

Public Notice

(Published in The Scott County Record Thurs., March 20, 2025)1t

**ORDINANCE NO. 1274**  
AN ORDINANCE AMENDING TITLE THREE, CHAPTER THREE, OF THE CODIFICATION OF THE ORDINANCES OF SCOTT CITY, KANSAS RELATING TO TEMPORARY BUSINESSES AND REPEALING THE EXISTING SECTIONS. BE IT ORDAINED BY THE GOVERNING BODY OF SCOTT CITY, KANSAS:

**SECTION I:** Title 3, Chapter 3, is hereby amended to read as follows:

**3-3-1: DEFINITIONS:**  
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**CHARITABLE ORGANIZATION:** Any entity that has a permanent physical location within Scott County, Kansas, which: **a)** has been certified as a not for profit organization under the Internal Revenue Code, and/or **b)** has religious, charitable, or benevolent function. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws, operates to address and assist with physical, mental, or spiritual needs of persons.

Commercial, for profit organizations or businesses shall not be considered charitable organizations.

**ITINERANT BUSINESS:** Any person or business engaging temporarily in the retail sale of goods, wares, merchandise, or services within the City, including any person who for the purpose of conducting such business, rents, leases or occupies any room, building, hotel, motel, structure, parking lot, vacant lot, or motor vehicle of any kind, to sell goods, wares, merchandise, or services or sell goods, wares, merchandise, or services house to house, door to door, or place to place.

**LOCAL ITINERANT BUSINESS LICENSE:** A license for any business that has a permanent physical location of not less than one thousand (1,000) square feet of retail space within the City, and has operated for a minimum of twelve (12) consecutive months.

**NONCOMMERCIAL ACTIVITY:** Any activity conducted for personal use or enjoyment without the intent of realizing a profit or recovering costs through the sale of goods, wares, merchandise or services.

**NONLOCAL ITINERANT BUSINESS LICENSE:** A license for any business that does not have a permanent physical location of at least one thousand (1,000) square feet of retail space within the City, or has a permanent physical location within the City but has not operated for the minimum requirement of twelve (12) consecutive months.

**3-3-2: PENALTY:**  
Except as otherwise provided in this chapter, a violation of any of the provisions of this chapter is a Class C offense, punishable as provided in section 1-4-1 of this Code.

**3-3-3: EXEMPTION:**  
The following activities, businesses, organizations or persons shall be exempt from the licensing provisions of this chapter:

**A.** Activities or businesses where a permit has been obtained, if applicable, or where such activity or business is sponsored in part by the City, civic organization, not for profit organization,

charitable organizations, public or private schools, or educational institutions.

**B.** Auctions regulated by this Code or State Statute.

**C.** Garage sales at private residences.

**D.** Sales of farm products, value-added farm products, nursery products, foliage plants and hand-crafted items including, but not limited to, jewelry, soaps, silk flowers and quilts at an organized farmers market at specified places and times approved by the Governing Body provided:

**1.** Farm products include but are not limited to agricultural products such as fresh fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers and nursery stock, all subject to the licensing requirements contained in subsection D6 of this section.

**2.** Value-added farm products are products made by a producer from a farm product, including but not limited to some baked goods, jams and jellies, or other prepared foods, all subject to the licensing requirements contained in subsection D6 of this section.

**3.** It is conducted under the supervision of a market manager, who is a person or organization that manages the operation of the farmers' market, assigns space to vendors, directs the maintenance of the premises and records and performs related duties as required.

**4.** All vendors must comply with the market manager's regulations.

**5.** Food vendors shall comply with all Regulations and Best Practices contained in Food Safety for Kansas Farmers Market Vendors published by Kansas State University Agricultural Experiment Station and Cooperative Extension Service, as revised from time to time, and obtain and exhibit all licenses required by the Kansas Department of Agriculture Food Safety and Lodging Program.

**6.** All vendors shall submit to the market manager proof of a current sales tax license from the State of Kansas or proof of exempt status from State sales tax.

**E.** Food service establishments, except as noted herein, that are otherwise regulated and inspected by the Kansas Department of Health and Environment, notwithstanding the foregoing, this exemption specifically excludes mobile restaurants, mobile food service units, street food vendors, or push food carts as included in the definition of food establishment in Kansas Statutes Annotated 65- 656.

**F.** Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business.

**G.** Sales to the owner or legal occupant of residential premises at such premises pursuant to prior invitation by the owner or legal occupant. Such invitation shall have been issued by the owner or legal occupant at least twenty four (24) hours prior to the sale and the invitation shall not have been solicited in person, but by other means such as telephone, mailing, e-mail, internet, or other advertisement.

**3-3-4 : ENFORCEMENT:**

It shall be the duty of any law enforcement officer to require any person engaged in activities defined in this chapter who is not known by such officer to be duly licensed, to produce the person's local or nonlocal itinerant business license and to enforce the provisions of this chapter against any person

found to be in violation. The City Clerk, the Chief of Police, or any law enforcement officer shall have the authority to order any person or business found to be in non-compliance with the license requirements of this chapter, to immediately cease and desist doing business until the appropriate license is obtained.

**3-3-5: PROHIBITED ACTS:**  
It shall be unlawful for any itinerant business to:

**A.** Conduct business or carry on activities in violations of any zoning requirements of the City, including setback requirements.

**B.** Conduct business or carry on activities other than between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M., with the exception of any mobile restaurants, mobile food service units, street food vendors, or push food carts which can conduct business between seven o'clock (7:00) A.M. and twelve o'clock (12:00) A.M.

**C.** Fail to provide adequate parking for customers or other persons going to and from the activity or business conducted by the itinerant business, or to allow or encourage any traffic or parking congestion which interferes with traffic flow or the use of parking facilities by permanent businesses entitled to use the parking areas.

**D.** Use any electronic device for amplification in an outdoor area or to otherwise create, or gather people who create, noise sufficient so as to disturb the peace, quiet or repose of surrounding residential or commercial areas.

**E.** Provide any false or misleading information in completing the license application or fail to obtain permission of the property owner where such activity or business is being conducted.

**F.** Fail to provide, at the request of the purchaser or customer, a written receipt for purchases exceeding five dollars (\$5.00).

**G.** Fail to provide any customer, or other person, with his/her name, the name of the company or organization represented, the name of the product, a valid copy of the active temporary business license as issued by City of Scott City, or to make any representation as to identity which is false or misleading.

**H.** Fail to allow authorized law enforcement officers or City employees to enter into or upon the premises or to otherwise interfere with any inspection of the premises or business.

**I.** Fail to remove any structure, device, trash or debris caused, created or associated with the itinerant businesses' activities in an outdoor area.

**J.** Erect or display more than one (1) sign or any sign greater than sixteen (16) square feet in total area. Streamers, pennants, searchlights and any device with flashing, blinking, rotating or moving actions or messages are prohibited. No signage shall be placed in a public right-of-way.

**K.** Erect or construct any structure, tent or building greater than one hundred twenty (120) square feet.

**L.** Conduct business or carry on activities within fifty feet (50') of any driveway entrance or access lane from a public street to an existing business.

**M.** Conduct business or carry on activities within 200 feet of a residential district.

**N.** Conduct or carry on more than one (1) itinerant business or activity on the same property at any one time.

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**O.** Conduct business or carry on activities within the public right-of-way or other publicly owned property.

**3-3-6: PROTECTION OF LAWNS, YARDS:**

It shall be unlawful for any person engaging in an itinerant business to cut across or walk upon any lawn, front yard or courtyard, except upon sidewalks or walkways if such walkways are provided, or upon a regularly established path where no sidewalk or walkway has been provided to a house or other building.

**3-3-7: FRAUD:**  
All persons licensed under the provisions of this chapter shall certify that while doing business in the City they will strictly comply with all the ordinances of the City. Any licensee who shall be guilty of any fraud, cheating or misrepresentation, whether through themselves or through an employee, while doing business in the City shall be deemed guilty of a violation of this chapter.

**3-3-8: LICENSE REQUIRED:**

No person not exempt by the provisions of section 3-3-3 of this chapter shall engage in the activities coming under this chapter within the City without first obtaining a license. Any applicant for a license under this chapter shall file with the City Clerk a sworn application on a form furnished by the City Clerk, which shall give information, or provide documentation, as follows:

**A.** Name, date of birth, and permanent residential address of applicant;

**B.** If the applicant is not an individual, the names and addresses of the officers of the corporation or members of the partnership, association, or other entity. If the applicant is a corporation, the name and permanent address of the applicant's registered agent or office;

**C.** Physical description of the applicant and each individual who will be working in Scott City; accompanied by a copy of driver's license(s) for each individual;

**D.** Date(s) and time(s) for which the license is desired;

**E.** A description of the location and nature of the business, the goods, wares, merchandise or services to be sold, and the manner in which the sales will occur;

**F.** Description of any temporary structures to be erected, constructed and used by applicant;

**G.** A statement as to whether or not the applicant has within two (2) years prior to the date of the application been convicted of any felony or misdemeanor of any kind, or a violation of any Municipal ordinance regulating business licenses;

**H.** A signed statement from the applicant indicating that all of the information provided is true, correct, and complete;

**I.** Proof of a current sales tax license from the State of Kansas or proof of exempt status from State sales tax.

**3-3-9: ISSUANCE OF LICENSE:**

The City Clerk, and the Chief of Police, when necessary, shall examine the application filed under this chapter and shall make, or cause to be made, such further investigation of the application and the applicant deemed necessary. A license shall be denied if the applicant has been convicted of a crime that bears a reasonable relationship to the licensed business.

The licensee shall be notified by the City Clerk of the decision on the issuance or denial of the license within three (3) business days after the application has been

filed. Such license, when issued, shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the name and Driver's License photo of each individual working in Scott City, the date of issuance and length of time the license shall be operative, and the location and nature of the business involved.

The Clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the Chief of Police. The licensee(s) shall carry the license at all times when conducting business in the City.

**3-3-10: FEE FOR PERMIT:**

Before a permit is issued, there shall be paid to the City Clerk fees as herein provided for a permit which will allow a temporary business to operate within the City as specified in the application.

The fee for the background check is thirty dollars (\$30.00) for each individual working in Scott City and the fee for the permit shall be twenty five dollars (\$25.00) for each day the permit is requested but not to exceed two hundred dollars (\$200.00) for any six (6) month period. Background check determinations will be valid for one year from the date of clearance.

**3-3-11: LICENSE DENIAL; REVOCATION:**

**A.** The City Clerk and/or the Chief of Police may deny or revoke any license issued under this chapter, for any of the following causes:

**1.** Fraud, misrepresentation or false statement contained in the application for license.

**2.** Fraud, misrepresentation or false statement made in the course of carrying on the business.

**3.** Any violation of this chapter.

**4.** Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the City.

**5.** Noncompliance with section 3-3-6 of this chapter.

**B.** Notice of the revocation of a license shall be in writing to the applicant, at the residence address listed on the application, and the City Clerk shall set forth the grounds of revocation.

**C.** Any person aggrieved by the action of the City Clerk in the denial or revocation of a license shall have the right of appeal to the Governing Body. Such appeal shall be taken by filing with the City Clerk within fourteen (14) days after notice of revocation or denial of the license has been mailed to such applicant's last known address setting forth the grounds for appeal.

The applicant or licensee may not engage in the itinerant business during the appeal process. The Governing Body shall set a time and place for a hearing on the appeal and provide notice of the hearing to the applicant. The decision of the Governing Body on such appeal shall be final.

**SECTION II:** the existing Title 3, Chapter 3 of the Codification of Ordinances of Scott City, Kansas is hereby repealed.

**SECTION III:** This ordinance shall take effect and be of force from and after its passage and publication in the official city newspaper.

ADOPTED this 17th day of March 2025, by the City Council of the City of Scott City, Scott County, Kansas.

Everett M. Green  
Mayor

ATTEST:  
Ruth Becker  
City Clerk

Justices

(continued from page 22)

The current system for selecting Kansas Supreme Court justices emerged from a 1950s political scandal.

A nine-member nominating commission reviews applications to fill a vacancy and selects three finalists for the governor to choose from. There is no Senate approval of the governor's pick.

The commission members include one lawyer and one nonlawyer from each of the state's four congressional districts, plus an additional lawyer who serves as chair.

Kansas bar members elect the lawyers who serve on the commission, and the governor appoints the nonlawyers.

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