

ORDINANCE NO. 3532

AN ORDINANCE AMENDING GENERAL ORDINANCE 3206 WHICH IS AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1 OF THE CODE OF THE CITY OF IOLA, RELATING TO ESTABLISHING REGULATIONS FOR THE AUTHORIZATION AND CONTROL OF TEMPORARY BUSINESSES IN THE CITY OF IOLA, ALLEN COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IOLA, KANSAS:

SECTION 1. AMENDMENT. The City does hereby amend the General Ordinance 3206, which amends Article 1, Chapter V of the Code of the City of Iola, to read as follows:

ARTICLE I. TEMPORARY BUSINESSES

5-101. ALLOWED. This article shall allow temporary businesses, door-to-door salesmen, and the operation of said businesses and sales through a permit system in this City.

5-102. DEFINITIONS. Whenever used in this article, unless a different meaning appears from the context:

a) "Temporary Business" shall mean the sale of goods or services sold by a business or individual at a nonpermanent retail establishment, including food, goods, products, or clothing, and operated within the City limits.

b) "Business" shall mean any marketing activity conducted to sell goods or services for a profit.

c) "Brick and Mortar Business" means a business located within the city limits of Iola in a building on a permanent foundation.

d) "Mobile Vendor Service" means anything that has the potential to be moved or is on a moveable base, such as, but not limited to, a pull trailer, motorized vehicle, manual pop-up, or cart, is not considered a brick-and-mortar business.

e) "Person" includes the singular and the plural and means any person, firm, corporation, association, club, partnership, society, or any other organization, and the agents, servants, or representatives thereof, including any religious or charitable organization.

5-103. PERMIT REQUIRED. No person shall operate a temporary business within the City without a permit from the City Clerk.

5-104. APPLICATION FOR PERMIT. An application for a permit to operate a temporary business under this article shall be made at the City Clerk's office upon forms approved by the City. Two permits exist: those for Iola-owned and operated (5-105) and those from outside the City of Iola (5-107). Such

applications shall be sworn to and filed with the City Clerk at least 72 hours before the time the permit is applied for shall become effective. The application herein required shall contain the following information:

- (a) Name, date of birth, address, or headquarters of the person applying for the permit;
- (b) If the applicant is not an individual, the name and addresses of the applicant's principal officers and management;
- (c) The names, dates of birth, driver's licenses, identification card numbers, and addresses of all persons in direct charge of conducting the **temporary business**.
- (d) The names, dates of birth, driver's license, or identification card numbers of all persons who will be working for the business at the location in the City;
- (e) The time within which the temporary business will be operated and the location of the business in the City;
- (f) Proof of liability Insurance for the business.
- (g) A copy of the State of Kansas Food Vendor License, if applicable
- (h) All applications must include a signed release from the property owner and
- (i) A Kansas *tax* identification number,

5-105. TERMS OF PERMIT FOR LOCAL ESTABLISHED MOBILE VENDOR SERVICE. Each year, any Iola mobile vendor service will be charged a \$10.00 application fee for a one-year vendor license, which shall expire twelve (12) months from the date said license is issued. This allows them to set up within the Iola City limits on private property during the year.

To be considered a local established mobile vendor, any vendor service "Mobile vendor vehicle or trailer" that requires State registration and tags must have their vehicle or trailer registered in Allen County with an Iola address and show proof that they are a city resident for the operating year.

Local brick-and-mortar businesses in Iola that wish to hold special events during the licensing year can fill out an application detailing the event, stating the mobile vendor service that will be attending and asking for two parking spots to be blocked off with cones. The mobile vendor service must have a current vendor license as required by Section 5-105 or Section 5-107. Due to Madison Avenue being Highway 54 and a major thoroughfare through Iola, no vendor shall be granted permission to park on Highway 54/Madison Avenue through town.

All applicants will be issued a permit. The permit will contain the application time frame's beginning and ending dates. It must be displayed in the vendor's mobile vehicle/truck window so City Employees can see it.

All applications must be paid and filed in the City Clerk's office at City Hall no later than 72 hours before use. This allows time for a background check of all involved parties and for the application to be processed.

All door-to-door sales will continue to be processed through the current rules in the Ordinance.

5-106. INVESTIGATION BY THE CITY. The City Clerk and/or the Chief of Police shall examine the application filed under this article for a permit and shall make, or cause to be made, further investigation of the application, and the applicant, as the City Clerk or Chief of Police shall deem necessary. The permit shall be issued once the City Clerk or Chief of Police determines the following facts:

- (a) That all of the statements made in the application are true and
- (b) The applicant or employees have not engaged in any fraudulent transaction or enterprise.
- (c) That the applicant is not wanted for any crime in any jurisdiction.

5-107. FEES FOR PERMIT FOR NON-LOCAL MOBILE VENDOR SERVICE. Any mobile vendor service not established as an Iola resident by address and or local brick-and-mortar business before a permit is issued, there shall be a permit fee paid to the City Clerk along with a \$10.00 application fee, which will allow a temporary business to operate as specified in the application within the City. The permit shall be based on the timeframe the temporary business intends to operate. The tiered fees shall be as follows:

- a) Three-Day \$25.00 + a \$10.00 Application Fee
- b) Thirty Days \$50.00 + a \$10.00 Application Fee
- c) Six Months \$250.00 + a \$10.00 Application Fee
- d) One Year \$400.00 + a \$10.00 Application Fee

5-108 EXPIRATION. The permit shall remain in force and effect for the period specified therein. It shall be renewed upon the expiration of this period upon filing a new application as provided in this article.

5-109. PERMIT NOT TRANSFERABLE. Any permit issued under this article shall not be transferable.

5-110. REGULATIONS. It shall be unlawful for any peddler or solicitor, or any person acting on behalf of either, to:

(a) To use a stationary location in or upon any public street or operating in any congested area where the operations might impede or inconvenience the public. For the purpose hereof, the judgment of a police officer, executed in good faith, shall be deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced the public.

(b) To operate on private property without having first secured a special use permit.

(c) Sell or offer for sale goods, wares, or merchandise from any vehicles on any of the public streets of the City; provided, however, that the prohibition herein contained shall not include the peddling from door-to-door or from vehicles of fresh food products of farm or garden, nor bona fide deliveries of goods, wares, merchandise or foods made on a regular route to regular customers, or ice cream vending.

(d) Solicit or peddle from 9:00 p.m. to 9:00 a.m. or at any time when a sign has been posted on a residence or building stating "No solicitors or peddlers" or words to that effect, except that a licensed solicitor or peddler may call upon the occupant of a residence at other times when he has received express permission from such occupant to do so.

(e) Refuse to exhibit the permit at the request of any citizen.

5-111. EXEMPTIONS. No permit or permit fee shall be required of: (1) any person selling products of the farm or orchard produced by the seller and grown within the state of Kansas (seller must sign an affidavit that said farm or orchard products have been produced in the state of Kansas); (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the City or any other governmental subdivision or the state, or when part or all of the expenses of the fairs or celebrations are paid for by the City, any other governmental subdivision or the state; and (3) any not-for-profit or charitable organization as determined by the Governing Body; (4) sales at wholesale to

retail merchants by commercial travelers or selling agents in the usual course of business; (5) Sales of goods, wares or merchandise by sample catalog or brochure for future delivery; (6) Garage sales held on premises devoted to residential use; (7) Sales to the owner or legal occupant of residential premises at such premises pursuant to an invitation issued by such owner or legal occupant; (8) Sales or displays in connection with, and at the site of athletic tournaments, events, contests or expositions.

5-112. VIOLATION AND PENALTIES. Any person who shall fail or refuse to comply with the provisions of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$250.00 nor more than \$500.00 or imprisoned not to exceed 30 days or both, and said permit shall be revoked.

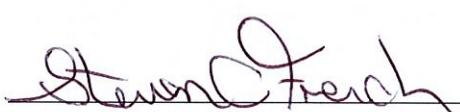
SECTION 2. REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly,

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect from and after its passage, approval, and publication in *The Iola Register* as provided by law,

PASSED by the Council and SIGNED by the Mayor this 9th day of December 2024.

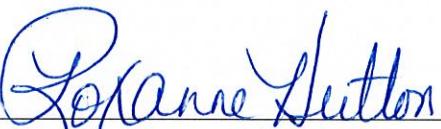


CITY OF IOLA, KANSAS



Steven French
Steven French, Mayor

ATTEST:

By: 

Roxanne Hutton, City Clerk

(First Published in The Iola Register, _____, 2024)

ORDINANCE NO. 3532 SUMMARY

On December 9, 2024, the City of Iola, Kansas, adopted Ordinance 3532, incorporating by reference the Temporary Business Permit with certain additions, amendments, and deletions thereto. The purpose of this ordinance is to provide an application process, fee, and permit for temporary businesses within the jurisdiction of the City of Iola, Kansas. A complete copy of this ordinance is available at City Hall, 2 W. Jackson, Iola, Kansas, or may be viewed on the City's website at www.cityofiola.com. This summary has been certified by Robert E. Johnson II, Iola City Attorney.