

ORDINANCE NO. 226

AN ORDINANCE PROVIDING FOR THE LICENSING OF PEDDLERS, ITINERANT VENDORS AND SOLICITORS AND OTHER SIMILAR PURSUITS AND OCCUPATIONS AND PRESCRIBING A PENALTY FOR SELLING OR SOLICITING IN VIOLATION THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

Section 1. That no person or persons or association or partnership of persons or corporation shall engage in the following occupations and pursuits in the City of Wathena, Kansas, to wit: hawkers; peddlers; itinerant vendors and tradesmen; magazine, periodical, newspaper, and book salesmen and solicitors; termite, rodent and all other pest control operators; door to door salesmen, solicitors, and vendors of goods, wares, merchandise, services, or products of every kind, nature, and description whatsoever; shows; and theaters and all kinds of exhibitions for pay, without first obtaining a license therefor as provided in this ordinance.

Section 2. That the fee for making application for and obtaining a license to engage in any of the occupations or pursuits enumerated in Section 1 above shall be in the amount of \$5.00 and shall be paid to the City Clerk at the time that application is made for such license as provided in Section 3 hereof with said sum to be deposited by said Clerk in the general fund of said City.

Section 3. That any person desiring to procure a license to engage in any of the occupations or pursuits enumerated in Section 1 hereof shall make and file an application therefor with the City Clerk of said City of Wathena which said application shall be subscribed and sworn to before said City Clerk or some other officer authorized by law to administer oaths, shall contain the name, age, post office address, and residence of the applicant, his principal or employer, if any, and a description of the occupation or pursuit in which the applicant desires to engage in said City using the applicable occupation or pursuit of said applicant as enumerated in Section 1 hereof; that said application shall forthwith be referred by said City Clerk to the Mayor and Governing Body of said City of Wathena for approval or rejection as to form and content

and said Mayor and Governing Body shall take final action thereon at some regular meeting within twenty-one (21) days from the date of the filing of said application.

Section 4. That if said application shall be rejected, the City Clerk shall forth with notify the applicant of such rejection and the reason therefor and shall remit to the applicant the sum of \$3.00 of the application fee with the balance of \$2.00 to be retained in the City Treasurer to defray the cost of processing said application; that should the applicant so desire he may correct the defects existing in said application and upon the payment of the \$5.00 fee provided in Section 2 hereof, refile said application for further action by the Governing Body as upon an original application; that if said application shall be approved, the City Clerk shall forthwith deliver to the applicant a license duly executed by the Mayor of said City of Wathena and attested by the City Clerk to engage in the occupation or pursuit described in the application on which such license is based, which said license shall be in words and figures substantially as follows:

L I C E N S E

THE CITY OF WATHENA, KANSAS, TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

KNOW YE, THAT WHEREAS, the Mayor and Governing Body of the City of Wathena, Kansas, on the _____ day of _____, 19____, duly approved the application of _____ for a license to engage in the occupation or pursuit hereinafter described in said City of Wathena and WHEREAS the above named has satisfactorily met and complied with all of the prerequisites and the requirements of Ordinance No. 226 of said City of Wathena prior to engaging in said occupation:

NOW, THEREFORE, the said _____, by these presents is hereby licensed, authorized and empowered to engage in the occupation and pursuit of _____ in said City of Wathena, Kansas, from date hereof until _____, 19_____.

IN TESTIMONEY WHEREOF, the said City of Wathena, has caused this license to be executed by the Mayor of this City, attested by the City Clerk, and the seal of said City to be hereunto affixed at the City Hall in the City of Wathena, Kansas, this _____ day of _____, 19_____.

THE CITY OF WATHENA, KANSAS

BY: _____
Mayor

(CITY SEAL)

ATTEST:

City Clerk

Section 5. That no license issued and granted under this ordinance shall be assignable or transferable by the licensee to any other person nor shall such license authorize any person to transact business or act under it except the person named therein.

Section 6. That all licenses issued hereunder shall terminate and expire on the last day of the calendar year in which issued and such licenses shall be renewable only upon the licensee making application therefor in the same manner as set forth in this ordinance for the original application for such license.

Section 7. That nothing contained in this ordinance shall be construed to prohibit any person from engaging in any of the occupations or pursuits enumerated in Section 1 hereof when the net proceeds therefrom shall be exclusively devoted to any religious, charitable or local civic purpose not to prevent the sale of fish or game or fruits or vegetables or other produce by the producer or captor thereof, provided, however, that any person claiming exemption from the terms and provisions of this ordinance under this section shall furnish the Governing Body of the City of Wathena with creditble evidence of the exemption of such pursuit or occupation under this section and shall secure a written certificate of such exemption from said Governing Body prior to engaging therein.

Section 8. That any person who shall violate any of the terms and

provisions of this ordinance shall be adjudged guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more thsn \$100.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment.

Section 9. That Ordinance No. 70 and all other ordinances and parts of ordinances of said City of Wathena in conflict herewith be and the same are hereby repealed.

Section 10. That this ordinance shall take effect and be in force from and after its publication in the Wathena Times, official City Paper.

Passed by the Council and approved by the Mayor this 2nd day of July, 1963.

Mayor, City of Wathena, Kansas

(CITY SEAL)

ATTEST:

City Clerk