

CHAPTER V. BUSINESS REGULATIONS

- Article 1. General Regulations and Licenses
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- Article 5. Scrap Metal Dealer Registration

ARTICLE 1. GENERAL REGULATIONS AND LICENSES

- 5-101. LICENSE REQUIRED. (a) No person shall conduct or pursue within the city any trade, profession or business set out in this chapter without first securing a license therefor from the city clerk.
- (b) This section shall not apply to veterans or former members of the armed forces of the United States as provided in K.S.A. 73-207 and who shall have resided in the city for six months prior to the time of making application for said license; nor to persons offering for sale or soliciting orders for milk, dairy products, vegetables, poultry, eggs and other farm and garden produce.
- (c) All licenses issued to a transient merchant as defined in section 5-201(e) below shall not become effective until 24 hours after the license has been issued by the city clerk, and therefore the transient merchant shall not conduct any trade, profession or business during the 24 hour waiting period.
(Ord. 1116, Sec. 1; Code 2009)
- 5-102. APPLICATION FOR LICENSE; EXCEPTIONS. (a) Every person, firm or corporation desiring to do business in the city as a solicitor, canvasser, peddler, transient merchant or door-to-door sales, shall apply to the city clerk for a license to operate such business, and in the case of new licenses, shall appear before the governing body before the commencement of business and issuance of the license. Upon approval by the governing body, the city clerk shall issue to the applicant a license which shall be signed by the city clerk. It shall be the duty of the city clerk to pay over the amount so collected on each license issued, to the city treasurer of the city.
- (b) This requirement shall not apply to established resident firms or corporations, who operate a storefront in the city of Phillipsburg.
(Code 2010)
- 5-103. NOT ASSIGNABLE OR TRANSFERABLE. No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place. There shall be no refunds except as specifically provided. (Code 2010)
- 5-104. LICENSE PERIOD; DURATION. All licenses issued under this article shall be for a 12 month period ending December 31 of the year in which issued. This section shall not apply to any license authorized to be issued on a daily, weekly or monthly basis. (Ord. 1065, Sec.1; Code 1999, 9-105)

- 5-105. EXEMPTION OF FARMERS. No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license. (K.S.A. 12-1617; Code 2010)
- 5-106. LICENSE FEES. Unless otherwise provided, the annual license fee for each occupation, business, or profession shall be set by policy of the governing body. (Code 2010)
- 5-107. SAME; WHEN PAYABLE; TIME PERIOD. (a) All license fees shall be due and payable before the commencement of a trade, occupation, business or profession for which license fees are required.
(b) No license shall be issued until the fee is paid.
(c) Licenses shall be renewed on or before the expiration date of the current licenses.
(d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.
(e) The license for a day shall expire at midnight. (Code 2010)
- 5-108. PAYMENT OF FEES; RECEIPT. The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business. (Code 2010)
- 5-109. CONTENTS OF LICENSE. Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named. (Code 2010)
- 5-110. RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed. (Code 2010)
- 5-111. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city. (Code 2010)

ARTICLE 2. SOLICITORS, CANVASSERS, PEDDLERS

5-201.

DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting - shall mean and include any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(b) Residence - shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(c) Canvasser or Solicitor - shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(d) Peddler - shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.

(e) Transient merchant, itinerant merchant or itinerant vendor - are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article

merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(f) Street salesman - shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city. (Code 2010)

5-202. LICENSE REQUIRED. (a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefor in his or her possession and issued by the city clerk.

(b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-207(d). (Code 2010)

5-203. SAME; APPLICATION REQUIRED. Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

(a) Name and description of applicant;

(b) Permanent home address and full local address of applicant;

(c) Identification of applicant including driver's license number, date of birth, expiration date of license and description of applicant;

(d) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;

(e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;

(f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;

(g) The length of time which business is proposed to be carried on;

(h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;

(j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(k) The applicant's Kansas Sales Tax number.
(Code 2010)

5-204. ISSUANCE; COUNTY RESIDENTS. (a) Except as provided in section 5-209, if the applicant is a current resident of Phillips County, Kansas, upon receipt of an application for a license and payment of the license fee, the city clerk shall

issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city 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 shall carry the license certificate at all times.

(b) If the applicant is not a current resident of Phillips County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-205:206. (Code 2010)

5-205. SAME; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT.

(a) Upon receipt of the above application from an applicant who is not a current resident of Phillips County, Kansas, the city clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.

(b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.

(c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city 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 shall carry the license certificate at all times. (Code 2010)

5-206. SAME; INVESTIGATION FEE. At the time of filing the application, a fee, as set by policy of the governing body, shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application. (Code 2010)

5-207. LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a) The fee for the license required pursuant to section 5-202 shall be set by resolution of the governing body.

(b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.

(c) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (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 of 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. (K.S.A. 12-1617; Code 2010)

- 5-208. RENEWAL. All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-202:203 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 or an additional investigation and investigation fee under sections 5-205:206 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license. (Code 2010)
- 5-209. DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE. (a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, 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 article.
 - (4) Conducting a business as defined in section 5-201 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. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.
 - (5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.
(Code 2010)
- 5-210. APPEAL TO GOVERNING BODY. (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.
- (b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
 - (c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
 - (d) The decision and order of the governing body on such appeal shall be final and conclusive. (Code 2010)
- 5-211. REGULATIONS. (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.
- (b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same.
(Code 2010)

5-212. USE OF STREETS AND SIDEWALKS. Except when authorized in writing by the city clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public. (Code 2010)

5-213. DISTURBING THE PEACE. Except when authorized in writing by the city clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Code 2010)

ARTICLE 3. CARNIVALS, CIRCUSES

- 5-301. LICENSE REQUIRED. No person, either as principal or agent or employee, shall conduct or operate any carnival, circus, concession, side show or similar occupation without first procuring a license as provided in this article. (Code 1971, 11-601; Code 1999, 9-301)
- 5-302. SAME; RECORD. The city clerk shall keep a record of all licenses issued under this article, payments therefor, and shall notify the chief of police of the expiration date thereof. Such license shall be carried and presented for inspection at all times. Licenses issued under this article shall not be transferable. (Code 1971, 11-606; Code 1999, 9-302)
- 5-303. SAME; CARNIVAL. The license fee shall be \$5.00 per day for each show, stand, entertainment, device or concession. (Code 1971, 11-602; Code 1999, 9-303)
- 5-304. SAME; CIRCUS; MENAGERIES. Where an admission charge of less than \$1.00 is made, the license fee shall be \$50.00 per day. Where an admission charge of more than \$1.00 or more is made, the license fee shall be \$100.00 per day. (Code 1971, 11-603; Code 1999, 9-304)
- 5-305. SAME; CONCESSIONS. The license fee shall be \$5.00 per day for each doll rack, shooting gallery, side show, knife rack, cane rack and other stands of business of similar nature which are not paid for as a part of a carnival or circus license. (Code 1971, 11-604; Code 1999, 9-305)
- 5-306. SAME; FERRIS WHEELS, ETC. The license fee shall be \$5.00 per day for each Ferris wheel, merry-go-round, figure eight, or similar ride and which is not included as a part of a carnival or circus license. (Code 1971, 11-605; Code 1999, 9-306)

ARTICLE 4. NEW GOODS AUCTION

5-401. STATE ACT INCORPORATED. The provisions of K.S.A. 58-1014 et seq. and amendments thereto, are hereby incorporated and made a part of this article as if fully set out herein. Said provisions shall regulate the sale of new goods at public auction within the city. (Code 1971, 11-401; Code 1999, 9-401)

5-402. LICENSE APPLICATION. Any person seeking a license for a new goods public auction shall make application to the city clerk upon forms to be provided by the city. (Code 1971, 11-401; Code 1999, 9-402)

5-403. SAME; FEE. License fee for a new goods public auction shall be \$25.00 per day. (Code 1971, 11-402; Code 1999, 9-403)

ARTICLE 5. SCRAP METAL DEALER REGISTRATION

- 5-501. SCRAP METAL DEALERS; REGISTRATION REQUIRED. On and after the effective date of this ordinance, it shall be unlawful for any business to purchase any regulated scrap metal without having first registered each place of business within the city as herein provided. (Code 2013)
- 5-502. SAME; DEFINITIONS. The words and phrases listed below when used in this ordinance shall have the following meanings:
- (a) Scrap metal dealer means any person that operates a business out of a fixed location, and that is also either:
 - (1) Engaged in the business of buying and dealing in regulated scrap metal;
 - (2) Purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or
 - (3) Operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer.
 - (b) Regulated scrap metal yard means any yard, plot, space, enclosure, building or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale or transfer.
 - (c) Regulated scrap metal shall mean wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum; catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price described in K.S.A. 2010 Supp. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.
 - (d) Bales of regulated metal means regulated scrap metal properly processed with professional recycling equipment by compression, shearing or shredding, to a form in which it may be sold by a scrap metal dealer consistent with industry standards.
 - (e) Ferrous metal means a metal that contains iron or steel.
 - (f) Junk vehicle means a vehicle not requiring a title as provided in chapter 8 of the Kansas Statutes Annotated, and amendments thereto, aircraft, boat, farming implement, industrial equipment, trailer or any other conveyance used on the highways and roadways, which has no use or resale value except as scrap.
 - (g) Nonferrous metal means a metal that does not contain iron or steel, including but not limited to, copper, brass, aluminum, bronze, lead, zinc, nickel and their alloys.
 - (h) Tin means a metal consisting predominantly of light sheet metal ferrous scrap, including large and small household appliances, construction siding and construction roofing.
 - (i) Vehicle part means the front clip consisting of the two front fenders, hood, grill and front bumper of an automobile assembled as one unit; or the rear clip consisting of those body parts behind the rear edge of the back doors, including both rear quarter panels, the rear window, trunk lid, trunk floor panel and rear bumper, assembled as one unit; or any other vehicle part. (Code 2013)

5-503.

SAME; REGISTRATION; APPLICATION; FEES; PENALTY.

(a) Application for registration for a scrap metal dealer shall be verified and made upon a form furnished by the city and approved by the attorney general and shall contain:

(1) The name and residence of the applicant;
(2) The length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) The particular place of business for which a registration is desired;
(4) The name of the owner of the premises upon which the place of business is located; and,

(5) The applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for theft, as defined in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2011 Supp. 21-5801, and amendments thereto, theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or K.S.A. 2011 Supp. 21-5802, and amendments thereto, theft of services, as defined in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as defined in K.S.A. 21-3705, prior to its repeal, or K.S.A. 2011 Supp. 21-5803, and amendments thereto, or any other crime involving possession of stolen property.

(6) In addition to the information required in subsection (a)(5), above, the applicant shall also disclose any prior convictions within 10 years immediately preceding the date of making the application for registration for any federal or local crime or offense similar to those stated in subsection (a)(5), to include, but not be limited to, sections 6.1, theft, 6.3, theft of lost or mislaid property, and 6.5, criminal deprivation of property, and amendments thereto, of the Uniform Public Offense Code for Kansas Cities.

(b) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of \$100.

(c) The city clerk shall provide the chief of police written notice of the filing of registration by a scrap metal dealer within 10 days of registration or renewal.
(Code 2013)

5-504.

SAME; ISSUANCE OF REGISTRATION; RENEWAL; RENEWAL FEES.

(a) Upon receipt of the application for registration, the application fee and verifying the information contained in the registration application that the applicant is qualified; the city clerk shall forward the application to the governing body, or its designee. The governing body, or its designee, shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in the city and qualified to file such registration, to purchase regulated scrap metals.

(b) Registrations issued hereunder, unless revoked as herein provided, shall be effective for a period of 10 years.

(c) If an original registration is accepted, the governing body, or its designee, shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The registration fee for such renewal shall be \$25.

(d) No registration or renewal issued hereunder shall be transferable.
(Code 2013)

- 5-505. SAME; PENALTY. Violation of section 5-301 is a class A violation and punishable by a fine of not more than \$2,500 or imprisonment in jail for not more than 12 months or by both such fine and imprisonment. (Code 2013)
- 5-506. SAME; EXCEPTION. This ordinance shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components. (Code 2013)
- 5-507. SAME; ISSUANCE; DISQUALIFICATION. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the governing body, or its designee, shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.
- (b) No scrap metal registration shall be accepted for:
- (1) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this ordinance.
 - (2) A person who, within five years immediately preceding the date of filing, has pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2011 Supp. 21-5801 through 21-5839 and subsection (a)(6) of K.S.A. 2011 Supp. 21-6412, perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2011 Supp. 21-5903, compounding a crime, K.S.A. 21-3807, prior to its repeal, obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal, falsely reporting a crime, K.S.A. 21-3818, prior to its repeal, interference with law enforcement, K.S.A. 2011 Supp. 21-5904, interference with judicial process, K.S.A. 2011 Supp. 21-5905, or any crime involving moral turpitude.
 - (3) A person who, within the five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of section 5-301, and amendments thereto, K.S.A. 50-6,109 *et seq.*, and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times.
 - (4) A person who within the three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.
 - (5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last three years.
 - (6) A partnership or limited liability company, unless all members of the partnership or Limited Liability Company are otherwise qualified to file a registration.
 - (7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this ordinance. (Code 2013)

5-508.

SAME; SUSPENSION OR REVOCATION OF REGISTRATION.

(a) The governing body, upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

(1) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 *et seq.*, and amendments thereto, or any similar ordinance or code provisions adopted by the city;

(2) The employment or continuation in employment of a person if the registered scrap metal dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6,109 *et seq.*, and amendments thereto, or the laws of another state comparable to such provisions, or any city ordinance, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

(3) Permitting any criminal activity under the Kansas criminal code, or similar ordinance adopted by the city in or upon the registrant's place of business.

(b) The governing body may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

(c) The governing body, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

(1) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;

(2) The registrant has become ineligible to obtain a registration under this ordinance;

(3) The nonpayment of any registration fees after receiving written notice that such registration fees are more than 30 days past due; or

(4) Within 20 days after the order of the governing body denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeal as though the court had original jurisdiction of the matter. Upon request by the registrant, the district court may enjoin the revocation or suspension of a registration until final disposition of any action brought under this ordinance.

(d) Any action brought under subsections (a), (b) or (c) shall be brought individually against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity. (Code 2013)