

CITY OF SHAWNEE
ORDINANCE NO. 3259

**AN ORDINANCE AMENDING TITLE 5 OF THE SHAWNEE MUNICIPAL
CODE REPEALING CHAPTER 5.56 AND ADDING A NEW CHAPTER
5.56 REGULATING PEDDLERS AND SOLICITORS**

WHEREAS, the Governing Body determines it is in the best interests of the City to streamline the provisions regulating peddlers and solicitors by no longer requiring a permitting requirement for peddlers and solicitors and updating provisions regulating permissible activity.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF SHAWNEE, KANSAS:**

PARAGRAPH 1. Title 5 of the Shawnee Municipal Code is hereby amended by adding a new Chapter 5.56 to read as follows

CHAPTER 5.56
SOLICITORS

Sections

5.56.010 Definitions.
5.56.080 Regulations.
5.56.100 Violation--Penalty.

5.56.010 Definitions.

- A. "Dwelling Unit" means any residential, including multifamily housing, and commercial and industrial buildings.
- B. "Person" means any individual, firm, partnership, corporation, company, including any trustee, receiver, assignee, agent, or other similar representative thereof.
- C. "Solicit" and "Solicitation" means:
 - 1. Selling, offering for sale for a profit, advertising, marketing, or taking or attempting to take orders for the sale for a profit, goods or services of any kind, character or description, while traveling from house-to-house, door-to-door, or street-to-street, whether as an agent, contractor, employee, representative, or principal.
 - 2. Ringing a door bell, knocking on a door, or otherwise attempting to make one-on-one physical contact with a resident, tenant, or occupant of any residence, Dwelling Unit, business, or other location for the purpose of selling, offering, or advertising any goods or services for profit, or to propose a commercial transaction related solely to the economic interests of the solicitor and the person solicited.
 - 3. Hanging, leaving, or depositing any advertisement, flyer or handbill on or upon any door, porch, driveway, residence, or business, regardless of whether a doorbell is rung or any physical or verbal contact is made.

4. Solicitation, as defined herein shall be deemed completed, whether or not the person making the same makes any sale.
- D. "Solicitor" means a person who solicits for themselves or any other person.

5.56.080 Regulations.

It shall be unlawful for any person to:

- A. Solicit or engage in such business within the corporate city limits without the business for which solicitation is occurring to first obtain an occupational license in compliance with the provisions of this chapter and Chapter 5.04 of the Shawnee Municipal Code.
- B. Solicit prior to 10 a.m. or after 7 p.m. on any day of the week.
- C. Ring a bell, knock on a door, or otherwise attempt to make contact for the purpose of soliciting upon any private premises, or at any Dwelling Unit at which a sign bearing the words "No Solicitors" or "No Trespassers", or words of similar import indicating that such Persons are not wanted on the premises, is either painted, affixed or otherwise exposed to public view. This subsection shall not apply to any Solicitor who makes contact with a resident to such a residence at the invitation or with the consent of the occupants thereof.
- D. Sell or offer for sale goods, wares, or merchandise from vehicles on any public street of the city; provided, that this prohibition shall not include ice cream vending or deliveries of goods, wares, merchandise or foods made on a regular route to regular customers.
- E. Shout, make any outcry, blow a horn, ring a bell or use any sound device or musical instruments, make any loud speaking radio or sound amplifying system, on any streets, alleys, parks or other public places of the city or on any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard on the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, merchandise which such licensee proposes to sell; however, this section shall not apply to ice cream vendors.
- F. Engage in soliciting upon any private premises, including privately owned parking lots, or at any Dwelling Unit after having been asked by the owner or occupant thereof to leave the premises.
- G. Make more than one call at the same private premises, including any Dwelling Unit, or any other private premises, for identical goods, services, or contributions, within any consecutive thirty-day period, without receiving a prior invitation from the occupants of the premises. This provision shall be construed to include Solicitation upon the same premises by employees, agents, or other Persons acting on behalf of the same Person more than once during the said thirty day period without a prior invitation as provided herein.
- H. Solicit in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
- I. Fail to provide at the request of the purchaser, a written receipt for purchases exceeding five dollars in cash or tangible property. Such receipt shall be signed by the Person making the sale and shall briefly describe the goods or services sold and state the purchase price, amount of cash payment, if any, the balance due and the terms of payment.

- J. Fail to disclose to the prospective buyer or donor his or her name and the name of the company, product or organization he or she represents at the outset of the initial conversation.
- K. Make any assertion, representation or statement which misrepresents the purpose of the call, or use any plan or scheme which misrepresents such purpose.
- L. Solicit or attempt to Solicit upon any private premises, including any Dwelling Unit at any entrance other than the main entrance of the premises.
- M. Cut across or walk upon any lawn, front yard, or courtyard except upon sidewalks and/or driveways of any private premises including any Dwelling Unit.
- N. Solicit on any City owned parking lot, including those provided in City parks, or on any sidewalk connecting a City owned building with its parking lots and which serves as a primary means of ingress and egress for the passage of individuals engaged in City business.
- O. Fail to carry upon the solicitor's person a government-issued photo identification card, such as a driver's license, if the solicitor is 16 years of age or older. Said photo identification card shall be produced upon request by City law enforcement officers.
- P. Solicit if the Solicitor:
 - 1. Is required to register pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et. seq. and amendments thereto or pursuant to any other offender registration act of any other state; or
 - 2. Has been convicted of a felony involving deceit, fraud, possession of a firearm, theft, or violence within the past ten years; or
 - 3. Has been convicted of any law regulating the act of soliciting, as defined in this Chapter, within the past five years.

5.56.100 Violation--Penalty.

Any Person violating any provision of this chapter shall, upon conviction thereof, be fined in an amount not to exceed five hundred dollars or be imprisoned for a period not to exceed thirty days, or be both fined and imprisoned.

PARAGRAPH 2. The previously existing Title 5, Chapter 5.56 of the Shawnee Municipal Code is hereby repealed.

PARAGRAPH 3. Severability. If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.

PARAGRAPH 4. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED by the Governing Body this 25th day of February, 2019.

APPROVED AND SIGNED by the Mayor this 25th day of February, 2019.



CITY OF SHAWNEE, KANSAS

By: _____

Michelle Distler, Mayor

ATTEST:

By: _____

Stephanie Zaldivar, Interim City Clerk

APPROVED AS TO FORM:

By: _____

M. Ellis Rainey, II, City Attorney

OFFICE OF THE CITY CLERK
PUBLICATION CERTIFICATE

I hereby certify that the foregoing is the original Ordinance. 3259; that was passed on the 25 day of February, 20 19; that the record of the final vote on its passage is found in Journal No. 78, Volume No. 4-2019, and Page No. 33; and that the Ordinance was published in The Legal Record, the official City newspaper on the 5 day of March, 20 19.

Stephanie Zaldivar
Stephanie Zaldivar, Interim City Clerk



The Legal Record

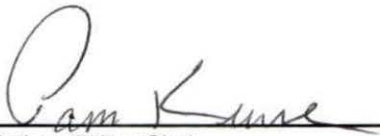
P.O. Box 273
Olathe, KS 66051-0273
(913) 780-5790

CITY OF SHAWNEE - CITY CLERK
11110 JOHNSON DR
SHAWNEE KS 66203-2750

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Pam Kruse, of lawful age, being first duly sworn,
deposes and says that she is Legal Notices Billing
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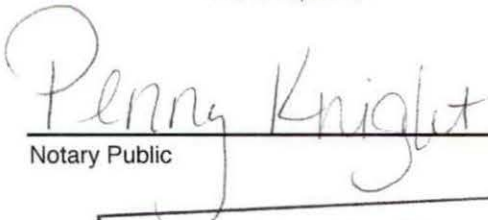
SUMMARY OF ORDINANCE #3259
3/5/19



Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

March 5, 2019



Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

ORDINANCE NO. 3259
First published in The Legal Record, Tuesday, March 5, 2019.
CITY OF SHAWNEE
Summary of Ordinance No. 3259
On the 25 day of February, 2019, the Governing Body of the City of Shawnee, Kansas, passed Ordinance No. 3259, amending Title 5 of the Shawnee Municipal Code repealing Chapter 5.56 and adding a new chapter 5.56 regulating Peddlers and Solicitors.
A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.
The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3259 is legally accurate and sufficient.
Dated: February 25, 2019
/s/ M. Ellis Rainey, II, City Attorney
3/5

L78849

Publication Fees: \$7.23