

(Published in the Topeka Metro News April 12, 2021)

ORDINANCE NO. 20290

AN ORDINANCE introduced by City Manager Brent Trout, concerning the Topeka Zoo, amending Title 11 of the Topeka Municipal Code and repealing § 2.20.130.

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

Section 1. That section 2.20.130, Zoological Park Department created, of The Code of the City of Topeka, Kansas, is hereby repealed.

Zoological Park Department created.

~~There is hereby created a Zoological Park Department. The Director of the Zoological Park shall be appointed by the City Manager. The City Manager, pursuant to Charter Ordinance No. 94, Section 1 (Appendix A, Section A2-54), shall be responsible for supervising and evaluating the performance of the Director of the Zoological Park. The Director of the Zoological Park shall be responsible for the overall operation of the Department.~~

**TITLE 11
PUBLIC PARKS**

Section 2. That section 11.10.010, Hours, of The Code of the City of Topeka, Kansas, is hereby renumbered as 11.05.010 and amended to read as follows:

Hours of Operation.

(a) It shall be unlawful for any person, except a public officer or employee in the discharge of ~~their duties~~duty or those specifically authorized by the Director or designee of the Shawnee County Department of Parks and Recreation, to visit, loiter about or be found in any public park in the City after ~~the hour of~~ 11:00 p.m. and until 6:00 a.m. ~~of the following day unless specifically authorized by the Director or designee of the Shawnee County Department of Parks and Recreation.~~

(b) It shall be unlawful for any person, except a public officer or employee in the discharge of duty or those specifically authorized by the Friends of the Topeka Zoo ("FOTZ"), in accordance with the License and Management Agreement dated February 9, 2021, and amendments thereto, to visit, loiter about or be found in the ~~Gage Park~~Topeka Zoo and Conservation Center ~~from a time beginning one hour after sunset of each day until sunrise of the following day unless specifically authorized by the City of Topeka Zoological Department Director or designee~~after 11:00 p.m. and until 6:00 a.m. the following day.

Section 3. That section 11.25.010, Acceptance by City, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Acceptance by City.~~

~~The proposal of the trustees of the Munn Memorial is hereby accepted by the City.~~

Section 4. That section 11.25.020, Land dedicated in Gage Park, of The Code of the City of Topeka, Kansas, is hereby renumbered as 11.10.020 and amended to read as follows:

~~Land dedicated in Gage Park~~Acceptance of Property by City.

(a) The City hereby accepts from Louisa H. Gage a tract of land consisting of the northeast corner of Gage Park dedicated as the Topeka Zoological Park.

~~(b) There is hereby appropriated and perpetually dedicated for the creation thereon of the memorial monument to the native sons and daughters of the State of Kansas, provided for in the will of~~The City hereby accepts from Lillie G. Munn, a tract and parcel of land located in Gage Park, ~~to be agreed upon by the Board of~~

~~Commissioners with the trustees~~ dedicated for a memorial monument to the native sons and daughters of the State of Kansas.

Section 5. That section 11.25.030, City to landscape and maintain, of The Code of the City of Topeka, Kansas, is hereby renumbered as 11.10.030 and amended to read as follows:

~~City to landscape and maintain~~ Munn Memorial.

In consideration of the erection of the Munn Memorial, the City, ~~hereby agrees to~~ appropriately or its designee, shall landscape the tract, and to ~~perpetually~~ protect and maintain the monument ~~for the use of the public of the City and of the State.~~

Section 6. That section 11.35.010, Statement of purpose, of The Code of the City of Topeka, Kansas, is hereby renumbered as 11.10.010 and amended to read as follows:

~~Statement of p~~ Purpose.

(a) ~~The City Council hereby finds that~~ purpose of the Topeka Zoological Park, ~~dedicated and established pursuant to TMC 11.35.020, shall be utilized for the purpose of providing~~ is to provide 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.~~

77 Section 7. That section 11.35.020, Dedication, of The Code of the City of
78 Topeka, Kansas, is hereby repealed.

79 **~~Dedication.~~**

80 ~~There is hereby appropriated and dedicated as Topeka Zoological Park the~~
81 ~~following described tract of land:~~

82 ~~The northeast corner of Gage Park containing the Zoological Park area.~~

83 Section 8. That section 11.35.030, Advisory body, of The Code of the City of
84 Topeka, Kansas, is hereby repealed.

85 **~~Advisory body.~~**

86 ~~The Topeka Friends of the Zoo, Inc., is hereby recognized as an advisory body of~~
87 ~~the Zoological Park Department.~~

88 Section 9. That section 11.35.040, Protection of zoo, of The Code of the City
89 of Topeka, Kansas, is hereby repealed.

90 **~~Protection of zoo.~~**

91 ~~The City Council shall, when deemed necessary, pass such ordinances as will~~
92 ~~enable the Zoological Park Department and the Topeka Friends of the Zoo, Inc., to~~
93 ~~efficiently protect and care for the dedicated property and to promote the purposes of~~
94 ~~the Topeka Zoological Park.~~

95 Section 10. That section 11.35.050, Concessions and admissions, of The Code
96 of the City of Topeka, Kansas, is hereby repealed.

97 **~~Concessions and admissions.~~**

98 ~~The Zoological Park Department is hereby granted exclusive authority to operate~~
99 ~~admissions and concessions by way of purchasing and selling products or by~~
100 ~~authorizing a third party to provide admissions and concessions services at the Topeka~~

~~Zoo. Proceeds from such 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 11. That section 11.35.060, Admission fees, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Admission fees.~~

~~The City Manager or designee shall establish all fees for admission to the Topeka Zoo and shall have full discretion to waive fees and offer discounts and promotions.~~

Section 12. That section 11.35.080, Disposition of fees, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Disposition of fees.~~

~~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.~~

Section 13. That the Code of the City of Topeka, Kanas is hereby amended by adding a section, to be numbered 11.10.040, which said section reads as follows:

Topeka Zoo and Conservation Center - Management and operation.

(a) Because the ability to advance the purposes set out in TMC 11.10.010 within the Topeka Zoo and Conservation Center can be more efficiently and effectively provided through a public-private partnership, the Governing Body has authorized a

License and Management Agreement, on February 9, 2021, with the Friends of the Topeka Zoo, Inc. ("FOTZ"). The Governing Body shall, when deemed necessary, pass such ordinances as will (i) protect and care for the Topeka Zoological Park and (ii) assist FOTZ with its efforts to efficiently and effectively manage and operate the Topeka Zoo and Conservation Center to promote these established purposes.

(b) As evidence of the public-private partnership between the City and FOTZ, one (1) elected official of the City shall be appointed as a voting member and two (2) staff members of the City shall be appointed as ex officio members to FOTZ's Board of Directors and shall attend meetings and have access to all pertinent documents, as more specifically set out in the License and Management Agreement dated February 9, 2021, and amendments thereto.

(c) FOTZ shall be entitled to collect, receive, retain and use for the benefit of the Topeka Zoo and Conservation Center all revenues derived from the operations of the Zoo unless explicitly excluded by the terms of the License and Management Agreement dated February 9, 2021, and amendments thereto.

Section 14. That original § 11.10.010 and § 11.25.030 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 15. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 16. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 17. 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.

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PASSED AND APPROVED by the City Council on April 6, 2021.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk