ORDINANCE NO. 19855

AN ORDINANCE introduced by City Manager Jim Colson, concerning concessions and admission fees at the Topeka Zoo, amending City of Topeka Code Sections 11.35.010, 11.35.040, 11.35.050, 11.35.060 and 11.35.080 and specifically repealing said original sections, as well as repealing Section 11.35.070.

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

Section 1. That section 11.35.010, Statement of Purpose, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Statement of purpose

(a) The governing body hereby finds that the Topeka Zoological Park, dedicated and established pursuant to TMC 11.35.020, shall be utilized for the purpose of providing the citizens of Topeka and others with opportunities to learn about our natural world, to increase scientific knowledge that benefits nature conservation, to support conservation of endangered populations and habitats, and to participate in activities that improve the quality of life in the community.

(b) These opportunities can best be provided in partnerships with support groups such as the Friends of the Topeka Zoo, Inc., and the Topeka Zoological Foundation, and in cooperation with local, state, national and international education, and conservation institutions, organizations and governments.

Section 2. That section 11.35.040, Protection of zoo, is hereby amended to read as follows:

Protection of zoo.
The governing body shall, when deemed necessary, pass such ordinances as will enable the zoological park department and the Topeka Friends of the Zoo, Inc., to efficiently protect and care for the dedicated property and to promote the purposes of the Topeka Zoological Park.

Section 3. That section 11.35.050, Concessions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Concessions and admissions.

The zoological park department is hereby granted exclusive authority to operate admissions and concessions by way of purchasing and selling products or by authorizing a third party to provide admissions and concessions services at the Topeka Zoological Park. Proceeds from such concessions services, if operated by the zoological park department, shall be credited to the revenue account fund established by the director of budget and financial services pursuant to TMC 3.25.010 and shall first be used to pay the expenses thereof, and any excess shall be used for the operation, maintenance, and improvement of the Topeka Zoological Park. Any authorization allowing third party provision of admissions and/or concessions operations must be approved by the City Manager.

Section 4. That section 11.35.060, Admission fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Admission fees.

The director of the zoological park department shall establish all fees for admission to the Topeka Zoological Park which shall be subject to the review and approval of the city council as part of the budget process. No changes
may be made to the admission fees without the consent of the city council and shall have full discretion to waive fees and offer discounts and promotions.

Section 5. That section 11.35.070, Waiver of fees, of The Code of the City of Topeka, Kansas, is hereby repealed.

Waiver of fees.

The director of the zoological park department shall have, during winter months and other periods of inclement weather, full discretion to determine what days and what hours the admission fees established under TMC 11.35.060 shall be charged; and the director of the zoological park department shall have full discretion, during such winter months and other periods of inclement weather, to allow admission to the Topeka Zoological Park without charge.

Section 6. That section 11.35.080, Disposition of fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Disposition of fees.

(a) All moneys derived from the fees established in TMC 11.35.060 less operational costs of the collection thereof shall be deposited into the city’s general fund.

(b) Any remaining balance in the zoo fund as of January 1, 2010, shall be transferred to the city’s general fund.

Section 7. That original § 11.35.010, § 11.35.040, § 11.35.050, § 11.35.060 and § 11.35.080 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 8. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 9. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.
Section 10. 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 October 1, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk