AN ORDINANCE introduced by City Manager Neil Dobler amending City of Topeka Code § 30-302 relating to organizations and their members activities that shall be exempt from licensing and registration and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 30-302, Exemptions, is hereby amended to read as follows:

Exemptions.

The following organizations and their members and the following activities shall be exempt from the licensing and registration provisions of this division:

(1) Exhibitions, street fairs, amusement enterprises, expositions, promotional ventures or other civic entertainment where a permit has been obtained, if applicable, or where such activity is sponsored in part by the city, civic organizations, not-for-profit organizations, public or private schools, or educational institutions.

(2) Auctions as regulated by this Code or state statute.

(3) Garage sales as regulated by this Code.

(4) Sales of agricultural products, nursery products and foliage plants, including sales through an organized farmer's market, at an organized farmer's market or other such event at a specified location permitted under the exemptions to this section, provided that such sales of agricultural products, nursery products and foliage plants shall comply with the prohibitions listed in this article with the exception that artificial lighting may be used.
(5) Sales conducted within the following structures: trade centers, convention centers, shopping centers, and trade, exhibition or convention centers located in hotels and motels.

(6) Sales conducted at Heartland Park Topeka.

(7) Sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools, educational institutions, civic organizations, or not-for-profit organizations.

(8) Sales by any person who has had a permanent business location in this city for not less than six (6) months in this or the previous calendar year but who may carry on a transient business at locations in this city other than the person's permanent business location, provided that such sales shall comply with the prohibitions listed in this article with the exception that artificial lighting may be used.

(9) Newspaper vendors.

(10) Food service establishments that are otherwise regulated and inspected by the Kansas Department of Health and Environment. Notwithstanding the foregoing, this exemption specifically excludes mobile restaurants and mobile food service units or push carts as included in the definition of food service establishments in K.S.A. 36-501.

(11) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business.

(12) Sales to the owner or legal occupant of residential premises at such premises pursuant to an prior invitation by such owner or legal occupant. Such invitation may be issued at the premises immediately preceding the sale shall have been issued by the owner or legal occupant at least twenty-four (24) hours prior to the sale and the invitation
shall not be solicited in person but by other means such as telephone, mailing or other advertisement.

Section 2. That City of Topeka Code § 30-302 is hereby specifically repealed.

Section 3. This Ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council JUL 19 2005

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 5/18/05 BY BB
TO BE CODIFIED X
NOT TO BE CODIFIED

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