

# *The City of Roeland Park, Kansas*



## **OCCUPATION LICENSES**

### **Ordinance and**

### **Application Forms**

Contact City Hall for more information.

Effective 1/1/04, Approved by Council 12/3/03

**EXCERPTS FROM THE ROELAND PARK CITY CODE, ADOPTED OCTOBER 30, 1998**  
**CHAPTER V. BUSINESS LICENSES AND REGULATIONS**

- Article 1. Occupation Fee
- Article 2. Peddlers, Transient Merchants
- Article 3. Massage Establishments, Bath Houses
- Article 4. Garage Sales
- Article 5. Amusement Devices
- Article 6. Home Occupations
- Article 7. Rental Housing
- Article 8. Adult Businesses
- Article 9. Pawnbrokers and Precious Metal Dealers

**ARTICLE 1. OCCUPATION FEE**

5-101. DEFINITIONS. As used in this article:

- (a) Person means any individual, partnership, corporation, firm, organization, association, joint stock company or syndicate who or which is engaged in any business, trade, occupation or profession, or rendering or furnishing any service for profit of livelihood and subject to the provisions of this article; provided, any individual in the direct employ of any person licensed under the provisions of this article is not a person unless such individual operates as a subcontractor; but is if such individual performs any service or practices a skill for compensation for any person other than his or her licensed employer, he or she is a person and must pay the fee and obtain a license if such be required by the terms of this article.
- (b) Business means and includes businesses, trades, occupations, professions, the renting of property for residential or business use, and also callings rendering or furnishing a service: Provided, that the name of business, trade, occupation, profession or calling may be used, and when so used, shall refer to the particular business, trade, occupation, profession or calling.
- (b) Fee means an occupation fee or license fee for city revenue without regulations upon and for the privilege of engaging in business as herein defined.
- (c) License means the document issued by the city acknowledging payment of the required amount of fee, and stating the name of the licensee, the kind of business and where located, the period which the fee covers, and such other matters as may be required and signed by the proper officer.
- (d) Employee means all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in the business.(Code 1977, 7-502; Code 1986)

5-102. BUSINESS CATEGORIES. A business shall be classified for purposes of payment of fees within the following categories:

- (a) Retail establishments and administrative offices;
- (b) Home occupations;
- (c) Leasing operations;
- (d) Nondomiciled businesses. (Code 1986)

5-103. EXEMPTIONS.

- (A) Nothing in this article shall be construed as applying to or taxing:
- (a) The interstate portion of any business;
  - (b) Instrumentalities of the government of the United States, unless authorized by laws of the United States;
  - (c) Organizations of any kind or the employees thereof wholly for charitable, religious, benevolent, fraternal, civic, educational, military, municipal or similar purposes, and from which profit is not derived, either directly or indirectly, by any individual.
  - (d) The city clerk may require any business, instrumentality of organization claiming to be exempt under this section to file with him or her a verified statement stating the facts upon which exemption is claimed.
- (B) Appeal. If the city clerk disapproves any application, the city clerk shall give the reasons therefor in writing, file the same for public view and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the city clerk within 15 days after the clerk files the statement of reasons for the disapproval. A hearing on such appeal shall be held by the governing body no more than 30 days after the applicant files such notice of appeal. The governing body, after a hearing, may reverse or affirm the decision of the city clerk by a majority vote. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a license or permit. (Code 1977, 7-503; Code 1986)

**(Revised Ordinance 743, Dated December 3, 2003 effective 1/1/04)**

5-104. *OCCUPATION FEE LEVIED. An annual occupation fee is levied on business categories as follows:*

- (a) *Retail Establishments and Administrative Offices. Any person engaged in any type of business or profession that leases or owns any space located within the city that is zoned Office Building District, Retail Business District, or CP-1 (Planned Office Building District), CP-1 (Planned Restricted Business District), CP-2 (Planned General Business District), or P-1. (Planned Industrial Park District) shall pay an occupational fee computed on the basis of interior space footage of the leased or owned space, which fee shall be computed as follows:*

0 —	499 sq.ft.	\$ 50
500 —	999 sq.ft.	65
1,000 —	1,999 sq.ft.	100
2,000 —	2,999 sq.ft.	125
3,000 —	3,999 sq.ft.	150
4,000 —	4,999 sq.ft.	180
5,000 —	5,999 sq.ft.	210
6,000 —	6,999 sq.ft.	230
7,000 —	7,999 sq.ft.	290
8,000 —	8,999 sq.ft.	360
9,000 —	9,999 sq.ft.	430
10,000 —	10,999 sq.ft.	500
11,000 —	12,999 sq.ft.	560
13,000 —	14,999 sq.ft.	620
15,000 —	17,999 sq.ft.	710
18,000 —	20,999 sq.ft.	785
21,000 —	24,999 sq.ft.	950

25,000 and over sq.ft. — 0 + \$30/1000 sq.ft. (or portion thereof) over 25,000 sq.ft.

*The above schedule shall be used on total square feet of space regardless of use; except that basement or second-story space that is used exclusively as storage or utility space shall be excluded in determining the total square feet of space.*

*In addition to the square foot charge set forth above, businesses engaged in the sale of gasoline shall pay a supplemental annual occupation fee of \$10 per pump handle.*

- (b) Home Occupations. All businesses conducted from a residential structure which is zoned residential or shall pay an occupation fee of \$30 per year; provided, however, that nothing in this section shall be construed to convey the right to use any residential structure for a business use otherwise prohibited under the provisions of this code including the applicable zoning provisions.*
- (c) Rental Property. Persons, firms, partnerships or corporations engaged in the business of owning and renting property located in the city shall pay an annual occupational fee of \$75 for each single-family or duplex dwelling unit rented. Persons, firms, partnerships or corporations engaged in the business of owning and renting property containing multiple dwelling units, regardless of the zoning district in which the property is located, shall pay an annual occupation fee of \$.04 per square foot of living space rented or subject to being rented, and the fee so determined shall be rounded to the nearest dollar. For the purpose of this section, "subject to being leased" shall mean all residential property being offered to a tenant and available for rental or lease as an apartment, duplex, or other type of residential dwelling, but shall exclude a garage, carport area and any basement, unless such basement is used as living space. The procedure for payment of occupation fees and issuance of licenses for rental property shall be set forth in Article 7 of this chapter.*
- (d) Nondomiciled Business. Any person who is required by any law of this city to obtain a permit to do business in the city shall pay an occupation fee of \$50 even if the person does not lease or own property within the city limits.*
- (e) Solid Waste Disposal. Any person engaging in the business of collecting, transporting, processing or disposing of solid waste within the corporate city limits shall first obtain a license to do business in the city and pay a license fee as required by Section 15-107 of this code.*
- (f) Commercial Pesticide Business. The license required by this section for commercial pesticide business should coincide with that term set forth by the state licensing of a pesticide business as stated in the Kansas Pesticide Law, K.S.A. 2-2438(a) et seq.*

*(Ord. 615, Sec. 1)*

- 5-105. LICENSE REQUIRED. Persons or firms shall before beginning business secure an occupational license in accordance with this article. The license period shall be from December 1st to November 30 in each year and the fees required to be paid in one annual payment on the first day of December of each year. A late payment charge of six percent per month shall be added in case of failure to pay the

required fees when due for each month or fraction thereof that the fees have remained unpaid. (Code 1977, 7-537)

- 5-106. APPLICATION. Any person shall, before engaging in any business or before continuing such business after a license has expired, make application for a license and pay the proper fee. Application shall be made to the city clerk, giving the name of the licensee and any other name under which such business is to be conducted, the kind and address of the business so licensed, and the interior square footage or such other information as may be necessary to determine the amount to be paid. The city clerk may, in his or her discretion, cause an investigation to be made to verify the accuracy of the information. The city clerk shall advise the chief building official for the city that an application for an occupation license has been made and the chief building official may cause an inspection of the premises to be made as provided in the applicable building codes of the city and as further authorized under section 5-112 hereof. (Code 1977, 7-538, Code 1986; Ord. 523, Sec. 1)
- 5-107. LICENSE NONTRANSFERABLE. There shall be no transfers of license from one person to another except that where a business, including stock, if any, is sold and the new owner continues the business at the same location and under the same name, the license shall continue to expiration. If the holder of a license moves a stock of goods from the location stated on the license to another location and begins business at the new location, he or she may return the license to the city clerk and secure a substitute license upon payment of a fee of \$10 and any additional prorated amount for the unexpired term, should a greater amount be required at the new location. (Code 1977, 7-540, Code 1986)
- 5-108. LICENSE PERIOD CALCULATION. Every person or firm commencing business shall first secure an occupational license covering the period from the date from which the business is to be started until the next succeeding November 30th. The fee which would be payable on an annual basis shall be determined as provided by this article and the fee for this initial period shall be determined by dividing the annual fee by 12 and multiplying by the number of months or fraction thereof remaining to the next November 30th. No refunds for businesses ceasing during the year shall be made. (Code 1977, 5-136, Code 1986)
- 5-109. ISSUANCE OF LICENSE. The city clerk shall issue the occupation license required hereunder upon receipt of a properly completed application, the payment of the proper sum as calculated under the provisions of this article and receiving notification from the chief building inspector that the premises complies with the applicable building and life safety codes of the city. All licenses shall be signed by the city clerk and the city clerk shall affix thereto the seal of the city. (Ord. 523, Sec. 3)
- 5-110. CITY SHALL RECORD LICENSES. The city clerk shall keep records in which shall be entered the names and addresses of each and every person or firm licensed, the date of the license, the amount paid therefor, and the time when the license shall expire. The city clerk shall make a quarterly report to the council at the first meeting in March, June, September and December. (Code 1977, 7-542)

- 5-111. DISPLAY OF LICENSE. All persons or firms doing business in a permanent location are hereby required to have their license conspicuously displayed in their place of business, and all persons or firms to whom licenses are issued not having a permanent place of business are hereby 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 1977, 7-543)
- 5-112. RIGHT OF CITY TO INSPECT PREMISES. Any authorized official of the city shall have the right to enter upon the premises and determine the square footage of the premises for the purpose of calculating the proper occupation fee under the provisions of section 5-104 hereof, and to inspect the premises for the purpose of determining whether or not the premises comply with the applicable building and life safety codes of the city. (Ord. 523, Sec. 2)
- 5-113. UNLAWFUL ACTS; PENALTY. (a) Any person, firm or corporation which conducts, pursues, carries on, or operates, within the city limits, any trade, profession or occupation for which a certificate for the payment of the occupation fee is required by this chapter, or assists directly or indirectly in so doing, in any manner or to any extent, either as owner or proprietor, or as officer of any corporation, or as manager, superintendent, agent, servant, or employee of any person, firm, or corporation, after an occupation, is deemed to do so unlawfully, and for such violation of this chapter is guilty of a municipal violation and upon conviction shall be fined not less than \$5 nor more than \$499. Each and every day such violation continues constitutes a separate offense. (Code 1986)
- 5-114. PAYMENT OF FINE DOES NOT PAY FEE; CIVIL ACTION. The payment of fine for failure to pay the fee and secure a license shall not constitute payment of the fee nor excuse the person from making payment, and the city may proceed by civil action to collect the fee. (Code 1977, 7-547)

## **ARTICLE 6. HOME OCCUPATIONS**

- 5-601. DEFINITION. A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. (Ord. 481, Sec. 1)
- 5-602. CRITERIA. A home occupation is permitted as an accessory use of a dwelling only when all of the following criteria are met:
- (a) No person or persons shall be engaged in such home occupation other than that person or those persons occupying such dwelling as his or her residence; provided, however, the person or persons engaged in such home occupation may have non-resident employees so long as no parking on the public right-of-way shall occur as a result of such employment and such employment does not otherwise disturb the residential character of the neighborhood;
  - (b) No alteration to the dwelling, building, premises, or property, shall be made, which changes the external appearance of the dwelling, premise or property, in a manner that causes the structure to lose its residential character or detract from the residential character of the neighborhood;

- (c) The home occupation shall be conducted entirely within the main dwelling building and no such home occupation shall be conducted in an accessory building, garage, or structure, whether attached or detached;
  - (d) The home occupation shall not occupy more than 25 percent of the floor area of the dwelling;
  - (e) There shall be no outside storage of any equipment, machinery or materials used in the home occupation;
  - (f) There shall be no storage in the dwelling or anywhere upon the premises or property of any toxic materials or toxic chemicals for resale or use in the home occupation;
  - (g) No commercial exchange of tangible goods or other items constituting a sale between the person or persons conducting the home occupation and members of the general public shall be permitted on the premises of the home occupation. Members of the general public shall not include persons in the home by prior individualized invitation;
  - (h) No sign or signs shall be permitted;
  - (i) No home occupation shall be permitted which generates, results in, or contributes to traffic (vehicular or pedestrian), parking, sewage, or water use in excess of what is usual and normal in the residential neighborhood;
  - (j) No home occupation shall be permitted which creates, or has the potential to create, a hazard or danger to the health, care, safety or welfare of any person or property, including any person at, in or occupying the dwelling or any property, real or personal, at the dwelling;
  - (k) No home occupation shall be permitted which results in or contributes to electrical disturbance or interference of any sort;
  - (l) No home occupation shall be permitted which is, may be, or has the potential to become a nuisance, public or private;
  - (m) No home occupation shall be permitted unless the person or persons conducting such home occupation shall have first paid in full their annual city occupation tax;
  - (n) No home occupation shall be permitted, if such occupation is subject to any other laws of the city, the laws of Johnson County, the State of Kansas, or the United States, which require persons conducting such an occupation first to obtain approval from such governmental authorities before commencing such occupation and maintaining approval while the occupation is conducted, and the approval has not been obtained or maintained; or
  - (o) No home occupation shall be permitted which may be unlawful under the laws of the city, the laws of Johnson County, the State of Kansas, or the United States, or any rules or regulations of the city, county, state or United States.
- (Ord. 481, Sec. 2)

5-603. PERMITTED OCCUPATIONS. The following are permitted home occupations providing they do not violate any of the provisions of section 5-602:

- (a) Accountant;
- (b) Architect;
- (c) Artist, Painter, Sculptor;
- (d) Babysitting, **no more than three children at any one time**;

- (e) Chiropractor;
  - (f) Clergyman;
  - (g) Computer Programmer;
  - (h) Dentist;
  - (i) Dressmaker, Seamstress, Tailor;
  - (j) Engineer;
  - (k) Firearms Dealer, provided that gross sales do not exceed \$5,000 per year, that every person dealing firearms has a current valid federal firearms license and that not more than 12 transactions occur at the residence during any calendar year;
  - (l) Home Cooking and Preserving;
  - (m) Home Crafts, Model Making, Rug Weaving, Lapidary, Woodwork, Cabinet Work;
  - (n) Insurance Agent;
  - (o) Lawyer;
  - (p) Osteopath;
  - (q) Photographer;
  - (r) Physician;
  - (s) Psychologist;
  - (t) Psychiatrist;
  - (u) Real Estate Agent;
  - (v) Telephone Answering;
  - (w) Typist;
  - (x) Teacher - Tutor, with no more than three students taught at any one time;
  - (y) Foster Family Care;
  - (z) Beauty Parlors, Cosmetologists; and
  - (aa) Barber Shops.
- (Ord. 639, Sec. 1)

5-604. PROHIBITED OCCUPATIONS. The following are prohibited as home occupations:

- (a) Dance Studios;
  - (b) Veterinary Clinics, Animal Hospitals, Stables, Kennels;
  - (c) Funeral Homes, Mortuaries;
  - (d) Nursery Schools;
  - (e) Private Clubs;
  - (f) Automotive Repair or Paint Shops;
  - (g) Appliance or Equipment Repair Shops;
  - (h) Tourist Homes; and
  - (i) Boarding House.
- (Ord. 481, Sec. 4)

5-605. CONDITIONAL USES. Any proposed home occupation which is neither specifically permitted by section 5-603 or specifically prohibited by section 5-604, shall be considered a conditional use, and be granted or denied by the governing body upon consideration of those standards contained in section 5-602. (Ord. 481, Sec. 5)

5-606. GARAGE SALES. The conducting of a garage or yard sale shall not be deemed to be a home occupation subject to this article. (Ord. 481, Sec. 6)

5-607. PENALTY. Anyone violating the provisions of this article shall, upon conviction thereof, be fined in an amount not to exceed \$499. Each day a violation occurs shall constitute a separate offense. (Ord. 481, Sec. 9)



# The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

City Hall (913) 722-2600 – Fax (913) 722-3713

## CITY OF ROELAND PARK

### HOME OCCUPATION VARIANCE REQUEST

1. Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_
2. Type of Business Requested \_\_\_\_\_
3. Number of employees who do not reside in the home \_\_\_\_\_
4. Hours of operation \_\_\_\_\_
5. Amount of traffic generated \_\_\_\_\_
6. Types of equipment used in the home \_\_\_\_\_
7. Amount of insurance in force \_\_\_\_\_
8. Have surrounding neighbors/property owners (within one block radius) been contacted by the applicant? Is a petition of support from these neighbors attached? \_\_\_\_\_
9. Have Photos been submitted for review? \_\_\_\_\_
10. Have comments from neighbors been reviewed? \_\_\_\_\_

***Please provide a copy of your license and proof of insurance.***

*Do Not Write Above this line*

**APPLICATION FOR OCCUPATION LICENSE  
 CITY OF ROELAND PARK, KANSAS**

*Please change any information which is not correct and fill in any blank fields.*

Company Name \_\_\_\_\_ Mailing Address: (if different from Billing) \_\_\_\_\_

Billing Address \_\_\_\_\_ Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Services Provided: \_\_\_\_\_ Contact \_\_\_\_\_

Type of License \_\_\_\_\_ (See List below)

Sq Footage \_\_\_\_\_

- \_\_\_\_\_ Home Occupation §5-104(c) ----- \$30.00
- \_\_\_\_\_ Massage Establishment --§5-303 -- \$150.00
- \_\_\_\_\_ Non-Domicile Business --§5-104(d) ----- \$50.00
- \_\_\_\_\_ Retail and Administrative Offices (see table)

\_\_\_\_\_ Solid Waste Disposal --§5-104(e)  
 No. of Vehicles \_\_\_\_\_ (\$50.00 per vehicle)

\_\_\_\_\_ Service Station §5-104(a) ----- (See Table for Retail Establishments) + Per Pump Fee

*In addition to the square foot charge set forth above, businesses engaged in the sale of gasoline shall pay a supplemental annual occupation fee of \$10 per pump handle.*

Number of Pump Handles \_\_\_\_\_ Per Pump Fee \_\_\_\_\_

5-104 (a) Retail Establishments & Admin Offices: (Occupation Fee Levied)

0 - 499 sq. ft	\$50	8,000 - 8,999 sq. ft	\$360
500 - 999 sq. ft	\$65	9,000 - 9,999 sq. ft	\$430
1,000 - 1,999 sq. ft	\$100	10,000 - 10,999 sq. ft	\$500
2,000 - 2,999 sq. ft	\$125	11,000 - 12,999 sq. ft	\$560
3,000 - 3,999 sq. ft	\$150	13,000 - 14,999 sq. ft	\$620
4,000 - 4,999 sq. ft	\$180	15,000 - 17,999 sq. ft	\$710
5,000 - 5,999 sq. ft	\$210	18,000 - 20,999 sq. ft	\$785
6,000 - 6,999 sq. ft	\$230	21,000 - 24,999 sq. ft	\$950
7,000 - 7,999 sq. ft	\$290	25,000 and over sq. ft	\$950 + \$30 per 1,000 sq. ft.

Total Amount Due \_\_\_\_\_

Compute your annual license fee and file your application with remittance before December 1st. Make Check or Money Order payable for amount of annual fee due to the "City of Roeland Park" and mail to the City Clerk, "OCCUPATIONAL LICENSE", 4600 W. 51st Street, Roeland Park, Kansas 66205.

I declare under penalty of false statement that to the best of my knowledge and belief the statements made herein are correct and true.

\_\_\_\_\_  
 Name of Owner(s) or Corporation

By: \_\_\_\_\_  
 Signature

KS State Tax ID# \_\_\_\_\_ (Required)

\_\_\_\_\_  
 Title: Owner, Partner or Corporate Officer