ORDINANCE NO. 18294

AN ORDINANCE introduced by Councilmember Clark Duffy, concerning business and occupation license and permit fees, repealing Topeka City Code §§ 142-701, 142-702, 142-703, and 142-704, and amending Topeka City Code §§ 14-162, 30-52, 30-54, 30-55, 30-56, 30-60, 30-63, 30-65, 30-68, 30-70, 30-71, 30-72, 30-73, 30-74, 30-75, 30-76, 30-77, 30-78, 30-79, 30-158, 30-304, 70-57, 114-154, and 130-72, and specifically repealing said original section.

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

Section 1. That City of Topeka Code § 14-162, Application, is hereby amended to read as follows:

Application.

Application for a haunted house permit shall be made to the office of the city clerk.

The application shall contain the following:

(1) Applicant's name, address and phone number.

(2) Building owner's name, address and phone number.

(3) Proposed location of the haunted house.

(4) Written consent of the building owner.

(5) Dates and hours of operation.

(6) A hold-harmless agreement executed between the city, applicant and owner.

(7) Verification of public liability insurance with a minimum single occurrence coverage of $300,000.00.

(8) Floor plan of the proposed use of the structure.

(9) Sketch of the property.

(10) Payment of a permit fee of $75.00 105.00.
Section 2. That City of Topeka Code § 30-52, Alcoholic beverages—Alcoholic liquor sales, is hereby amended to read as follows:

Alcoholic liquor sales.

(a) There is hereby imposed upon all holders of the following licenses issued by the state director of alcoholic beverage control under the provisions of the Kansas Liquor Control Act (K.S.A. 41-101 et seq.), an annual city occupation tax in the following amounts:

1. For a license to manufacture alcohol and spirits . . . . . . $ 2,500.00
2. For a license to manufacture beer and cereal malt beverage:
   a. For one to 100 barrel daily capacity or any part thereof . . . . . . 200.00
   b. For 101 to 150 barrel daily capacity . . . . . . 400.00
   c. For 151 to 200 barrel daily capacity . . . . . . 700.00
   d. For 201 to 300 barrel daily capacity . . . . . . 1,000.00
   e. For 301 to 400 barrel daily capacity . . . . . . 1,300.00
   f. For 401 to 500 barrel daily capacity . . . . . . 1,400.00
   g. For 501 or more barrel daily capacity . . . . . . 1,600.00

Provided, that the words "daily capacity" as used in this section shall mean the average daily barrel production for the previous 12 months of manufacturing operations; provided further, that if no such basis for comparison exists, the manufacturing licensee shall pay in advance for the first year's operation an occupation tax of $1,000.00.

(3) For a license to manufacture wine . . . . . . $ 500.00
(4) For a microbrewery license or a farm winery license . . . . . . 250.00

350.00

(5) For a spirits distributor's license for the first and each additional distributing place of business operated in the city by the same licensee and wholesaling and jobbing spirits . . . . . . 1,000.00

(6) For a beer distributor's license, for the first and each additional wholesale distributing place of business operated in the city by the same licensee and wholesaling or jobbing beer and cereal malt beverage . . . . . . 500.00 700.00

(7) For a retailer's license . . . . . . 300.00 420.00

(8) For a nonbeverage user's license:
   a. For class 1 . . . . . . 10.00
   b. For class 2 . . . . . . 50.00
   c. For class 3 . . . . . . 100.00
   d. For class 4 . . . . . . 200.00
   e. For class 5 . . . . . . 500.00

(9) For any private club or drinking establishment . . . . . . 250.00 350.00

   (b) The annual city occupation tax imposed upon holders of both a spirits distributor's license and a beer distributor's license shall be either of the applicable occupation taxes set forth in subsections (a)(5) and (a)(6), but not both. If one such occupation tax is higher than the other by virtue of multiple licenses, the higher tax shall be imposed.

Section 3. That City of Topeka Code § 30-54, Ambulance service, is hereby
Amended to read as follows:

Ambulance service.

The fee for an ambulance service shall be as follows:

1. Franchise application fee . . . . . $ 25.00
2. Initial franchise fee:
   a. Business fee . . . . . . . . . . . . 25.00
   b. Plus, for each vehicle . . . . . . . 40.00 14.00
3. Renewal for each vehicle (due January 1 of each year) . . . . . . . 10.00
   14.00

Section 4. That City of Topeka Code § 30-55, Amusement parks and resorts, is hereby amended to read as follows:

Amusement parks and resorts.

(a) The license fee for amusement parks or resorts operated for profit shall be:
   1. Per day . . . . . . . . . . . . . . . . . . 40.00 20.00
   2. Per week . . . . . . . . . . . . . . . . . . 40.00 80.00
   3. Per year . . . . . . . . . . . . . . . . . . 150.00
(b) All annual licenses issued under this section shall expire May 31 of each year.

Section 5. That City of Topeka Code § 50-56, Auctioneers, is hereby amended to read as follows:

Auctioneers.

(a) The license fee for auctioneers shall be:
108  (1)  Per day . . . . $ 4.00  2.00
109  (2)  Per year . . . . 40.00  20.00
110  (b)  Expert nonresident pedigreed livestock auctioneers when crying sales in
111     connection with local licensed auctioneers, at which pedigreed livestock is sold, shall not
112     be required to pay a license fee.
113  Section 6.  That City of Topeka Code §30-60, Circuses, menageries, shows and
114     other attractions, is hereby amended to read as follows:
115  Circuses, menageries, shows and other attractions.
116  (a)  Each circus, menagerie, dog and pony show, wild west show or any similar
117     organization or attraction shall pay the following fees:
118  (1)  Using rail cars or coaches for its transportation by rail:
119      a.  First day, per railroad car or coach . . . . $ 5.00
120         (Not to exceed $300.00 for the first day.)
121      b.  Each day thereafter, per railroad car or coach . . . . 3.00
122  (2)  Not using railroad transportation:
123      a.  Per day . . . . 25.00  50.00
124      b.  Per week . . . . 75.00  150.00
125  (b)  Any show, display and exhibit, except any circus, operating in the Sunflower
126     State Expo, is hereby exempted from paying any license fee to the city during the dates of
127     the Sunflower State Expo.
128  (c)  Any circus operating in the Sunflower State Expo shall pay to the city clerk a
129     license fee of $300.00, the license fee to cover the exhibitions presented during the time of
130     the Sunflower State Expo; provided, that no show, display or exhibit mentioned in this
section which is exempt from a license shall be allowed to conduct any parade over the streets of the city.

(d) For every circus, menagerie, dog and pony show, wild west show or similar attraction held in the city and located outside the Sunflower State Expo during the days in which the Sunflower State Expo is in actual operation or on Labor Day, the license fee shall be $1,500.00 per day.

(e) In all cases, the license fee levied by this section shall be due and payable when the circus, menagerie, dog and pony show, wild west show or similar attraction is unloaded from the cars or coaches.

Section 7. That City of Topeka Code § 30-63, Funeral escort service, is hereby amended to read as follows:

Funeral escort service.

(a) Funeral escort service operators shall pay license and renewal fees as follows:

(1) License, first year . . . . . $50.00 80.00

(2) Renewal, per year . . . . . 25.00 40.00

(b) The license under this section shall expire on December 31 of each year.

Section 8. That City of Topeka Code § 30-65, Laundering; cleansers, dry cleaners, towel supply, is hereby amended to read as follows:

Laundering; cleansers, dry cleaners, towel supply.

The license fee for any person engaged in soliciting, taking orders, delivering or furnishing cleaning, dry cleaning or pressing, linen, towel or wiping cloth supply shall be $10.00 20.00 per year.
Section 9. That City of Topeka Code § 30-68, Pawnbroker, is hereby amended to read as follows:

Pawnbroker.

The license fee for a pawnbroker shall by $400.00 140.00 per year. Licenses shall expire on December 31 of each year.

Section 10. That City of Topeka Code § 30-70, Precious metals dealer, is hereby amended to read as follows:

Precious metals dealer.

The initial license fee and renewal fee for a precious metals dealer's license shall be $25.00 35.00 per year. Each license shall be renewed on or before July 1 of each year.

Section 11. That City of Topeka Code § 30-71, Public dances, is hereby amended to read as follows:

Public dances.

(a) Each person proposing to hold public dances, or permit public dancing, shall pay the following license fees:

(1) For dances held for private gain in any hall or public place:

   a. Per dance . . . . $5.00 8.00

   b. Per year . . . . 50.00 80.00

(2) For dances permitted in any restaurant or dining place which does not dispense cereal malt beverages, per year . . . . 50.00

(3) For dances permitted in any restaurant or dining place where cereal malt beverages are sold or dispensed, per year . . . . 400.00 160.00
(4) For dances permitted in any hall or public place solely operated by
and conducted under the supervision of any nonprofit religious,
literary, scientific, benevolent, charitable or social society, association,
company, corporation, club or institution, per year . . . . . 5.00 8.00

(b) All annual licenses granted under this section shall be for the current license
year, no license fees shall be prorated by the city clerk, and all licenses shall expire on
December 31 of each year.

Section 12. That City of Topeka Code § 30-72, Retail business from midnight to
6:00 a.m., is hereby amended to read as follows:

Retail business from midnight to 6:00 a.m.

The fee for a license to operate or carry on a retail business between the hours of
midnight and 6:00 a.m. shall be $25.00 40.00 per year. All such licenses shall expire on
May 1 of each calendar year.

Section 13. That City of Topeka Code § 30-73, Secondhand dealer, is hereby
amended to read as follows:

Secondhand dealer.

Secondhand dealers shall pay a license fee of $20.00 32.00 per year. The license
shall expire December 31.

Section 14. That City of Topeka Code § 30-74, Septic tank and vault cleaner, is
hereby amended to read as follows:

Septic tank and vault cleaner.

The license fee on cleaners of privy vaults and septic tanks shall be $25.00 35.00
per year.
Section 15. That City of Topeka Code § 30-75, Sign erector, is hereby amended to read as follows:

Sign erector.
The license fee for a person engaged in the business of sign hanging and the erection of signs shall be $25.00 50.00 per year.

Section 16. That City of Topeka Code § 30-76, Taxicab—Business license, is hereby amended to read as follows:

Taxicab—Business license.
The annual fee for a taxicab business license shall be $10.00 20.00 per taxicab. Licenses shall expire on December 31 of each year.

Section 17. That City of Topeka Code § 30-77, Same—Driver, is hereby amended to read as follows:

Same—Driver.
The license fee for a taxicab driver's license shall be $5.00 10.00 per year. Licenses shall expire on December 31 of each year.

Section 18. That City of Topeka Code § 30-78, Tree, shrub and vine service, is hereby amended to read as follows:

Tree, shrub and vine service.
The annual license fee for every tree, shrub and vine service shall be:

(1) Generally . . . . $50.00 100.00
(2) Single service of dead tree removal . . . . . $10.00

Section 19. That City of Topeka Code § 30-79, Professional boxing or wrestling matches, is hereby amended to read as follows:
Professional boxing or wrestling matches.

(a) Fee. The application fee for each such license shall be $400.00 140.00. This fee shall be paid at the time the application is filed. If the license is denied, $50.00 of the fee shall applied to the costs of investigation, and $50.00 90.00 shall be returned to the applicant.

(b) Expiration. Each license shall be for a term of one year from the date of issuance.

Section 20. That City of Topeka Code § 30-158, Fees, is hereby amended to read as follows:

Fees.

Any applicant for a permit under this division shall submit to the city clerk with the application a permit fee of $75.00. Any applicant for a renewal permit under this division shall submit to the city clerk with the renewal application a renewal permit fee of $75.00 120.00.

Section 21. That City of Topeka Code § 30-304, Fees for license; transferability; exhibition, is hereby amended to read as follows:

Fees for license; transferability; exhibition.

The fee for the license required by this article shall be $400.00 140.00. There shall be no proration of this fee. No license issued under the provisions of this article shall be used by any person, other than the one to whom it was issued. Any person engaged in activities as described in section 30-286 shall exhibit their licenses at all times.

Section 22. That City of Topeka Code § 70-57, Fireworks, is hereby amended to read as follows:
Fireworks.

(a) It shall be unlawful for any person to sell or offer for sale at retail or use within the city any cartridge can, squib, rocket, firecracker, Roman candle or other combustible fireworks other than permissible fireworks.

Permissible fireworks shall mean "novelties and noisemakers" not classified as fireworks by the United States Department of Transportation and any other fireworks which the fire chief shall determine as permissible.

It shall be unlawful for any wholesaler, jobber or other person to store or keep within the limits of the city any such combustible fireworks or articles that may be used in a pyrotechnical display excepting sparklers as described in this section.

(b) Fireworks commonly known as skyrockets, Roman candles, firecrackers, bottle rockets, or any other form of fireworks consisting of a case containing a combustible composition fastened to a guiding stick which is designed and manufactured to be projected through the air by the reaction resulting from the rearward discharge of gases liberated by combustion and fireworks commonly known as helicopters or any other form of fireworks which launch in their entirety and leave no base shall not be permissible fireworks within the city and it shall be unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said fireworks within the city. Nothing contained in this section shall be construed as prohibiting the city council fire chief from giving or permitting pyrotechnical displays in accordance with NFPA 1123.

(c) It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail, any permissible fireworks in the city unless such person has first obtained a permit from the city as a retailer.
(d) Any person desiring to sell or offer for sale any permissible fireworks as a retailer shall make application to the city clerk for a permit authorizing the same. Such application shall include the following information and such additional information as the fire chief shall deem necessary:

1. The name and residence address of the applicant.

2. The location of the premises for which the permit is sought. If ownership of premises is different from the applicant, written consent of the owner is required.

3. When the permit is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and the location of such structure or facility upon the premises. All temporary structures including tents, shall be posted with the approved NFPA 704 placards as described in the Uniform Fire Code. After an inspection of the premises including review by appropriate city agencies such as fire department, development coordination and building inspection division and consideration of the information contained in the application for a permit, the fire chief may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the permit and upon payment by the applicant of a fee of $200.00 to the city clerk. Any permit issued under the provisions of this section shall be valid only for the period of June 27 through and including July 5 of the year in which issued and shall be issued in accordance with
the Uniform Fire Code article entitled "permits." Persons responsible
for the operations of permissible firework stands in which fireworks
are stored or handled shall be familiar with safety requirements for the
materials being sold, and the appropriate actions necessary in the
event of a fire.

(e) For the purpose of the celebration of the year 2000, the sale of fireworks
between December 28, 1999, and January 1, 2000, will be allowed. Any person desiring to
sell fireworks between December 28, 1999, and January 1, 2000, shall be required to
comply with all provisions of City Code section 70-57, including filing an application for a
permit to sell fireworks.

(f) Fireworks which are illegally sold, offered for sale, used, discharged,
possessed or transported in violation of these regulations shall be subject to seizure by the
fire chief, his or her representative and members of the fire and police departments who
may be assigned such responsibilities.

Section 23. That City of Topeka Code § 114-154, Permit, is hereby amended to
read as follows:

Permit.

(a) Required; application. No person shall operate a salvage yard without first
obtaining a salvage yard permit. Application for a salvage yard permit shall be made
through the Topeka Fire Department on forms so provided. Information submitted on the
application shall include the name of the applicant, proposed location of the salvage yard,
zoning classification of proposed location, description of the materials to be stored within
the salvage yard, methods of operation, and any other additional information as may be
(b) **Application fee; inspection; issuance; conditions of permit.** Upon receipt of the application and payment of an application fee of $200.00 280.00, the fire chief shall cause an inspection of the proposed location to be made and shall also verify that the proposed location is zoned appropriately. Results of the inspection shall be reduced to writing and signed by the persons making the inspection. The application and written inspection report shall then be submitted to the fire chief for consideration. If the fire chief finds from the application and written report that operation of the proposed salvage yard will not result in hazard to public health, safety or welfare and that the proposed premises are properly zoned, a salvage yard permit shall be issued. Information submitted on the application form may be made a condition of the permit. Further, it shall be a condition of the permit that the premises of a junkyard which are adjacent to a street or to property which at the time of permit application is zoned for residential use shall be fenced with an eight-foot privacy fence. Buildings which are adjacent to a street or residentially zoned property may be used to satisfy the fencing requirement. Salvage yards which operate entirely within an enclosed structure need not be fenced. In no event shall a required fence be constructed from salvage material. Public rights-of-way or public streets shall not be used for storage of salvage material.

(c) **Expiration; renewal, fee.** All salvage yard permits shall expire on January 1 following the date of issue. A permit may be renewed upon payment of a renewal fee of $400.00 140.00.

(d) **Permit not transferable.** No permit issued under this article shall be transferred or assigned or used by any person other than the one to whom it was issued,
and no permit shall be used at any location other than the one described in the application upon which it was issued.

Section 24. That City of Topeka Code § 130-72, Permit required, is hereby amended to read as follows:

Permit required.

(a) Application for a sidewalk cafe permit may be made to the office of the city clerk. The application shall contain the following information:

(1) The proposed location of the sidewalk cafe.
(2) Written consent of the building owner if different than the restaurant owner.
(3) A diagram illustrating the placement of tables and chairs and walkway area, location of entrances and exits to the restaurant with dimensions.
(4) Indication of public liability insurance in the amount of $500,000.00.
(5) Payment of the annual fee of $49.00 56.00.
(6) Approval by the city-county health agency.
(7) Consent to enter into a hold-harmless agreement with the city.

(b) Upon receipt of the application, the city clerk shall forward the application to the division of engineering, city public works department for review. The division of engineering shall forward it to other appropriate city departments for review if necessary. If the city engineer or his designee finds from the information submitted that the applicant meets the necessary requirements and that operation of a sidewalk cafe in the proposed location will not unreasonably interfere with public travel, he shall so indicate and the city
clerk shall issue the permit to the applicant. Such permit shall be valid for one year from the date of issuance.

Section 25. That original City of Topeka Code §§ 14-162, 30-52, 30-54, 30-55, 30-56, 30-60, 30-63, 30-65, 30-68, 30-70, 30-71, 30-72, 30-73, 30-74, 30-75, 30-76, 30-77, 30-78, 30-79, 30-158, 30-304, 70-57, 114-154, 130-72, 142-701, 142-702, 142-703, and 142-704 are hereby specifically repealed.

Section 26. 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 City Council JUL 2 0 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/28/04 BY BL
TO BE CODIFIED V
NOT TO BE CODIFIED__________