

(Published in the Topeka Metro News December 31, 2012)

ORDINANCE NO. 19784

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section.

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

Section 1. That section 5.05.090, Grounds for mandatory denial, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Grounds for mandatory denial.

The following shall constitute grounds for mandatory denial of a license under this title:

(a) The building or premises of the establishment does not comply with the provisions and terms of the building code, zoning ordinance, fire regulations, health regulations or any other ordinances and regulations of the city.

(b) The building or premises of the establishment are in such unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(c) ~~The owner of the establishment or such legal entity comprising the establishment~~ applicant is indebted to the city.

(d) There are delinquent real estate taxes on the premises. For purposes of this section, "premises" shall mean and include the real estate as described in the license application and which is subject to inspection by the city. "Taxpayer" shall mean the person responsible for paying the real estate taxes on the premises pursuant to K.S.A. 79-2004 and amendments thereto. This requirement shall apply only under the following circumstances:

(1) The license applicant is also the taxpayer;

(2) The license applicant is the spouse, parent, child, brother, or sister

of the taxpayer;

(3) The license applicant is a business entity and the taxpayer is a

partner, officer, director, stockholder, or member of such entity; or

(4) The taxpayer is a business entity and the license applicant is a

partner, officer, director, stockholder or member of such entity.

Section 2. That original § 5.05.090 of The Code of the City of Topeka, Kansas,
is hereby specifically repealed.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.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on December 18, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk