

OCA No. 037408

CLEAN

08/30/16

First Published in The Wichita Eagle on September 30, 2016

ORDINANCE NO. 50-327

AN ORDINANCE AMENDING SECTIONS 3.44.100, 3.44.110 AND 3.44.120 AND CREATING SECTION 3.44.130 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO GARAGE SALES

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

SECTION 1: Section 3.44.100 of the Code of the City of Wichita is amended to read as follows:

- Miscellaneous sales defined.

The term "miscellaneous sale" means any garage, basement, yard, rummage or other similar sale of six or more miscellaneous items that were originally purchased by the applicant for his or her ultimate use or consumption, or any sale limited exclusively to the sale of seasonal items other than fireworks including, but not limited to, Christmas trees and decorations, pumpkins, gourds and decorative corn, by schools, churches or other nonprofit organizations when conducted wholly by members of any such entity on any school, church or nonprofit organization property which is located along a collector street, arterial street or frontage road for an expressway or freeway, as those streets and roads are identified in the city's transportation plan.

SECTION 2: Section 3.44.110 of the Code of the City of Wichita is amended to read as follows:

License required—Fee.

No person shall conduct or carry on in the city a miscellaneous sale without having first obtained a license therefor and paid the license collector the required fee of two dollars and fifty cents per day.

SECTION 3: Section 3.44.120 of the Code of the City of Wichita is amended to read as follows:

Regulations.

All miscellaneous sales shall conform to the following regulations:

APPLICATION. Application for the miscellaneous sales shall be submitted to the City Treasurer and such application shall contain a statement that all items comply with the definition outlined in Section 3.44.100.

SALES LIMITS. For all miscellaneous sales other than those limited exclusively to the sale of Christmas trees and decorations, only two sales per calendar year shall be permitted for any address and no more than one sale for any address shall be permitted within any six-month period. Each sale shall be limited to three consecutive days; provided, however, that schools, churches, and nonprofit organizations may conduct such sales with no restriction on the duration of the same when such sale is conducted for the sole benefit of such school, church or nonprofit organization, is conducted on school, church or commercial property, wholly by members of any such entity, and such school, church or nonprofit organization pays the fee as required in Section 3.44.110. For miscellaneous sales limited exclusively to the sale of Christmas trees and decorations, such sales shall be permitted only during the months of November and December. All such sales shall be conducted only between the hours of seven a.m. and ten p.m. and the site shall be maintained in a clean and orderly condition. All temporary fences, signage, fixtures, structures, material and

equipment associated with such sales shall be removed from the site within ten days following the conclusion of the sale.

SIGNS. Signs advertising the sale allowed according to the provisions of Chapter 24.04 of the Code of the City of Wichita

SECTION 4. Section 3.44.130 of the Code of the City of Wichita is hereby created to read as follows:

Sale Registration

Miscellaneous sales occurring outside of the city limits or estate sales occurring inside or outside of the city limits may complete the application and pay the applicable fee, as set forth above, to the City Treasurer to have the sale listed on the City's website and mobile application of area garage/miscellaneous sales.

SECTION 4. The originals of Sections 3.44.100, 3.44.110 and 3.44.120 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 5. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas this 27th day of September, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña
City Attorney and Director of Law