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.

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.

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

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.

ARTICLE XI
Mobile Food Vendors

Section 605.420. Definitions. [Ord. No. 1445 § 1, 7-6-2015]

MOBILE FOOD VENDOR —% Any business which sells pre-packaged food, prepared food, or on-site prepared food or edible goods from: (1) a mobile food truck or other vehicle equipped with a self-contained motorized unit; (2) a concession cart or other mobile vending unit that must be moved by non-motorized means; or (3) a concession trailer or other mobile vending unit which is pulled by a motorized unit and has no power to move on its own. Catering or delivery vehicles used merely for delivery of food or edible goods to a residence or place of business pursuant to pre-order shall not constitute a Mobile Food Vendor.

Section 605.430. License Required Of Mobile Food Vendors. [Ord. No. 1445 § 1, 7-6-2015]

No person shall operate a Mobile Food Vendor business without first having secured a license from the City for each food truck, concession cart, or concession trailer which such person desires to operate within the corporate limits of the City of Mulvane, Kansas, as herein provided.

Section 605.440. License Fee. [Ord. No. 1445 § 1, 7-6-2015]

The fee for the license required by Section 605.430 hereof shall be as set forth in Section 100.240 (Food Vending License), which shall be paid to the City Clerk before the license is issued. Annual license fees shall be paid on or before May 1 of each year. A State sales tax certificate must be provided before license is issued.

Section 605.450. Application For License. [Ord. No. 1445 § 1, 7-6-2015]

Any person desiring to obtain or renew a Mobile Food Vendor license shall make an application to the Governing Body of the City accompanied by the required license fee.

The City may, in its sole discretion, grant a Mobile Food Vendor license upon applicant's completion of an application on a form approved by the City and after satisfactory inspection of the Mobile Food Vendor's unit by City personnel. Such license shall not be transferable and shall be valid only on the day or days for which it is issued.

Section 605.460. Exemption From License. [Ord. No. 1445 § 1, 7-6-2015]

A. This Article XI shall not apply to:

1. Any individual or entity which also maintains a physical commercial location (i.e., brick and mortar storefront) within a properly-zoned commercial area within the limits of the City primarily for the sale of the same merchandise and/or service; and
2. Kansas Not-for-Profit corporations and other 501(c)(3) tax-exempt organizations that provide charitable goods and/or services within the limits of the City.

B. A Mobile Food Vendor's license shall not be required:

1. During the third weekend in August from Friday at 8:00 a.m. until Sunday at 5:00 p.m. for any Mobile Food Vendor operating in conjunction with or during the times of the Mulvane Old Settler's Days celebration; or
2. For the sale of produce and homegrown farm products and other items sold in conjunction with the Mulvane's Farmers' Market held on Saturdays from June through October at the corner of Mulvane and 2nd Street, within the City.

Section 605.470. Display Of License. [Ord. No. 1445 § 1, 7-6-2015]

A Mobile Food Vendor license, along with any other licenses or permits required by the State of Kansas, shall be displayed at all times in a conspicuous place where it can be read by the general public on the Mobile Food Vendor's vehicle, truck, concession cart, or concession trailer.