ORDINANCE NO. 18-253

AN ORDINANCE introduced by Councilmember Lisa Stubbs amending the provisions of City of Topeka Code Section 54-102 concerning the granting of an airgun permit exception to the general prohibition against the discharging of firearms within the city of limits of Topeka, amending and repealing the original of City of Topeka Code Section 54-102.

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

Section 1. Topeka City Code §54-102, Discharging of firearms, is hereby amended to read as follows:

Discharging of firearms

(a) It shall be unlawful for any person, other than a peace officer in the performance of duty, to discharge any cannon, gun, pistol, rifle or other firearm, or to discharge or use any air-gun, spring gun or slingshot within the corporate limits of this city.

(b) Discharge of airguns. It shall be unlawful for any person, other than a peace officer in the performance of duty, to discharge any airgun within the corporate limits of this city unless they have obtained and maintain a valid permit as provided herein.

(c) Permits. Upon written application made at least two (2) weeks before the proposed event, in a form acceptable to the chief of police and the payment of an application fee of fifty dollars ($50), the chief of police may issue a permit to discharge airguns on specified premises in the city for the purposes of allowing the establishment of shooting ranges. No permit shall be issued unless the proposed activity is found to be in compliance with administrative regulations.
established by the chief of police and approved by City Council resolution, for the purpose of regulating the discharge of airguns as provided herein. Further, any permit so issued shall be subject to such terms and conditions as the chief of police determines reasonably necessary or advisable to protect the safety of the participants therein and the general public, including, but not limited to the following:

i. The applicant shall provide proof of public liability insurance for the permitted activity with a minimum single occurrence coverage of $500,000. The policy shall name the City of Topeka as an additional insured.

ii. The applicant shall provide written proof that the location of the proposed activity is zoned appropriately and that the activity is permitted by the owner of the property.

iii. The applicant shall provide a description of activity safeguards that are intended and designed to minimize the exposure to members of the public or adjoining properties from the activity.

iv. The applicant shall provide proof of adequate training and supervision of the activity by qualified persons over the age of eighteen (18).

Any permit so issued shall be valid for no more than two (2) weeks, but may be
revoked at any time by the chief of police upon the failure of the permittee to abide by any of the permit regulations, terms and conditions. No person or organization shall be issued a permit more than once per calendar year quarter.

(d) Definitions. For the purposes of this Article the following terms and phrases shall have the meanings hereinafter ascribed to them:

i.) Airgun. Shall mean an instrumentality designed for and used to fire or eject one or more projectiles by means of a spring or by compressed air or other gas or vapor. The term, airgun, shall not include instrumentalities designed and intended to fire or eject a projectile under water in conjunction with scuba diving, instrumentalities designed and intended to fire or eject a fastener as part of the construction trades or children's toys; an airgun of the type commonly referred to as a BB gun is not a children's toy for the purposes of this subsection;

ii.) Firearm. Shall mean an instrumentality designed for and intended to fire or eject one or more projectiles by means of an explosive charge or by the ignition of one or more flammable or explosive substances. The term, firearm, shall include those instrumentalities commonly referred to as rifles, shotguns, revolvers, handguns and pistols, but shall not include instrumentalities designed and intended to fire or eject a fastener as part of the construction trades;

iii.) Paintball gun. Shall mean an airgun designed and used to
fire or eject a hollow, plastic-like frangible pellet containing nontoxic, paint-like marking fluid.

Section 2. That original City of Topeka Code §54-102 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.

PASSED AND APPROVED by the Council of the City of Topeka MAY 25, 2004

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 5/20/04 BY BL
TO BE CODIFIED
NOT TO BE CODIFIED