ORDINANCE NO. 18055

AN ORDINANCE introduced by Councilmember Clark Duffy relating to auctions held in a residential neighborhood, the number of auctions that can be held in a 12-month period and parking and traffic control in force during the occurrence of an auction, amending City of Topeka Code §§ 114-36 and 114-38 and specifically repealing said original Sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code Section 114-36, Defined, is hereby amended to read as follows:

Defined.

Any person that ordinarily deals for profit in secondhand goods, wares or merchandise, including, but not limited to, furniture, books, appliances, clothing, jewelry, automobile accessories or similar articles of value, is hereby declared to be a secondhand dealer; provided, that antique and junk dealers as defined in K.S.A. 50-619(a) and (e) and persons conducting a garage sale as defined by section 114-37 or by auction as defined by section 114-38 shall not be considered to be secondhand dealers.

Section 2. That City of Topeka Code Section 114-38, Purchases from certain persons prohibited, is hereby amended as follows:

Purchases from certain persons prohibited.

No secondhand dealer shall receive or purchase any stolen article or receive or purchase any property from any intoxicated person or any minor, or receive or purchase...
property owned by any minor or property which from any cause the dealer may have
reason to believe or suspect cannot be lawfully or rightfully sold by the person offering
such property for sale.

**Auction defined.**

The term “auction” shall mean an event where personal property, specifically
including, but not limited to, 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. No more than two (2) auctions are
allowed to occur at a private residence located in any single-family dwelling district
within a twelve (12) month period. Further, auctions occurring at a private residence are
subject to the parking requirements contained in section 142-357; provided, however,
that the City Council may by resolution authorize an additional auction or auctions upon
a showing by an applicant and determination by the Council that the additional auction
or auctions will not adversely effect the safety and repose of the neighboring property
owners.

**Section 3.** That City of Topeka Code Chapter 114, Article II, Division 1,
Section 39 is hereby amended by the addition of the following language:

**Purchases from certain persons prohibited.**

No secondhand dealer shall receive or purchase any stolen article or receive or
purchase any property from any intoxicated person or any minor, or receive or purchase
property owned by any minor or property which from any cause the dealer may have

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reason to believe or suspect cannot be lawfully or rightfully sold by the person offering such property for sale.

Section 4. That City of Topeka Code Chapter 142, Article VI, Division 3, Section 357 is hereby amended by the addition of the following language:

Auction, parking permit.

During the time period that an auction is being conducted at a private residence located in any single family dwelling district, no person shall be allowed to park or let stand any vehicle upon any public roadway or road right-of-way, unless or until a person desiring to conduct the auction makes an application for and obtains approval from the chief of police or his/her designee to allow such parking, and the chief of police or his/her designee 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 chief of police or his/her designee 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 person desiring to conduct the auction shall post, at its cost, signs which state “Parking on this side only” and “No parking this side.” The person conducting the auction 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.

Section 5. That City of Topeka Code City of Topeka Code §§ 114-36 and 114-38 are hereby specifically repealed.
**Section 3.** This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official City newspaper.

PASSED AND APPROVED by the Council of the City of Topeka **AUG 05 2003**

[Seal of Topeka]

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

[Stamp]

APPROVED AS TO FORM AND LEGALITY
DATE 8/17/03  BY KR

TO BE CODIFIED X

NOT TO BE CODIFIED

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