

ORDINANCE NO. 437

AN ORDINANCE PROVIDING FOR THE LICENSING OF JUNK DEALERS, DEALERS IN SECONDHAND GOODS OR IN SECONDHAND AUTOMOBILE ACCESSORIES AND PARTS, ETC., IN THE CITY OF HAVEN, KANSAS: AND REPEALING ORDINANCE NO. 350.

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

Section 1. That no person, either as principal, officer, agent, servant or employee, shall conduct, pursue, carry on or operate in the City a business, calling, trade or profession which primarily involves dealing in or the buying and resale for profit "junk" as defined by Ordinance No. 381 of the City of Haven, Kansas, parts, machinery or equipment not in operable condition or inoperable motor vehicle, dealers in secondhand goods or in secondhand automobile accessories within the City limits of Haven, Kansas, except those persons or corporations engaged in the business of selling or repairing new and used motor vehicles and licensed as a New Dealer or Used Vehicle Dealer. Pursuant to K.S.A. 8-2401 et., Seq., without first paying the license tax prescribed in this ordinance and procuring a license therefor.

Section 2. The license taxes levied pursuant to this ordinance shall be in the following amount on the following businesses, trades, professions and occupations conducted and carried on or operated within the City for the calendar year:

- | | |
|----------------------------------------------------------------|----------|
| 1. Junk dealers | \$ 50.00 |
| 2. Dealers in secondhand goods | 50.00 |
| 3. Dealers in secondhand auto-
mobile parts and accessories | 50.00 |

Section 3. That no license shall issue to any person engaged in the business, occupation, trade or calling of a junk dealer, dealer in secondhand goods or dealer in secondhand automobile parts or accessories unless said prospective licensee has constructed around his place of business a solid fence which is at least seven (7) feet high, completely enclosing any lot upon which said prospective licensee intends to conduct his business; said fence can contain not more than two gates, of not more than twenty (20) feet wide each. However, this provision shall not apply if said prospective licensee conducts his business and stores all merchandise completely within the confines of an enclosed building.

Section 4. That no licensee shall issue to any person desiring to commence any of the businesses, occupations, trades, or callings within five hundred (500) feet of any established church or school.

Section 5. The City Clerk shall, upon receipt from the applicant for a license of the amount specified in this Ordinance for the particular license involved, issue to such applicant a license stating the kind or nature of the business to be carried on or transacted, to whom issued, the time which such license will expire, the amount paid therefor, and the location, if any, of the applicant's place of business. The Clerk shall keep a record of all licenses issued by him in a book kept for that purpose, showing their nature, date of expiration, to whom issued and the location of the business as aforesaid.

Section 6. All licenses issued in pursuance of the provisions of this Ordinance shall expire and terminate on the 31st day of December each year, except such licenses as may be issued for a period of less than twelve months.

Section 7. No license issued hereunder shall be transferable or assignable, except by a resolution authorizing it passed by the governing body.

Section 8. All persons license pursuant to this Ordinance not having a permanent location are required to carry their licenses with them, and all such persons shall present their licenses for inspection when requested to do so by an officer of the City.

Section 9. The governing body may revoke the license of any person violating the provisions of this Ordinance.

Section 10. All licenses shall be due and payable, immediately upon the commencement of the business, calling, trade, occupation or profession for which they are issued.

Section 11. Violation of this ordinance shall be deemed a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than \$25.00 nor more than \$500.00. Each day of non-compliance with the provisions of this Ordinance shall be deemed a separate violation.

Section 12. That if any section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 13. Ordinance No. 350 passed and approved the 15th day of July, 1974 is hereby repealed.

ORDINANCE NO. 437

Section 14. This Ordinance shall take effect and be in force from and after January 1, 1985, and its passage, approval, and publication once in the official city paper.

PASSED AND APPROVED this 7th day of January, 1985.

/s/Leonard A. Hauser
Acting Mayor

ATTEST:
/s/Vera R. Hiatt
City Clerk