

ARTICLE II. - SPECIAL EVENTS

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DIVISION 1. - GENERALLY

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Sec. 50-21. - Definitions.

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

Activity means an organized event which is designed for action or participation by a group of persons for a designated purpose.

Amusement enterprise means a special event or activity conducted for a business or fundraising purpose which provides amusement, games or entertainment to those persons who attend and where a fee is charged for admission or for participation in any of the activities, and includes, but is not limited to, a concert, circus, street fair, animal show, festival, theatrical presentation and athletic contest.

Commercial party or celebration means a special event or activity, for which there is a charge or donation requested for admission, which consists of a public display of entertainment at or during which cereal malt beverages or alcoholic liquors will be served or consumed, whether or not for a charge, upon private property and which takes place outside of a permanent residence.

Itinerant sales means a business venture of selling, exhibiting for sale or soliciting for sale, any new or used goods, wares, merchandise or other personal property which is conducted from a temporary stand, facility or location or which is conducted upon or from property which is not zoned for such

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commercial or business activity and includes, but is not limited to, roadside stands, auction sales and garage or yard sales.

Operator means the person who sponsors, conducts, operates or participates in the management or administration of any special event or activity regulated by the regulations set forth in this article.

Parade or demonstration means any special event or activity which consists of a public procession of any kind, including, but not limited to, a march, ceremony, show, exhibition, pageant or other public display, which occurs in or upon any public roadway, park or other public owned or maintained place in the unincorporated area of the county.

Special event means an event which is scheduled for a specific date and location and which is advertised generally for public attendance, with or without an admission charge, or which is held open to the general public for attendance, with or without an admission charge, or which is selectively or privately advertised for an intended or expected attendance of 20 persons or more.

(Res. No. 66-88, art. 2, § II, 7-28-1988)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 50-22. - Purpose and intent.

(a) It is the purpose and intent of this article to provide for the regulation of certain defined events and activities within the unincorporated area of the county by requiring a permit to conduct the event or activity and by establishing minimum standards for the protection of the public health, safety and welfare during the course of the event or activity.

(b) It is the purpose and intent of this article to proscribe certain activities which are not compatible with the zoning and land use regulations of the county or which pose a danger to the public health, safety or welfare, while at the same time providing for the temporary use of land for special events and activities in a manner which is beneficial to the public interest and which also protects the public and other landowners from undue disruption, obnoxious or unsanitary conditions, traffic concerns, unsafe or inappropriate conditions, and fraudulent or immoral conduct.

(Res. No. 66-88, art. 1, § IV, 7-28-1988)

Sec. 50-23. - Application and restrictions.

From and after the effective date of the resolution from which this article is derived, no person may conduct, use, perform, carry on, or participate in the administration or management of any special event or activity, as defined in this article, within the unincorporated area of the county, except as may be permitted, and then only in the manner and under the conditions specified, in this article.

(Res. No. 66-88, art. 1, § V, 7-28-1988)

Sec. 50-24. - Prohibited events and activities.

From and after the effective date of the resolution from which this article is derived, except as otherwise provided and permitted under the terms of the regulations set forth in this article, it shall be unlawful for any person to sponsor, conduct, operate, or participate in the management or administration of any of the following special events or activities, as defined, within the unincorporated area of the county:

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- (1) Sales and/or displays of fireworks, set forth in division 3 of this article.
- (2) Amusement enterprises, set forth in division 4 of this article.
- (3) Parades and demonstrations, set forth in division 5 of this article.
- (4) Commercial parties and celebrations, set forth in division 6 of this article.
- (5) Itinerant sales activities and auctions, set forth in division 7 of this article.

(Res. No. 66-88, art. 2, § I, 7-28-1988)

Sec. 50-25. - Administrative responsibility.

Unless otherwise specifically designated within a separate and particular division, the county manager, through his office, shall have the primary responsibility for the administration and enforcement of the regulations set forth in this article. The county manager, pursuant to his authority, may delegate any of the administrative duties or responsibilities to any other county official as he may deem advisable and may implement such administrative procedures, consistent with the regulations set forth in this article, as he deems necessary for the effective administration of the regulations set forth in this article.

(Res. No. 66-88, art. 9, § I, 7-28-1988)

Sec. 50-26. - Administrative actions and decisions.

It is the intent of the regulations set forth in this article to establish standards by which all administrative actions and decisions under this Code shall be made and to limit discretion in their administration. To the extent possible, all administrative actions and decisions required or authorized for the administration of the regulations set forth in this article shall be made solely in accordance with the specific standards enumerated in the regulations set forth in this article. Whenever, in the course of administration of the regulations set forth in this article, it is necessary or advisable to make an administrative decision or to take an administrative action for which specific standards are not provided, then the decision or action shall be made according to the purpose and intent of the regulations set forth in this article and the policies of the board of county commissioners so that the result will best serve the public health, safety and welfare.

(Res. No. 66-88, art. 9, § II, 7-28-1988)

Sec. 50-27. - Vested interest.

Nothing contained in the regulations set forth in this article shall be deemed or construed to grant any vested interest to any person beyond the express limited terms of any permit, and these regulations are expressly declared to be subject to amendment, change or modification as may be deemed necessary for the public health, safety or welfare. Further, no person currently conducting or operating any special event covered by the regulations set forth in this article, or who has in the past conducted such event or activity, shall be deemed to have any right to continue to or again, conduct such event except as permitted and provided by the regulations set forth in this article.

(Res. No. 66-88, art. 9, § IV, 7-28-1988)

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Sec. 50-28. - Compatibility with zoning regulations.

Nothing contained in the regulations set forth in this article shall be deemed to alter or to modify the application of the county zoning regulations to any particular use of land, and all permits issued pursuant to the regulations set forth in this article shall be subject to all appropriate and compatible zoning regulations applicable to the land upon which the event or activity is to be conducted, including, but not limited to, the erection, location and use of buildings and structures. Further, any land use or activity which is permitted, allowed or authorized by any particular zoning classification or conditional use permit granted for a particular tract of land shall not be subject to nor affected by the regulations set forth in this article.

(Res. No. 66-88, art. 2, § V, 7-28-1988)

Sec. 50-29. - Permit and fee required.

Any operator desiring to conduct a regulated event or activity shall, prior to commencement of the event or activity, obtain from the county a valid operations permit and pay the required permit fee.

(Res. No. 66-88, art. 2, § III, 7-28-1988)

Secs. 50-30—50-46. - Reserved.

DIVISION 2. - PERMIT PROCEDURES

[Sec. 50-47. - Application.](#)

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Sec. 50-47. - Application.

Any person desiring to secure a permit, as provided in division 3 of this article, shall make application to the office of the county manager for issuance of a permit. Each application shall be made upon a form provided by the county manager and shall contain the following information:

- (1) The type and category of the event or activity;
- (2) The dates and scheduled times for the event or activity;

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- (3) The name and mailing address of the persons sponsoring and conducting the event or activity and the names and addresses of the persons who will be primarily responsible for the management and operation;
- (4) The exact location where the event or activity will take place, including the identity of the owner of the property and a signed statement of the property owner consenting to such use of the property;
- (5) A site plan, diagram, or drawing of the location which depicts the property, any structures on or to be placed on the property, any facilities located or to be located on the property for use with the event or activity;
- (6) A narrative description of the events and activities, which shall include any schedule of varying events, a listing of persons who will participate other than as attendees, and the anticipated or expected attendance; and
- (7) A statement indicating the provisions which will be made for:
 - a. Sanitation facilities;
 - b. Parking;
 - c. Traffic control;
 - d. Security;
 - e. Fire safety;
 - f. Medical emergency and first aid;
 - g. Noise control; and
 - h. Cleanup and restoration.

(Res. No. 66-88, art. 8, § I, 7-28-1988)

Sec. 50-48. - Fee.

Each application for a permit shall be accompanied by a permit fee in the amount designated in this section, unless otherwise waived, which shall be refunded to the applicant in the event that the permit is not granted. The amount of the permit fee shall be determined by the following schedule:

- (1) For fireworks displays: no fee;
- (2) For amusement enterprises: \$100.00 per day;
- (3) For parades and demonstrations: \$25.00;
- (4) For commercial parties and celebrations: \$200.00;
- (5) For itinerant sales and auctions: \$25.00.

(Res. No. 66-88, art. 8, § II, 7-28-1988)

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Sec. 50-49. - Exemption and waiver of fee.

- (a) The following persons shall be exempt from the payment of the required permit fee:
- (1) Governmental entities, agencies, and organizations;
 - (2) Organizations and corporations which are tax exempt under section 501(c)(3) of the Federal Internal Revenue Code; and
 - (3) Public schools.
- (b) Permit fees may be waived by the county manager upon application by the applicant for good cause shown for the following persons and situations:
- (1) Recognized religious organizations where the event or activity is sponsored by an organized church and is intended for religious or charitable purposes;
 - (2) Charitable organizations where the event or activity is intended exclusively for the benefit of a charity; and
 - (3) Individuals where the event or activity is intended exclusively for family purposes and does not involve fundraising or sales activities.

(Res. No. 66-88, art. 8, § III, 7-28-1988)

Sec. 50-50. - Time of applications.

All applications for the issuance of a permit under the regulations set forth in this article must be filed with the office of the county manager at least seven days in advance of the commencement of the event or activity. The county manager may, for good cause shown, receive and act upon an application which is not timely filed but is not required to do so.

(Res. No. 66-88, art. 8, § V, 7-28-1988)

Sec. 50-51. - Review of application.

Upon the receipt of an application for a permit filed under the regulations set forth in this article, the county manager shall cause an investigation to be made concerning the application under the standards provided in the regulations for the specific type and category of event or activity for which the permit is requested, and the county sheriff shall review each application and shall provide to the county manager his recommendation concerning the application. The county manager shall not issue any permit under the regulations set forth in this article which does not satisfy the minimum standards and conditions provided in the regulations for that event and for which the county sheriff has not recommended approval.

(Res. No. 66-88, art. 8, § VI, 7-28-1988)

Sec. 50-52. - Conditions.

All permits issued by the county manager under this division shall contain the specific conditions stated in the regulations applicable to the type and category of event or activity for which the permit is requested. In addition, the county manager may require additional conditions as requested by the county sheriff, and the county manager may, in his discretion, require for any permit, that the operator

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post a security bond or provide insurance coverage in an amount and form recommended by the county safety officer or risk manager.

(Res. No. 66-88, art. 8, § VI, 7-28-1988)

Sec. 50-53. - Denial.

Whenever the county manager determines that a permit shall not be granted on any application, he shall notify the applicant, in writing, of the denial within four days after receipt of the application. The denial shall state the reasons for the denial and shall inform the applicant of its right to appeal the denial to the board of county commissioners.

(Res. No. 66-88, art. 8, § VI, 7-28-1988)

Sec. 50-54. - Issuance.

Whenever the county manager determines that a permit shall be granted on any application, then he shall issue a copy of the permit, upon a form approved by the board of county commissioners, in the name of the applicant. The permit shall contain or have attached all requirements and conditions specified by the regulations set forth in this article and the county manager. A copy of the permit shall be filed with the office of the county clerk and with the office of the board of county commissioners. All permit fees shall be deposited to the county general fund.

(Res. No. 66-88, art. 8, § VII, 7-28-1988)

Sec. 50-55. - Display.

Upon commencement of the event or activity for which a permit has been issued under the regulations set forth in this article, the operator shall have and prominently display the permit at the location of the event or activity for the duration of time that the event or activity continues.

(Res. No. 66-88, art. 8, § VIII, 7-28-1988)

Sec. 50-56. - Nontransferable.

No permit issued under the regulations set forth in this article shall be assigned or transferred to any other person and only that person designated on the permit may operate or conduct the event or activity permitted. Any transfer or attempt to transfer shall void the permit.

(Res. No. 66-88, art. 8, § IX, 7-28-1988)

Sec. 50-57. - Scope.

Any permit issued under the regulations set forth in this article shall be issued only for one event or activity per application and shall be valid only for the time and date stated upon the permit. No permit shall be deemed or considered to be continuing in nature, and each separate event or activity shall require the issuance of a separate permit.

(Res. No. 66-88, art. 8, § X, 7-28-1988)

Sec. 50-58. - Revocation.

Any permit issued under the regulations set forth in this article may be revoked by order of the county

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manager or county sheriff upon a specific finding that the operator falsified the application, failed to meet the conditions of the permit, or violated any term or condition of the regulations set forth in this article or of the permit.

(Res. No. 66-88, art. 8, § XII, 7-28-1988)

Sec. 50-59. - Appeals to board of county commissioners.

(a) *Denial of permit.* Any denial of the issuance of a permit by the county manager may be appealed by the applicant by submitting a notice of appeal, in writing, to the office of the board of county commissioners. The board of county commissioners shall then review the matter and hear the appeal, and may uphold the denial of the county manager or may order issuance of the permit. In the event that the board of county commissioners fails to act on the appeal for a period of 48 hours after the filing of the notice of appeal, then the appeal will be considered to have been granted, and the county manager shall immediately issue the permit.

(b) *Upon revocation.* Any order of the county sheriff or county manager which revokes a permit issued under the regulations set forth in this article may be appealed to the board of county commissioners by filing a notice of appeal with the office of the board of county commissioners, and the chairperson of the board of county commissioners or his designee shall immediately review the appeal. The chairperson or his designee may affirm the revocation or may order reinstatement of the permit.

(Res. No. 66-88, art. 8, § XII, 7-28-1988)

Sec. 50-60. - Form of permit.

The special events and activities permit shall be substantially in the following form:

Johnson County, Kansas Special Events and Activities Permit. This permit is issued to: _____ whose correct mailing address is _____ for the purpose of conducting the following activity or event at the time and place indicated:

Activity or event: _____

Date: _____

Location: _____

Property owner: _____

Civic group or organization sponsoring event (if applicable): _____

Conditions required by Johnson County Sheriff: _____

Approved by Johnson County Sheriff's Department:

_____	_____	_____/_____/_____ _____/_____/_____
Name	Date	Title

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Approved by Johnson County Manager:

_____	_____	_____/_____/_____ _____/_____/_____
Name	Date	Title

This Permit is Nontransferable

Copy of Johnson County Code for Special Events and Activities Chapter 50, article II, attached

(Res. No. 66-88, att. A, 7-28-1988)

Secs. 50-61—50-68. - Reserved.

DIVISION 3. - FIREWORKS

[Sec. 50-69. - Definitions.](#)

[Sec. 50-70. - Enforcement and penalties.](#)

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[Sec. 50-72. - Sale and use prohibited.](#)

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[Sec. 50-74. - Qualifications for permit.](#)

[Sec. 50-75. - Conduct of public display.](#)

[Secs. 50-76—50-83. - Reserved.](#)

Sec. 50-69. - Definitions.

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

Fireworks.

(1) The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any device containing an explosive substance.

(2) The term "fireworks" does not include the following:

- a. Toy caps which do not contain more than one quarter grain of explosive compound per

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cap or devices in which such caps are used;

- b. Highway flares, railway flares or fuses, ship distress signals, smoke candles, or other emergency signal devices; or
- c. Firearm ammunition.

Qualified civil group or organization means any governmental entity, homeowners' association, neighborhood association, group of homeowners which comprise a majority of the residences within 1,000 feet of the location of the display, and similar groups maintaining a neighborhood or civic purpose.

(Res. No. 66-88, art. 3, § I, 7-28-1988)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 50-70. - Enforcement and penalties.

(a) The offering for sale, exposing for sale, or selling at retail of fireworks shall be a public offense, punishable upon conviction by a fine in an amount not less than \$500.00 and not more than \$1,000.00. Any other violation of any provision of this division shall be a public offense, punishable upon conviction by a fine in an amount not less than \$25.00 and not more than \$100.00 for each offense.

(b) Each separate day that a violation exists or occurs shall be considered a separate violation, subject upon conviction to an additional and separate fine amount.

(Res. No. 66-88, art. 3, § VII, 7-28-1988; Res. No. 045-01, § 1, 6-28-2001)

State law reference— Authorized penalties for violation of county resolutions, K.S.A. 19-101d.

Sec. 50-71. - Exception.

This division shall not apply to the use of any fireworks for agricultural, emergency, or railroad or transportation purposes, where that use is a part of the normal business operations of the user.

(Res. No. 66-88, art. 3, § VI, 7-28-1988)

Sec. 50-72. - Sale and use prohibited.

No person shall store, offer for sale, expose for sale, sell at retail, use, explode, discharge or possess any fireworks, as defined in this division, within the unincorporated area of the county, except for permitted public displays, wholesale distribution outside the county, and permitted agricultural usage.

(Res. No. 66-88, art. 3, § II, 7-28-1988)

Sec. 50-73. - Public display permit.

No person shall use any fireworks, as defined in this division, as part of or in a public exhibition or display of fireworks without first having obtained a permit, in the manner provided in division 2 of this article.

(Res. No. 66-88, art. 3, § III, 7-28-1988)

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Sec. 50-74. - Qualifications for permit.

A permit for the public exhibition or display of fireworks shall be issued only upon satisfaction of the following qualifications:

- (1) The person requesting the permit represents a qualified civic group or organization;
- (2) The public exhibition or display of fireworks will be conducted as part of a holiday celebration, special event or activity, ceremony, or other occasion of similar nature; and
- (3) The person conducting the public exhibition or display of fireworks has demonstrated knowledge and experience in the safe and proper storage, handling and firing of fireworks or related incendiary devices.

(Res. No. 66-88, art. 3, § IV, 7-28-1988)

Sec. 50-75. - Conduct of public display.

Any public exhibition or display of fireworks conducted pursuant to a permit issued under this article shall be conducted in accordance with the following conditions:

- (1) Fireworks shall be kept and stored, prior to firing, in a place and manner which is not hazardous to property or dangerous to any person;
- (2) The exhibition or display shall be arranged so that the fireworks are to be fired at least 100 feet from the nearest building, nearest public roadway, and nearest point of location of any persons viewing the exhibition or display;
- (3) Fireworks that fire a projectile into the air shall be directed in such manner that the projectile does not fire over or above any building structure or any persons viewing the exhibition or display, and the angle of the projectile shall be no more than 15 degrees from vertical;
- (4) The persons firing the fireworks shall be at least 18 years of age, and there shall be at least two persons supervising the actual firing at all times during the display;
- (5) At least two approved fire extinguishers shall be present at the site of the firing of the fireworks;
- (6) The person conducting the exhibition or display shall have or provide liability insurance coverage which would apply to the display in an amount satisfactory to the county manager; and
- (7) All unfired fireworks and fireworks residue remaining after the public exhibition or display shall be immediately disposed of in a manner safe for that type of fireworks and such that no hazardous or dangerous condition is created.

(Res. No. 66-88, art. 3, § V, 7-28-1988)

Secs. 50-76—50-83. - Reserved.

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DIVISION 4. - AMUSEMENT ENTERPRISES

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[Sec. 50-91. - Insurance requirements.](#)

[Sec. 50-92. - Conduct of amusement enterprise.](#)

[Secs. 50-93—50-112. - Reserved.](#)

Sec. 50-84. - Definitions.

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

Circus means and include any exhibition or performance of animal acts or feats of physical skill and daring and shall include carnivals, sideshows or other events which offer mechanical and/or electrical rides, games and amusement activities.

Exhibition means any public display or showing of objects, works of art, acts of skill or training, feats of talent or illusion, goods, wares or services, which is designed or conducted for amusement or promotion.

Street fair or *fair* means any event, show, or exhibition which includes booths or displays for crafts, works of art, or other goods or wares offered for sale, trade or demonstration.

(Res. No. 66-88, art. 4, § I, 7-28-1988)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 50-85. - Enforcement and penalties.

Violation of any provision of this division shall be a public offense, punishable upon conviction by a fine in an amount not less than \$25.00 and not more than \$100.00 for each offense.

(Res. No. 66-88, art. 4, § IX, 7-28-1988)

State law reference— Authorized penalties for violation of county resolutions, K.S.A. 19-101d.

Sec. 50-86. - Exceptions.

The requirements of this division shall not apply to the following:

- (1) Any subdivision or agency of the state or of the county;
- (2) Any public educational organization or school where the event occurs solely upon property owned by the school system and used normally for school purposes.

(Res. No. 66-88, art. 4, § VIII, 7-28-1988)

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Sec. 50-87. - Conduct prohibited.

No person shall conduct an amusement enterprise, exhibition or similar public performance or event within the unincorporated area of the county except as provided in this division and subject to the terms and conditions of this article.

(Res. No. 66-88, art. 4, § II, 7-28-1988)

Sec. 50-88. - Prohibited activities.

(a) *Use of public property or right-of-way.* No amusement enterprise or exhibition shall be allowed, permitted, or operated, in whole or in part, upon public property of the county or upon any public road of right-of-way of the county.

(b) *Gambling.* No activity conducted as a part of any amusement enterprise or exhibition shall be operated in violation of any law of the state or of the United States relating to gambling or games of chance.

(c) *Alcoholic beverages.* No cereal malt or alcoholic beverages shall be sold, served or consumed during or as a part of any amusement enterprise or other exhibition.

(Res. No. 66-88, art. 4, § IV, 7-28-1988)

Sec. 50-89. - Permit required.

No person shall conduct, operate, manage or participate in the administration or management of an amusement enterprise or exhibition within the unincorporated area of the county without first obtaining a permit as provided in division 2 of this article.

(Res. No. 66-88, art. 4, § III, 7-28-1988)

Sec. 50-90. - Standards for issuance of permit.

A permit to conduct or operate an amusement enterprise or other exhibition shall be issued only upon satisfaction of the following qualifications:

- (1) The event and all activities shall take place and be conducted upon private property, with the full written consent of the land owner, which is zoned for agricultural or commercial usage.
- (2) A detailed site plan for the location must be submitted with the application for a permit and must, at a minimum, show:
 - a. The location of all events, activities, and temporary structures;
 - b. The provision for utility services, including water, electricity, and sanitation facilities;
 - c. Provisions for parking and/or transportation to and from the site.
- (3) No event or activity shall occur in any area within 1,000 feet of any residence or dwelling unit, other than that of the owner of the property upon which the event will occur, and the area to be occupied and used for the conduct of the event, exclusive of parking and transportation routes, shall not exceed one acre of total land area, unless the county manager grants an exemption from the area limitation to the applicant. An exemption shall be granted only when the county manager

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determines that:

- a. Use of a greater area will not adversely impact surrounding properties;
 - b. Use of a greater area is reasonably necessary to conduct the event and is reasonably related to the type and nature of the event; and
 - c. The location of the event is adequate to accommodate use of a greater area, considering traffic flow, sanitation, and surrounding land uses.
- (4) Adequate provisions shall be made for sanitary facilities, for fire protection, and for emergency medical services and first aide.

(Res. No. 66-88, art. 4, § V, 7-28-1988)

Sec. 50-91. - Insurance requirements.

A certificate of insurance shall accompany the permit application and shall name the county, the owner of the premises to be used, and any sponsoring organization, as additional insureds. The certificate shall be issued upon a form acceptable to the county and shall be issued by an insurance carrier which is licensed to do business in the state and which carries a Best's policy holder rating of A or better. The insurance shall provide general liability and broad form contractual and personal injury coverage in the following applicable amounts:

- (1) For circuses, carnivals and similar events which offer amusement rides or similar activities, a minimum policy limits of \$5,000,000.00 for each occurrence;
- (2) For amusement enterprises which provide exhibitions only, a minimum policy limits of \$1,000,000.00 for each occurrence; and
- (3) For amusement enterprises which consist of a street fair or fair only, minimum policy limits of \$200,000.00 per occurrence.

(Res. No. 66-88, art. 4, § VI, 7-28-1988)

Sec. 50-92. - Conduct of amusement enterprise.

Any amusement enterprise or other exhibition conducted pursuant to a permit issued under this article shall be operated in accordance with the following conditions:

- (1) *Hours of operation.* The event shall commence no earlier than 7:00 a.m. and shall not extend beyond 11:00 p.m.
- (2) *Length of operation.* The event shall not be conducted or operated for any period of time in excess of seven consecutive days.
- (3) *Code compliance.* All structures and utility services shall comply with applicable building, electrical, fire, and safety codes and all requirements and regulations of the department of health and environment.
- (4) *Lights and sound.* No artificial lighting shall be used which causes illumination upon or into any nearby residences or dwelling units, and no public address systems or noise amplification equipment shall be used which generates noise that is perceptible in any nearby residences or

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dwelling units at sound levels exceeding comparable and ordinary street noise.

(5) *Sanitation and rubbish.* Appropriate sanitation and rubbish receptacles shall be provided, and all rubbish, trash and waste products shall be cleaned from and removed from the premises each day of operation.

(6) *Restoration.* Upon completion of the event, the property shall be restored to the condition which existed prior to the event.

(Res. No. 66-88, art. 4, § VII, 7-28-1988; Res. No. 012-12, 5-31-2012)

Secs. 50-93—50-112. - Reserved.

DIVISION 5. - PARADES AND DEMONSTRATIONS

[Sec. 50-113. - Enforcement and penalties.](#)

[Sec. 50-114. - Permit required.](#)

[Sec. 50-115. - Exceptions; applicability.](#)

[Sec. 50-116. - Standards for issuance of permit.](#)

[Sec. 50-117. - Conduct of parade or demonstration.](#)

[Sec. 50-118. - Alternative routes or location.](#)

[Secs. 50-119—50-149. - Reserved.](#)

Sec. 50-113. - Enforcement and penalties.

Violation of any provision of this division shall be a public offense, punishable upon conviction by a fine in an amount not less than \$25.00 and not more than \$100.00 for each offense.

(Res. No. 66-88, art. 5, § VI, 7-28-1988)

State law reference— Authorized penalties for violation of county resolutions, K.S.A. 19-101d.

Sec. 50-114. - Permit required.

No person shall conduct any parade or public demonstration upon any public road or right-of-way within the unincorporated area of the county without first having obtained a permit as required by and in accordance with this article.

(Res. No. 66-88, art. 5, § I, 7-28-1988)

Sec. 50-115. - Exceptions; applicability.

The provisions of this division shall not apply to the following:

- (1) Funerals;
- (2) Parades or processions which are a part of or result from any school event or activity which is sponsored by or authorized by school administration officials; and

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(3) Parades or processions conducted or sponsored by any governmental agency acting within the scope of its functions.

(Res. No. 66-88, art. 5, § II, 7-28-1988)

Sec. 50-116. - Standards for issuance of permit.

A permit shall be issued under this article upon satisfaction of the following requirements:

- (1) The applicant shall file with the application a map showing the designated route for the parade or area for the demonstration and stating the start and finish times for the event;
- (2) The applicant obtains and submits an authorization from the office of the sheriff of the county, which shall be issued by the sheriff upon his determination that:
 - a. The parade or demonstration will not substantially interrupt the safe and orderly flow of traffic;
 - b. The route and area can be safely used without disruption of traffic on alternate routes;
 - c. The conduct of the parade or demonstration will not require the division or use of law enforcement or emergency service personnel of the county to such an extent that services cannot be appropriately provided to the county as a whole;
 - d. The concentration of persons and vehicles will not endanger the life and safety of residents; and
 - e. The parade or demonstration can be conducted safely and orderly from its starting point to its end;
- (3) The parade or demonstration will not exceed four hours in time; and
- (4) The parade or demonstration is being held for a purpose other than the sole purpose of private profit or the promotion or advertisement of specific products, goods, or services.

(Res. No. 66-88, art. 5, § III, 7-28-1988)

Sec. 50-117. - Conduct of parade or demonstration.

Any parade or demonstration conducted pursuant to a permit issued under this article, shall be operated in accordance with the following conditions:

- (1) The parade or demonstration shall be conducted only during daylight hours;
- (2) The parade or demonstration shall be conducted solely upon public roadways or rights-of-way and shall not carry onto private property;
- (3) The parade or demonstration shall proceed orderly and timely;
- (4) The operator of the parade or demonstration shall ensure that traffic restrictions and warning signs are available and used as required by the sheriff;
- (5) The operator of the parade or demonstration shall provide for the cleanup of all rubbish, trash

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or other waste that results from or during the event; and

(6) No cereal malt or alcoholic beverages shall be sold, served, or consumed as a part of the parade or demonstration.

(Res. No. 66-88, art. 5, § IV, 7-28-1988)

Sec. 50-118. - Alternative routes or location.

The office of the sheriff of the county shall have authority to recommend or require an alternative route or location for the parade or demonstration at any time when he deems it necessary for the public health, safety or welfare.

(Res. No. 66-88, art. 5, § V, 7-28-1988)

Secs. 50-119—50-149. - Reserved.

DIVISION 6. - COMMERCIAL PARTIES AND CELEBRATIONS

[Sec. 50-150. - Enforcement and penalties.](#)

[Sec. 50-151. - Permit required.](#)

[Sec. 50-152. - Qualifications for issuance of permit.](#)

[Sec. 50-153. - Conduct of the event.](#)

[Secs. 50-154—50-174. - Reserved.](#)

Sec. 50-150. - Enforcement and penalties.

Violation of any provision of this division shall be a public offense, punishable upon conviction by a fine in an amount not less than \$25.00 and not more than \$100.00 for each offense.

(Res. No. 66-88, art. 6, § IV, 7-28-1988)

Sec. 50-151. - Permit required.

No person shall conduct, operate, manage, or participate in the administration or management of a commercial party or celebration, as defined in this article, without first having obtained a permit as required and provided by this article.

(Res. No. 66-88, art. 6, § I, 7-28-1988)

Sec. 50-152. - Qualifications for issuance of permit.

A permit for a commercial party or celebration shall be issued under this division only upon satisfaction of the following requirements:

- (1) The applicant is a person 18 years of age or older;
- (2) The applicant files with the application a detailed site plan for the event, which, at a minimum, shows:

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- a. The location and provision for any structures and all utility services, including water, electricity and sanitary facilities; and
 - b. Provisions for parking and transportation to and from the event.
- (3) The location of the event is private property zoned for agricultural or commercial use, and the owner of the property files a written consent to the event;
- (4) The conduct of the event will not occur within 1,000 feet of any occupied residence or dwelling unit other than that of the owner of the property where the event will occur, and the area to be occupied and used for the conduct of the event, exclusive of parking and transportation routes, shall not exceed one acre of total land area, unless the county manager grants an exemption from the area limitation to the applicant. An exemption shall be granted only when the county manager determines that:
- a. Use of a greater area will not adversely impact surrounding properties;
 - b. Use of a greater area is reasonably necessary to conduct the event and is reasonably related to the type and nature of the event; and
 - c. The location of the event is adequate to accommodate use of a greater area, considering traffic flow, sanitation, and surrounding land uses.
- (5) The operator of the event posts a bond with the county in the amount of \$10,000.00 covering the proper operation of the event and restoration of the property;
- (6) The operator files with the county proof of liability insurance covering the specific event with policy limits of at least \$500,000.00 per occurrence;
- (7) The operator provides written plans for providing security, sanitary facilities, emergency services and first aid, fire protection, and waste disposal and cleanup.

(Res. No. 66-88, art. 6, § II, 7-28-1988)

Sec. 50-153. - Conduct of the event.

Any commercial party or celebration conducted pursuant to a permit issued under this article shall be operated under the following conditions:

- (1) *Hours of operation.* No commercial party or celebration shall be conducted before 7:00 a.m. or after 1:00 a.m.
- (2) *Time duration.* No commercial party or celebration shall be conducted for a time period of more than two continuous days.
- (3) *Limitation on number.* No more than one commercial party or celebration shall be conducted per month at any one specific location, and no more than four events shall be conducted at any one location during any 12-month period.
- (4) *Attendance.* No commercial party or celebration shall be conducted with an actual attendance in excess of 5,000 persons, and no person under the age of 18 shall be admitted to the commercial party or celebration unless accompanied by a parent or legal guardian.

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(5) *Code compliance.* The operator of any commercial party or celebration shall comply with all applicable state, federal and local rules, laws and regulations applicable to the activity being conducted, including but not limited to laws applicable to the sale and consumption of alcoholic and cereal malt beverages, and all structures and utility services shall comply with applicable building, electrical, fire and safety codes and all requirements and regulations of the department of health and environment.

(6) *Lights and sound.* All artificial lighting sources used during operation of a commercial party or celebration shall be erected, arranged and maintained in such a manner that they comply with the requirements of the zoning administrator of the county for height and illumination intensity for outdoor lighting, and all sound amplification equipment and public address system used during operations of the commercial party or celebration shall be arranged and maintained in a manner which allows the sound and noise to be controlled at levels which will not cause undue public disturbance in any nearby residences or dwelling units.

(7) *Traffic and parking.* The operator of any commercial party or celebration shall provide for personnel to control and regulate traffic and parking throughout operation of the event. Temporary traffic control signs and no parking signs shall be obtained from the office of the county sheriff and shall be posted in the places and manner deemed advisable by the sheriff. No parking signs shall be posted upon all public roadways located within 1,000 feet of the property upon which the event shall take place, and no person attending or participating in the event shall be allowed to park any vehicle upon any public roadway or road right-of-way.

(8) *Sanitation and rubbish.* The operator of any commercial party or celebration shall provide for adequate and acceptable sanitary facilities for use by persons attending or participating in the event, and all rubbish, trash, and waste products shall be cleaned from and removed from the premises at least once each day during operation of the event.

(9) *Restoration.* Upon completion of the event, the property shall be restored to the condition which existed prior to the event.

(Res. No. 66-88, art. 6, § III, 7-28-1988; Res. No. 012-12, 5-31-2012)

Secs. 50-154—50-174. - Reserved.

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⁽³⁵⁾ **Cross reference—** Businesses, ch. 22.

- [Sec. 50-175. - Definitions.](#)
- [Sec. 50-176. - Enforcement and penalties.](#)
- [Sec. 50-177. - Exceptions and exclusions.](#)
- [Sec. 50-178. - Conduct prohibited.](#)
- [Sec. 50-179. - Permit required.](#)
- [Sec. 50-180. - Prohibited activities.](#)
- [Sec. 50-181. - Standards for issuance of permit.](#)
- [Sec. 50-182. - Conduct of itinerant sales activities.](#)

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[Sec. 50-183. - Lawful authority to sell.](#)

Sec. 50-175. - Definitions.

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

Auction means an event where goods, wares, or merchandise are available and offered for sale, by item or by lot, whether by the owner or as consignee, upon received bid, whether open or sealed, to the highest or best bid.

Farm sale means any sale, or the display for sale, of agricultural products or crops or farm implements or machinery or other household goods or furnishings conducted at or upon property which is zoned and used for agricultural farming purposes and the sale is being conducted by or on behalf of the owner or occupant of the real property.

Garage sale, yard sale and home sale mean any sale or display for sale of goods, household furnishings or merchandise, which is operated from or out of a single-family dwelling, a multifamily dwelling, an accessory use building, or on the premises of such dwelling or building upon property which is zoned for residential or agricultural uses.

Stand means any temporary structure, newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not constructed nor authorized at its location by the zoning and subdivision regulations of the county and which is used for the display, storage, transportation, and vending of articles offered for sale by a vendor or transient merchant.

Transient merchant means any person, including an employee or agent of another, whether as owner or consignee, who engages in a temporary business of selling, distributing or delivering goods, wares, merchandise or services and who operates the business activities from a temporary or nonpermanent business location.

Vendor means any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public roadway or sidewalk, or from a stand, motor vehicle or from his person, and includes any person who travels from house to house or street to street selling or offering to sell food, beverages, goods or merchandise.

(Res. No. 66-88, art. 7, § I, 7-28-1988)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 50-176. - Enforcement and penalties.

Violation of any provision of this division shall be a public offense, punishable upon conviction by a fine in an amount not less than \$25.00 and not more than \$100.00 for each offense.

(Res. No. 66-88, art. 7, § IX, 7-28-1988)

State law reference— Authorized penalties for violation of county resolutions, K.S.A. 19-101d.

Sec. 50-177. - Exceptions and exclusions.

The provisions of this division shall not apply to the following:

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- (1) Any person who conducts no more than two garage, yard, farm or home sales during any calendar year and such sale is conducted from his own personal residence or agricultural property, and all items offered for sale are property of the owners or occupant of the home or farm;
- (2) Any sale conducted or sponsored by a governmental entity or agency or by any public or private school or school district;
- (3) Door-to-door sales or solicitations conducted by a religious, charitable or educational organization which is registered in the state or which is a not-for-profit corporation operating pursuant to section 501(c)(3) of the Internal Revenue Code;
- (4) Sales of agricultural products from or upon the property where the products were grown or raised and which is conducted by the owner or occupant of the property;
- (5) Sales of Christmas trees conducted from or upon property zoned for business or agricultural uses which occur during the Christmas holiday season;
- (6) An estate sale of personal property or furnishings conducted as part of the disposition of the assets of a deceased person where the sale is conducted from the residence of the deceased person by family members or other authorized personal representative; and
- (7) The sale of any goods, wares or merchandise from any business location where the property is zoned for such sales and activities.

(Res. No. 66-88, art. 7, § IV, 7-28-1988)

Sec. 50-178. - Conduct prohibited.

No person shall conduct any business of itinerant sales, as a vendor or transient merchant, or operate an auction or garage, yard, farm or home sale, within the unincorporated area of the county, except as permitted and in the manner provided by this article.

(Res. No. 66-88, art. 7, § II, 7-28-1988)

Sec. 50-179. - Permit required.

It shall be unlawful for any person to conduct or engage in any itinerant sales, as defined in this article, without first having obtained a permit as required by this article.

(Res. No. 66-88, art. 7, § III, 7-28-1988)

Sec. 50-180. - Prohibited activities.

(a) *Use of public property or right-of-way.* No person shall conduct any itinerant sales, in whole or in part, upon public property of the county or upon any public roadway or right-of-way of the county.

(b) *Use of vehicles.* No sales shall be allowed, conducted or made from any vehicles while moving or from any vehicle stopped in the public roadway.

(c) *Interference with traffic.* No person shall conduct any itinerant sales or sales activities in any manner which interferes with or disrupts the normal flow of traffic.

(Res. No. 66-88, art. 7, § V, 7-28-1988)

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Sec. 50-181. - Standards for issuance of permit.

A permit to conduct itinerant sales shall be issued only upon satisfaction of the following qualifications:

- (1) The applicant for the permit is the owner or occupant of the property from or upon which all sales activities will be conducted or the applicant has submitted a written consent of the property owner for the sales activity.
- (2) The applicant for the permit has submitted a map or drawing showing the exact location or locations where the sales activities will occur, and the location or locations indicated comply with the site limitations and requirements of this article.
- (3) The sales activities proposed by the applicant for the permit will comply with all limitations on the type of sales permitted, the number of sales events permitted in any given calendar year, and the length of time for the sales event.
- (4) The person making application has not been convicted of a violation of this article within the previous 12 months.
- (5) The applicant has filed with the application a statement from the county sheriff stating that the sheriff has no information available to him that the applicant has ever been convicted of any violation of the laws of the state or the United States relating to fraud or consumer protection.
- (6) The activities to be conducted by the applicant for the permit are not likely to cause interference with or disruption of the normal flow of traffic or pose any direct threat to the health or safety of the residents of the county.
- (7) The applicant is a resident of the county or is qualified to do business within the state and has provided for a resident agent in the state who is qualified to accept legal service of process on behalf of the applicant.

(Res. No. 66-88, art. 7, § VI, 7-28-1988)

Sec. 50-182. - Conduct of itinerant sales activities.

- (a) *Hours of operation.* Itinerant sales activities shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.
- (b) *Duration of operations.* Any permit issued pursuant to this article for the conduct of any auction sale or garage, yard, farm or home sale shall be valid only for a period of two days, which shall run consecutively, and no auction sale or garage, yard, farm or home sale shall be conducted for any period of time in excess of two consecutive days. Any permit issued pursuant to this article for any vendor or transient merchant for the conduct of any itinerant sales, other than an auction or garage, farm, yard or home sale, shall be valid only for a period of 14 days, which shall run consecutively, and no itinerant sales shall be conducted by any vendor or transient merchant for any period of time in excess of 14 consecutive days. Any permit issued under this article which has expired due to the time limitations of this section may be renewed, upon reapplication, for an additional like period of time, and any such renewal shall be considered as a new and separate permit, subject to the terms and conditions of this article and shall be counted separately for purposes of subsection (c) of this section.
- (c) *Limitation on number of permits.* No more than four separate permits for any or all types of itinerant sales activities shall be issued under this article during any calendar year period to any one

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vendor, transient merchant or other person, whether directly or indirectly through an agent or representative, and no more than four such separate permits shall be issued under this article during any calendar year for the conduct of any or all types of itinerant sales activities at any one site location or upon one property ownership.

(d) *Parking and traffic.* During the operation of any itinerant sales activity conducted pursuant to a permit issued under this article, no person shall be allowed to park or let stand any vehicle upon any public roadway or road right-of-way, unless or until such person obtains permission from the sheriff to allow such parking, and the sheriff shall not permit such parking except upon a finding that it will not prevent nor substantially interfere with the normal flow of traffic upon the roadway nor inhibit the free access of emergency vehicles to or by the site. In the event that the sheriff does permit parking upon the public right-of-way or roadway, then such parking shall be restricted and limited to one side of the roadway only, and the applicant shall post, at its cost, signs which state "Parking on This Side Only" and "No Parking This Side." The person conducting the sales activity or event shall provide such traffic and parking control as necessary to prevent obstruction or disruption of the normal flow of traffic at the site location of the sale.

(e) *Lighting and sound.* No outdoor, artificial lighting shall be erected or used as a part of the operations of any itinerant sales except as may be compatible with or allowed upon the site location by the applicable provisions of the county zoning and subdivision regulations. No public address system or other sound generating or amplification equipment shall be used during or as a part of any itinerant sales activities other than an auction sale, and then, only that equipment normally used and necessary for announcing and receiving of bids.

(f) *Site arrangement.* Any vendor, transient merchant, or other person conducting itinerant sales pursuant to a permit issued under this article shall not erect any stand or other structure nor store or display any goods, wares or merchandise, nor conduct any sales activities within any public right-of-way or upon any sidewalk or within any setback area established for the normal use of that property location by the county zoning and subdivision regulations.

(g) *Sanitation and restoration.* At all times during and throughout any itinerant sales activity conducted pursuant to a permit issued under this article, the vendor, transient merchant, or other operator of the sale shall provide acceptable and appropriate sanitation facilities and rubbish collection receptacles and shall keep the site, and any area within 100 feet of the site, free and clean of any trash, rubbish or other debris accumulated or resulting from the sales activity. Upon completion of the sale event, the vendor, transient merchant or other operator of the sale shall have all trash or rubbish removed from the site and shall have the premises restored to the condition existing prior to the sale. Any and all handbills, signs, markers, or other advertisements, notices or posters used for or during the operation of the sales activity shall be collected, removed and appropriately disposed of within 24 hours after completion of the sale event.

(h) *Code compliance.* Any vendor, transient merchant, or other person conducting itinerant sales pursuant to a permit issued under this article shall comply, where applicable, with all building, electrical, plumbing, fire, safety, sanitation, public health, zoning and other codes, laws or regulations which apply to any activity conducted as a part of the sale.

(i) *Signs.* No permanent business or advertising sign shall be erected, placed or maintained for or as a part of any itinerant sales activities conducted pursuant to a permit issued under this article, and no mobile, temporary or other nonpermanent sign, of any kind or nature, shall be placed, erected or posted upon any public roadway or within any public right-of-way as advertisement for or as a part of the

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conduct of the sales activity.

(Res. No. 66-88, art. 7, § VII, 7-28-1988)

Sec. 50-183. - Lawful authority to sell.

Any vendor, transient merchant, or other person conducting itinerant sales shall have lawful authority to possess and to sell any and all goods, wares, services and merchandise offered for sale and shall comply with all state and federal laws relating to the authority to sell any such articles. Nothing contained within this division shall be deemed or construed as granting authority to possess or to sell any particular item or type or class of items, and this division shall only apply to the permitting of holding a sale and not to any sales made.

(Res. No. 66-88, art. 7, § VIII, 7-28-1988)