

# APPLICATION FOR LICENSE TO RETAIL TOBACCO PARAPHERNALIA AND/OR NOVELTY ITEMS

**SHAWNEE COUNTY, KANSAS, \_\_\_\_\_, 200\_\_**  
**TO THE BOARD OF COUNTY COMMISSIONERS OF SHAWNEE COUNTY, KANSAS**

I hereby apply for a license to retail Tobacco Paraphernalia and/or Novelty Items in the unincorporated area of Shawnee County in conformity with Shawnee County Home Rule Resolution No. 2006-6 and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of Tobacco Paraphernalia and/or Novelty Items; for the purpose of securing such license, I make the following statements under oath:

1. (a) Name of proposed licensee \_\_\_\_\_  
 \_\_\_\_\_  
 (b) Age \_\_\_\_\_  
 (c) Place and date of birth \_\_\_\_\_  
 \_\_\_\_\_  
 (d) Residence address \_\_\_\_\_  
 \_\_\_\_\_  
 (e) I have been a resident of the State of Kansas \_\_\_\_\_ years.  
 I have been a resident of the City of \_\_\_\_\_  
 \_\_\_\_\_, \_\_\_\_\_ County  
 \_\_\_\_\_ years.
2. The premises for which the license is desired are located at \_\_\_\_\_  
 \_\_\_\_\_  
 (a) The legal description of said property is \_\_\_\_\_  
 \_\_\_\_\_  
 (b) The street number is \_\_\_\_\_  
 (c) The building to be used is \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (d) The business will be conducted under the following name \_\_\_\_\_  
 \_\_\_\_\_
3. The name and address of the owner or owners of the premises upon which the proposed business will be located is \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
4. I am a citizen of the United States. Yes( ), No ( ).  
 (a) My citizenship arises by  
 Birth ( ), Naturalization ( ).  
 (b) My place of naturalization and the date thereof is as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_

5. I have ( ), have not ( ), been convicted of a felony within five years immediately preceding the date of this application.
6. I have ( ), have not ( ), been convicted of a crime involving moral turpitude within five years immediately preceding the date of this application.
7. I have ( ), have not ( ), been adjudged guilty of operation or attempted operation of a motor vehicle while under the influence of intoxicating liquor or drugs within five years immediately preceding the date of this application.
8. I have ( ), have not ( ), been adjudged guilty or entered a plea, or forfeited bond on a criminal charge relating to illegal sale or possession of alcoholic beverages, tobacco or any controlled substance within five years immediately preceding the date of this application
9. My place of business will be conducted by a manager or agent--Yes ( ), No ( ).  
 (a) If the answer above is yes, the name, age, and residence of manager or agent is  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 DOB: \_\_\_\_\_  
 Residence: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Said manager or agent does ( ), does not ( ), have the qualifications to have a license issued in his own name. The same to be determined by reference to questions 5 – 8 herein. Specifics concerning his residence, citizenship, and the answers to questions 5 through 8 are as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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PARAPHERNALIA AND/OR NOVELTY ITEMS**

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I, \_\_\_\_\_, the  
aforementioned applicant, hereby agree to comply with all of the laws of the State of Kansas,  
and all rules and regulations prescribed by you, and hereafter to be prescribed by you,  
relating to the sale or distribution of tobacco paraphernalia and/or novelty items, and do  
hereby further consent to the immediate revocation of my tobacco paraphernalia and/or  
novelty items license, by the proper officials, for the violation of Shawnee County Home Rule  
Resolution No. 2006-6. I further certify that I have been provided a copy of Shawnee County  
Home Rule Resolution 2006-6 and understand and agree to abide by the same.

\_\_\_\_\_  
(Signature of Applicant)

**STATE OF KANSAS, COUNTY OF SHAWNEE, SS.**

I, \_\_\_\_\_, the above-  
named applicant, do solemnly swear that I have read the contents of this application, and that  
all information and answers herein contained are complete and true. So help me God.

\_\_\_\_\_  
(Signature of Applicant)

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 200\_\_

\_\_\_\_\_  
Notary Public

Affix seal

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_

**APPLICATION RECEIVED** this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 200\_\_

By \_\_\_\_\_  
Shawnee County Clerk or Designee

**This applicant is:**

\_\_\_\_\_ **APPROVED**

\_\_\_\_\_ **NOT APPROVED**

**for a license to retail tobacco paraphernalia and/or novelty items.**

\_\_\_\_\_  
**Shawnee County Clerk or Designee**

A license fee of **\$500.00** is enclosed herewith.

## **HOME RULE RESOLUTION NO. HR-2006-6**

### **SHAWNEE COUNTY TOBACCO /NOVELTY PARAPHERNALIA RETAIL LICENSE ACT**

**WHEREAS**, The Board of County Commissioners of the County of Shawnee, Kansas believes that tobacco is highly addictive and related to very serious health problems/conditions; and

**WHEREAS**, The Board of County Commissioners of the County of Shawnee, Kansas desires to protect the health, safety, and general welfare of persons in Shawnee County by enacting this resolution to regulate the licensed and unlicensed sale or dispensation of tobacco paraphernalia and novelty items and provide resulting penalties for the violation hereof;

**NOW, THEREFORE**, The Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session this 15th day of May, 2006, and intending to exercise its powers of home rule pursuant to K.S.A. 19-101a, does hereby resolve as follows:

#### **SECTION 1: DEFINITIONS**

**1.1** “**Tobacco Paraphernalia and/or Novelty Items**” means any item(s) used, designed, marketed, or intended for use of tobacco. These items are objects used, intended for use, or designed for introducing tobacco into the human body, such as:

- Tobacco smoking pipes consisting of metal, wood, acrylic, glass, stone, plastic or ceramic with or without screens
- Tobacco rolling papers;
- Tobacco/cigarette rollers; and
- Tobacco wraps/blunt wraps (flavored or unflavored).

**1.2** “**Person**” means an individual, firm, partnership, corporation, joint venture, or other association of persons.

**1.3** “**County**” means The Board of County Commissioners of the County of Shawnee, Kansas.

#### **SECTION 2: REGULATION**

**2.1** **License Required:** From and after the effective date of this resolution, no person shall sell or otherwise dispense tobacco paraphernalia and/or novelty items via retail without first applying for and securing a license for each premises such person desires to operate within the unincorporated area of Shawnee County.

- 2.2 Initial Application for License:** Any person desiring to license a premises for the sale of tobacco paraphernalia and/or novelty items shall first make application at the Office of the Shawnee County Clerk and submit an application fee of Five Hundred and No/100 Dollars (\$500.00). Each such license shall be effective for one (1) calendar year from the date of issuance. The application shall be made upon a form approved by the Shawnee County Counselor and shall be completed by submitting the following information:
- The name, address, and telephone number of the applicant and length of time the applicant has resided in Shawnee County;
  - The name and address of the owner of the property upon which the premises is located (if different from the applicant);
  - The name, address, and telephone number of the location of the premises desired to be licensed; and
  - A sworn statement that the applicant is a citizen of the United States and not less than twenty-one (21) years of age, and that he or she has not within the last five (5) years immediately preceding the date of application been convicted of a felony or any crime involving moral turpitude, alcoholic beverages, or any controlled substance including laws pertaining to the operation or attempted operation of a motor vehicle while under the influence of intoxicating liquor or drugs.
- 2.3 Issuance of License:** Within thirty (30) days of receiving the application, the Shawnee County Clerk shall notify the applicant as to whether the license has been granted or rejected. In the event a license is rejected, the Shawnee County Clerk shall refund any license fee paid and advise the applicant in writing of the reasons for such action within fifteen (15) days of said denial.
- 2.4 Annual Reapplication:** Any person desiring to renew a license issued pursuant to this resolution by the County shall make reapplication at the Office of the Shawnee County Clerk not more than thirty (30) days prior to the expiration of an existing license. Each such reapplication shall be accompanied by a Five Hundred and No/100 Dollars (\$500.00) license fee. The reapplication shall be verified and made upon the same form as an application.
- 2.5 Transfer of License:** A license issued pursuant to this resolution shall not be transferable to any other person.
- 2.6 Receipt, Issuance, and Display of License:** The Shawnee County Clerk shall issue to the license holder a receipt showing that the license application fees have been paid and that such payment shall be the payment in full for the term of the license as shown by the certified copy of the license as authorized by the Shawnee County Clerk. The receipt shall show the expiration date of the license. The license shall be prominently displayed at the licensee's premises.

**2.7 Revocation of License:** The County may revoke a license for any of the following reasons:

- False or misleading information or data was given on any application or material facts were omitted from any application;
- The fee required to be paid by this resolution is not paid in full; and/or
- Any person is convicted of any crime involving the sale or distribution of illegal drugs on the licensed premises.

No license may be revoked unless the County has notified the license holder in writing of their right to a request a hearing in front of the Board of County Commissioners.

**2.8 Sale to Minors Prohibited:** No person shall sell tobacco paraphernalia and/or novelty items to a minor who is not accompanied by a parent or legal guardian.

### **SECTION 3: ENFORCEMENT**

**3.1 Penalty for Violation:** Violation of any provision of this resolution shall be enforced by the appropriate Law Enforcement Agency in a manner consistent with that Law Enforcement Agency's policy for misdemeanor offenses. If any person is convicted of any violation of this resolution, the following fines and penalties shall be imposed:

- For the first violation, a fine in the amount of Five Hundred and No/100 Dollars (\$500.00);
- For the second violation, a fine in the amount of Seven Hundred Fifty and No/100 Dollars (\$750.00); and
- For the third or any subsequent violation, a fine in the amount of One Thousand and No/100 Dollars (\$1,000.00).
- In addition to fines as set forth above, the County may seek, in a civil action, a declaratory judgment and/or an injunction, or other appropriate relief against another person for committing any act or practice that violates this resolution.

### **SECTION 4: OTHER PROVISIONS**

**4.1 Distribution of Fees/Fines Collected:** All license fees collected pursuant to this resolution shall be transferred annually by the County to the Third Judicial District for drug treatment and operational costs of the drug court program. Any fines collected for violations of this resolution shall be retained by the County to defray the costs of enforcement and administration of the licensing process.

**4.2 Invalidity of Part:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this resolution or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution or any part thereof.

**4.3 Effective Date:** This resolution shall take effect thirty (30) days after publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS**

/s/ Vic Miller, Chairman

/s/ Theodore D. Ensley, Vice-Chairman

/s/ Marice A. Kane, Member

**ATTEST:**

/s/ Cynthia A. Beck, Shawnee County Clerk

Approved as to Legality and Form: Date May 15, 2006 Jonathan C. Brzon Assistant County Counselor
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