ORDINANCE NO. 17707

AN ORDINANCE introduced by Councilmember Gary Price, relating to block zone parking, amending Section 19 of City of Topeka Ordinance No. 17635 and specifically repealing said original Section 19 of City of Topeka Ordinance No. 17635.

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

Section 1. City of Topeka Ordinance No. 17635 is hereby amended to read as follows:

Establishment.

(a) Parking meter zones are hereby established in the central business district or upon those streets or parts of streets described in the schedule maintained in the records on file in the office of the city clerk and the transportation operations superintendent. In such zones, the parking of vehicles on the street shall be regulated by parking meters between the hours of 8:00 a.m. to 6:00 p.m. of any day except:

(1) Saturdays, when all time limitations shall remain in effect but no coin need be deposited; and

(2) Sundays and the following specific days: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, when no time limitations shall be in effect nor the deposit of coin required.

(b) The transportation operations superintendent may designate, alter or remove parking meter zones upon those streets or parts of streets where it is determined upon the basis of a parking study that the designation, alteration or removal of parking meters shall
be necessary to aid in the regulation and control of the parking of vehicles.

Section 2. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Parking Meter Zones, Section 142-377. Installation of
parking meters, is hereby amended to read as follows:

Installation of parking meters.

(a) The transportation operations superintendent shall install parking meters in
the parking meter zones established as provided in this division upon the curb immediately
adjacent to each designated parking space. Such meters shall be capable of being
operated either automatically or mechanically, only upon the deposit therein of coins of the
United States in the denomination and in the number of combinations shown by a legend
on the meter. The amount of parking time granted for each coin shall be in the amount
shown on the meter; provided, it shall be illegal to park beyond the time limit specified on
the face of such parking meter regardless of the number of coins deposited.

(b) Each parking meter shall be so designed, constructed, installed and set that
upon the expiration of the time period registered by the deposit of one or more coins as
provided in this section, it will indicate by an appropriate signal that the lawful parking
meter period has expired, and during such period of time and prior to the expiration
thereof, will indicate the interval of time that remains for such period.

(c) Each parking meter shall bear thereon a legend indicating the days and hours
when the requirement to deposit coins therein shall apply, the value of the coins to be
deposited and the limited period of time for which parking is lawfully permitted in the
parking meter zone in which such meter is located.
Section 3. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.

Stopping, Standing, and Parking, Parking Meter Zones, Section 142-378. Parking meters spaces, is hereby amended to read as follows:

Parking meter spaces.

(a) The transportation operations superintendent shall designate the parking adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb or pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of each street.

(b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space, except that a vehicle which is too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied, the same as is required in this division for the parking of other vehicles in such space.

Section 4. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.

Stopping, Standing, and Parking, Parking Meter Zones, Section 142-379. Deposit of coins and time limits; disabled veterans exempt, is hereby amended to read as follows:

Deposit of coins and time limits; disabled veterans exempt.

(a) No person shall park or stand a vehicle in any parking space upon a street next to which a parking meter has been installed unless a coin or coins of United States currency of the appropriate denominations shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and the meter has
been placed in operation; provided, that this provision shall not apply to the act of parking
or the necessary time which is required to deposit immediately thereafter a coin in such
meter, nor to disabled veterans as exempted under subsection (c).

(b) The provisions of this section shall not relieve any person from observing
other and more restrictive provisions of other ordinances and state laws prohibiting or
limiting the stopping, standing or parking of vehicles in specified places or at specified
times.

(c) Motor vehicles bearing the distinctive license plates or tags of disabled
veterans as authorized by law shall be permitted to park without charge in any metered
zone of the city.

Section 5. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Parking Meter Zones, Section 142-380. Unlawful to
deposit slugs., is hereby amended to read as follows:

Unlawful to deposit slugs.

It shall be unlawful and an offense for any person or driver to deposit or cause to
be deposited in any parking meter any slug, device or substitute for a coin of the United
States otherwise required to be deposited in a parking meter, or to deposit a bent or
damaged coin.

Section 6. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Parking Meter Zones, Section 142-381. Parking meter
rates., is hereby amended to read as follows:

Parking meter rates.
The coins required to be deposited in a parking meter shall entitle the vehicle owner
or depositor to the following parking time in accordance with the legend as stated on the
parking meter and as established by the governing body. The following rates for each coin
lawfully deposited in a parking meter are hereby established:

The rate for all parking meters shall be:

<table>
<thead>
<tr>
<th>Time duration up to and including 4 hours</th>
<th>$0.65/hour</th>
<th>$0.70/hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time duration in excess of 4 hours</td>
<td>$0.40/hour</td>
<td>$0.45/hour</td>
</tr>
</tbody>
</table>

Section 7. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.

Stopping, Standing, and Parking, Parking Meter Zones, Section 142-382. Rates and fees,
is hereby amended to read as follows:

Rates and fees.

Purpose generally. The authorized coins of the United States are required to be
deposited as provided by this division or fees received in lieu thereof, are hereby ordered
to be deposited to cover the cost of inspection, installation, operation, patrol and use of
parking spaces and parking meters and offstreet parking facilities described in this division
and to regulate the parking of vehicles in the parking meter zones created by this division
and to provide for the proper regulation, control and inspection of traffic upon the public
streets and municipal offstreet parking facilities. All fees thus collected shall be paid into
the city treasury and deposited into the parking fund.

Section 8. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.

Stopping, Standing, and Parking, Parking Meter Zones, Section 142-383. Permit for hood
or cover., is hereby amended to read as follows:

Permit for hood or cover.
(a) *Permitted.* Any parking meter need not be placed in operation by the deposit of a coin therein when the conditions set forth in this section have been satisfied and a permit issued for the hoisting of such meter.

(b) *Eligible applicants.* Criteria for issuing a permit for the hoisting, covering or removal of the proximate parking meter, when so required for actual prosecution of the work or activity, are hereby established as follows:

1. Persons having a permit from the development services division to encumber any street or sidewalk in connection with any building or wrecking project.

2. Persons having a permit from the development services division to perform any plumbing, electrical, heating, sign hanging or other project in any public way or on premises which directly adjoin any street, alley or sidewalk.

3. Persons engaged in any public improvement under contract with the city or engaged in any work under supervision of the public works department.

4. Service crews of public utilities (private or municipal) engaging in construction and maintenance work in or adjoining any public way.

5. Persons engaged in the business of moving personal property and effects from and to residential or commercial buildings adjoining any public way.

6. Persons licensed as funeral directors and holding services in any
funeral home or church.

(7) Persons engaged in the repair and maintenance of building service installations or office equipment.

(8) Persons requiring temporary parking space immediately adjacent to commercial and industrial establishments for loading or unloading of building and office equipment of immediate necessity.

(9) Persons acting under the authority or requirements of the police and fire departments to provide temporary special use parking zones.

(10) Governmental agencies sponsoring an agency event or meeting where additional parking stalls are required to meet the parking needs of the attendees.

(11) Persons with a severe mobility impairment which necessitates the continued use of a wheel chair or canes and where the hooded parking stall is in close proximity to the person's place of employment.

Provided, the fee for such a hooded parking meter shall be at the market rate for garage parking.

(c) Approval of application. The transportation operations superintendent shall determine compliance with the above criteria for the hoarding, covering or removal of any parking meter, and upon approval of the application therefor and payment of the appropriate fee, shall authorize the required parking meter to the hooded or removed in accordance with the application as approved. Upon the hooding or covering of the face of any parking meter, such meter need not be placed in operation by the deposit of a coin otherwise required by this division.
(d) **Exceptional cases.** Exceptions to the rules and regulations and payment of required fees may be made in appropriate cases involving special circumstances not covered by this section upon an application and a showing that the hoisting or removal of any parking meter serves the public convenience and safety, and is in harmony with the other provisions of this Code, provided that such exceptions shall be approved in advance by the director of public works.

(e) **Time of filing application.** The application for a permit shall be made in writing and filed at least 12 hours in advance of the time any parking meter is to be hooded or removed; provided, that this requirement may be waived by the transportation operations superintendent in emergency situations where public safety is at risk.

(f) **Form of application.** The application for a permit under this section shall be on a form prepared by the transportation operations superintendent. The failure or refusal of any applicant to furnish information requested in such application shall be sufficient grounds for denial by the transportation operations superintendent. The application shall show:

1. The name and business of the applicant;
2. The reason for the hoisting or removal of the parking meter;
3. Evidence that a permit for the encumbering of any street has been issued by the building inspection division, if applicable;
4. The location and number of parking meters desired to be hooded or removed and the day or dates and the hours such meters are to be hooded or removed; and
5. Such other information as may be required in such application form.
If the transportation operations superintendent finds from the application that the proposed
use of a meter hood will be consistent on a yearly basis, then the transportation operations
superintendent may grant a permit on a month-to-month basis.

(g) *Exhibit of permit.* In all cases, any permit issued under this section shall be
kept by the permittee or his agent at the location of the parking meters authorized to be
hooded or removed, and shall be exhibited to any officer or employee of the city upon
demand.

(h) *Issuance; duties of city officer.* When an application for a permit has been
approved, authorized employees of the city transportation operations division shall cause
the designated parking meters to be hooded in accordance with the permits; and such
employees shall remove the covers and return such covers to the custody of the
transportation operations superintendent at the expiration of the time limit as noted on the
permit. If a meter is removed, it shall be removed by or under the direction of the
transportation operations superintendent so that the maximum amount of material may be
salvaged.

(i) *Fees.* The fee for the hooding or removal of any parking meter for each
authorized day or fraction thereof shall be the sum of $5.00 per meter and effective
January 1, 2005, and thereafter $6.00 per meter, for the entire parking space controlled by
each such meter. Applicants who have received permits to do construction work in the
public way may account for and pay for days the parking spaces are inoperable upon
relinquishment of encroachment area. Such days shall not include Sundays or Saturdays if
such days are not regular working days for the applicant. Upon the request of the applicant
and approval of the transportation operations superintendent, an applicant who has a
month-to-month permit shall pay a fee of $50.00 per month, effective January 1, 2001, and
$52.50 per month, effective January 1, 2005, and thereafter for the use of a meter hood.
Each applicant shall pay the required fee per meter when any portion of the parking space
controlled by the meter is used by the applicant or reserved under a permit granted as
provided for in this section. Under no circumstances will the permit fee or any portion
thereof be refunded to any applicant. All fees received under this section shall be
deposited with the city treasurer to the credit of the parking fund of the city.

(j) Termination of permit. Notwithstanding anything in this section to the
contrary, the transportation operations superintendent shall have the right to unilaterally
terminate a permit granted pursuant to this section.

Section 9. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Handicapped Parking, Section 142-402. Traffic
engineering survey., is hereby amended to read as follows:

Traffic engineering survey.
The traffic engineer and the transportation operations superintendent are hereby
authorized to conduct surveys and studies to determine the necessity for and suitable
locations where parking spaces may be set aside on public streets or property throughout
the city and designated as being reserved only for use by handicapped persons. Angular
parking spaces so designated shall be a minimum width of 12 feet, and easy access to and
from all spaces shall be provided for handicapped persons.

Section 10. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Handicapped Parking, Section 142-403. Designation of
spaces by traffic engineer., is hereby amended to read as follows:
Designation of spaces by traffic engineer.

Upon the recommendation of the human relations commission, division for the disabled and pursuant to accepted standards, the transportation operations superintendent may designate parking spaces on public streets or property throughout the city to be reserved only for use by handicapped persons, and the transportation operations superintendent shall mark and post such parking spaces as specified by this division.

Section 11. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV. Stopping, Standing, and Parking, Block Parking Zones, Section 142-426. Defined., is hereby amended to read as follows:

Defined.

A block parking zone is any side of a block or blocks designated in the central business district for which parking is restricted through the use of parking meters or other time restrictions pursuant to this chapter. On Kansas Avenue, between 6th Street and 10th Street, the allowable time for parking a vehicle shall terminate when the posted time has expired. Vehicles are not allowed to move to another parking space on Kansas Avenue between 6th Street and 10th Street on the same calendar date. Parking fines will be imposed and accumulated each time a vehicle exceeds the restrictions contained herein.

Section 12. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV. Stopping, Standing, and Parking, Block Parking Zones, Section 142-427. Parking restriction., is hereby amended to read as follows:

Parking restriction.

No person shall be parked within a designated block parking zone beyond a specified time period. The time period shall:
(1) Begin when the vehicle is first parked in a block parking zone;
(2) Continue whether or not the vehicle is thereafter moved to another parking space within the same block parking area, except that the period shall be terminated if such vehicle is moved and parked in an area without a block parking zone designation; and
(3) Include all time during which the vehicle is thereafter parked in another single vehicle parking place having the same maximum lawful time limit unless movement of the vehicle has terminated the period as provided in subsection (2) of this section.

Section 13. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV. Stopping, Standing, and Parking, Municipal Parking Stations, Section 142-451. Supervision., is hereby amended to read as follows:

Supervision.

The transportation operations superintendent shall have the general control, supervision and management of the municipal parking stations (sometimes referred to by resolutions and ordinances as "offstreet parking facilities," "public parking facilities" and "public parking stations").

Section 14. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV. Stopping, Standing, and Parking, Municipal Parking Stations, Section 142-452. Rates and hours of operation generally., is hereby amended to read as follows:

Rates of operation generally.

The following rates are hereby established and fixed for the use of the city's offstreet parking garages and such others as might be added in the future:
(2) Fees shall be:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Effective 01/01/01</th>
<th>Effective 01/01/03</th>
<th>Effective 01/01/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Rooftop Garage Monthly rate (where available)</td>
<td>$36.75</td>
<td>$39.50</td>
<td>$40.50</td>
</tr>
<tr>
<td>Market Monthly rate</td>
<td>$52.50</td>
<td>$55.00</td>
<td>$57.75</td>
</tr>
<tr>
<td>Contract rate, (where applicable)</td>
<td>$36.75</td>
<td>$38.50</td>
<td>$40.50</td>
</tr>
<tr>
<td>Special Dead Storage Monthly rate (where available)</td>
<td>$22.50</td>
<td>$25.00</td>
<td>$27.50</td>
</tr>
<tr>
<td>Hourly rate where available</td>
<td>$0.60</td>
<td>$0.70 effective 2005</td>
<td></td>
</tr>
<tr>
<td>Promotional Rate</td>
<td>Not less than 80% of market rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premium Rate</td>
<td>Not more than 120% of market rate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Promotional rates: the transportation operations superintendent shall have the authority to implement promotional discounted rates for a finite period of time to encourage parking in under utilized parking facilities. Promotional rates will be applied in accordance with written public works department policy.

(2) Premium rates: the transportation operations superintendent shall have the authority to apply premium rates to certain offstreet parking spaces in recognition of special privileges, such as assigned spaces, where such practices impact the city's ability to
generate revenue on those parking spaces. Premium rates will be applied in accordance
with written public works department policy.

Section 15. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Loading Zones, Section 142-476. Established, is hereby
amended to read as follows:

Established.

The traffic engineer may designate curb areas as loading zones either for vehicle
passengers or freight for a period of one year and renewable annually. The transportation
operations superintendent shall mark such zones by appropriate signs.

Section 16. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Loading Zones, Section 142-477. Application, is hereby
amended to read as follows:

Applications for obtaining the benefits of section 142-476 shall be processed in the
following manner:

(1) Application shall be made in writing to the traffic engineer or
    transportation operations manager.

(2) The traffic engineer shall cause such application to be investigated
    and determine the necessity for the proposed loading zone as set forth in the
    application.

Section 17. City of Topeka Code, Chapter 142 Traffic and Vehicles, Article IV.
Stopping, Standing, and Parking, Loading Zones, Section 142-478. Marking, is hereby
amended to read as follows:

Marking.
If the application referred to in section 142-477 is favorably acted upon by the traffic engineer, the transportation operations manager shall cause the loading zone to be marked with appropriate signs or markings showing that such designated area is a loading zone.

**Section 18.** Original City of Topeka Ordinance No. 17635, Section 19, is hereby specifically repealed.

**Section 19.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper except for Section 11 contained herein which shall take effect and be in force from and after its passage, approval and publication in the official city newspaper and on September 4, 2001. Beginning August 3, 2001, and until September 4, 2001, traffic control officers or police officers will issue warning notices or warning uniform citations, as the case may be, to those vehicles stopping, standing and parking in violation of Section 11.

PASSED and APPROVED by the City Council _______.

[Signature]

Harry Felsker, Mayor

ATTEST:

[Signature]

Iris E. Walker, City Clerk

[Seal of Topeka]

APPROVED AS TO FORM AND LEGALITY
DATE 8/1/01 BY
TO BE CODIFIED
NOT TO BE CODIFIED