

(Published in the Topeka Metro News June 7, 2021)

ORDINANCE NO. 20299

AN ORDINANCE introduced by Brent Trout City Manager, amending and repealing outdated business license requirements and fees in Title 5, adding § 9.15.285 and amending § 10.20.080 of the Topeka Municipal Code.

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

Section 1. That section 5.10.050, Amusement parks and resorts, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Amusement parks and resorts.~~

~~(a) The license fee for amusement parks or resorts operated for profit shall be:~~

~~(1) Per day \$20.00~~

~~(2) Per week \$80.00~~

~~(3) Per year \$150.00~~

~~(b) All annual licenses issued under this section shall expire May 31st of each year.~~

Section 2. That section 5.10.080, Bathhouse or massage salon, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Bathhouse or massage salon.~~

~~(a) The following license fees are hereby prescribed to operate the business of a bathhouse or massage salon:~~

~~(1) Operator, per year \$300.00~~

~~(2) Employee performing the duties in connection with the giving of baths and massages, per year \$25.00~~

~~(b) The term of the licenses under this section shall be for the period of June 1st through May 31st.~~

~~(c) The full amount of the license fee under this section shall be paid regardless of when the application is made, and the licensee shall operate under the license for the remainder of the license period for which the license is issued. No rebate or return of any portion of the license fee shall be made in case the license is revoked for any cause.~~

Section 3. That section 5.10.090, Bill poster, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Bill poster.~~

~~The license fee for bill posters shall be:~~

- ~~(a) For one day \$2.00~~
- ~~(b) For one week \$5.00~~
- ~~(c) For one month \$10.00~~
- ~~(d) For one year \$25.00~~

Section 4. That section 5.10.110, Class B license for technical activities, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Class B license for technical activities.~~

~~The license fees for a class B license for technical activities of industries shall be:~~

- ~~(a) Application for initial license \$250.00~~
- ~~(b) Renewal \$200.00~~

Section 5. That section 5.10.130, Funeral escort service, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Funeral escort service.~~

~~(a) Funeral escort service operators shall pay license and renewal fees as follows:~~

(1) ~~License, first year~~ ~~\$80.00~~

(2) ~~Renewal, per year~~ ~~\$40.00~~

(b) ~~The license under this section shall expire on December 31st of each year.~~

Section 6. That section 5.10.140, House mover, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~House mover.~~

~~The license fee for a house mover shall be \$50.00 per calendar year.~~

Section 7. That section 5.10.150, Laundering – Cleaners, dry cleaners, towel supply, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Laundering – Cleaners, dry cleaners, towel supply.~~

~~The license fee for any person engaged in soliciting, taking orders, delivering or furnishing cleaning, dry cleaning or pressing, linen, towel or wiping cloth supply shall be \$20.00 per year.~~

Section 8. That section 5.10.210, Public dances, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Public dances.~~

~~(a) Each person proposing to hold public dances, or permit public dancing, shall pay the following license fees:~~

~~(1) For dances held for private gain in any hall or public place:—~~

~~(i) Per dance \$8.00~~

~~(ii) Per year \$80.00~~

~~(2) For dances permitted in any restaurant or dining place which does not dispense cereal malt beverages, per year \$50.00~~

~~(3) For dances permitted in any restaurant or dining place where cereal malt~~

beverages are sold or dispensed, per year ~~———— \$160.00~~

~~(4) For dances permitted in any hall or public place solely operated by and conducted under the supervision of any nonprofit religious, literary, scientific, benevolent, charitable or social society, association, company, corporation, club or institution, per year ————— \$8.00~~

~~(b) All annual licenses granted under this section shall be for the current license year, no license fees shall be prorated by the City Clerk, and all licenses shall expire on December 31st of each year.~~

~~(c) In addition to the foregoing license fees, any person proposing to hold public dances or permit public dancing shall also pay the following administrative fees for inspection of the facilities.~~

~~General inspection fee (per hour): ————— \$50.00~~

~~Expedited inspection fee with less than 24 hours' notice (per hour):
\$100.00~~

Section 9. That section 5.10.290, Professional boxing or wrestling matches, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Professional boxing or wrestling matches.~~

~~(a) Fee. The application fee for each such license shall be \$140.00. This fee shall be paid at the time the application is filed. If the license is denied, \$50.00 of the fee shall applied to the costs of investigation, and \$90.00 shall be returned to the applicant.~~

~~(b) Expiration. Each license shall be for a term of one year from the date of issuance.~~

Section 10. That section 5.40.010, Physical examinations for licenses, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Physical examinations for licensees.~~

~~(a) All licensees under this chapter shall take such physical examinations and laboratory tests by licensed physicians and recognized laboratories as the Health Department deems necessary, the costs for such examinations and laboratory tests to be paid by the applicant and the results of such examinations to be filed with the Health Department.~~

~~(b) Physical examinations and laboratory tests by licensed physicians and the Health Department approved laboratories shall be required from licensees under this chapter at such intervals of time as shall be prescribed by the Health Department.~~

Section 11. That section 5.40.020, Open to public and police during business hours, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Open to public and police during business hours.~~

~~All places of business of licensees under this chapter shall be open to the public and the Police Department at all times during business hours.~~

Section 12. That section 5.40.030, Compliance with health and sanitary regulations, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Compliance with health and sanitary regulations.~~

~~The licensee, in the operation of a licensed business as provided by this chapter, shall at all times comply with all of the sanitary and health requirements, rules and regulations of the Health Department, and of all ordinances of the City and laws of the State.~~

Section 13. That section 5.40.040, Treatment to persons of the opposite sex prohibited, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Treatment to persons of opposite sex prohibited.~~

126 ~~It shall be unlawful for any persons licensed under the provisions of this chapter or any~~
127 ~~employee working in any establishment licensed under this chapter to give treatment or~~
128 ~~massages to persons of the opposite sex.~~

129 Section 14. That section 5.40.050, Exemptions from chapter, of The Code of
130 the City of Topeka, Kansas, is hereby repealed.

131 **~~Exemptions from chapter.~~**

132 ~~Licensed chiropractors and osteopaths, bona fide operators of beauty parlor~~
133 ~~establishments where cabinet baths are incidental to beauty treatments, public~~
134 ~~hospitals, any person who is a member in good standing with the American Massage~~
135 ~~and Therapy Association or the International Myomassethics Federation, Inc., Kansas~~
136 ~~Association of Therapeutic Massage and Bodywork, while engaged in the practice of~~
137 ~~massage therapy or bodywork as recognized by these organizations, and also such~~
138 ~~nonprofit and civic organizations as the City Council may direct, shall be deemed~~
139 ~~qualified to give bath or massage treatments and shall be exempt from the provisions of~~
140 ~~this chapter.~~

141 Section 15. That section 5.40.060, Required, of The Code of the City of
142 Topeka, Kansas, is hereby repealed.

143 **~~Required.~~**

144 ~~No person shall engage in the business of operating a bathhouse or massage~~
145 ~~salon within the corporate limits of the City without having an unexpired, unrevoked~~
146 ~~license therefor issued by the City Clerk, and no owner, operator or employee of any~~
147 ~~such operator of a bathhouse or massage salon shall perform any duty in connection~~
148 ~~with the operation of such business unless having obtained a license and having~~
149 ~~complied with the rules and regulations of the Health Department as provided by this~~

chapter.

Section 16. That section 5.40.070, Application, of The Code of the City of Topeka, Kansas, is hereby repealed.

Application.

~~(a) Any person desiring to secure a license under the provisions of this chapter shall make application therefor in triplicate, one copy of which shall be retained by the City Clerk, one copy of which shall be filed with the Health Department and the third copy of which shall be given to the applicant. Such application shall be upon a form prepared by the Health Department and shall contain such information and data as shall be by it required, including the following:~~

~~(1) The name and residence of the applicant and how long the applicant has resided within the State and the City.~~

~~(2) The particular street address for which the license is desired and the street address where any person resides who is an employee licensee.~~

~~(3) The name and residence address of the owner of the premises upon which the place of business is to be located.~~

~~(4) A statement that the applicant is a citizen of the United States or legal resident alien in the United States and not less than 21 years of age, and that he has not within five years immediately preceding the application been convicted of a felony or any crime or offense involving moral turpitude.~~

~~(5) The qualifications including any course of study or experience that would qualify the applicant to operate and conduct, or any employee to engage in, the giving of baths and massage treatments.~~

~~(b) The application for a license under this chapter shall be accompanied by the~~

license fee provided for in TMC 5.40.090.

Section 17. That section 5.40.080, Investigation and approval, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Investigation and approval.~~

~~No license required by this chapter shall be issued until the Chief of Police shall have investigated and reported his findings, nor until the Health Department shall, by investigation, have determined that the applicant has met all requirements and is qualified to operate or pursue the business for which the license is desired, and shall have approved such application. Such investigations by the Police Department and the Health Department shall be promptly made and in no event shall more than 10 days from the date of filing the application be required for the making of such investigation.~~

Section 18. That section 5.40.090, Fee, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Fee.~~

~~License fees under this chapter are prescribed in TMC 5.10.080.~~

Section 19. That section 5.40.100, Issuance or denial, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Issuance or denial.~~

~~If the application for a license under this chapter is in proper form and accompanied by the license fee as provided in this chapter, the City Clerk shall, upon approval of the Police Department, the Health Department and the City Council, issue the license provided in this chapter, except that in no event shall a license be issued to:~~

~~(a) A person who is not a resident of the City and who has not been a resident of the City in good faith for a period of 30 days prior to filing the application;~~

~~(b) A person who is not of good character and reputation in the community of his residence;~~

~~(c) A person who is an illegal alien in the United States;~~

~~(d) A person who within five years immediately preceding the date of making application has been convicted of a felony or misdemeanor involving crimes against persons and sex offenses as provided in Chapter 21, Articles 54 and 55, Kansas Statutes Annotated, including a diversion granted for any such offenses;~~

~~(e) A copartnership unless one of the copartners is a resident of the City and unless all members of such copartnership shall otherwise be qualified to obtain a license; or~~

~~(f) To any person for the establishment or operation of a bathhouse or massage salon or employment therein in any district of the City zoned for RR-1, R-1, R-2, R-3, R-4, M-1, M-2, M-3, M-4, O&I-1, O&I-2, O&I-3, C-1, C-2, U-1, MS or PUD.~~

Section 20. That section 5.40.110, Display, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Display.~~

~~The license issued to any operator or owner of any bathhouse or massage salon shall be kept posted in a conspicuous place in the place of business, and if issued to any employee of such bathhouse or massage salon shall be exhibited upon demand of any proper official of the City or of any patron of such place of business.~~

Section 21. That section 5.40.120, Revocation - Reapplication, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Revocation — Reapplication.~~

~~(a) The Council shall revoke any license issued under this chapter for any of the~~

following reasons:

~~(1) If the licensee has fraudulently obtained a license by giving false information in the application therefor.~~

~~(2) If the licensee has violated any of the provisions of this chapter or any rule or regulation made by the Council or the Health Department.~~

~~(3) If the licensee has become ineligible to obtain a license under this chapter.~~

~~(4) The nonpayment of any license fee payable under this chapter.~~

~~(5) For the employment of any persons not licensed as provided in this chapter.~~

~~(6) For the conviction of a felony or misdemeanor of a crime as provided in TMC 5.40.100.~~

~~(7) For the refusal or neglect of any licensee to submit to a physical examination or furnish laboratory tests as prescribed in this chapter within five days after request for same by the Health Department, or failure for a like period of time to comply with any health requirement prescribed by the Health Department.~~

~~(b) Any licensee under this chapter whose license has been revoked shall not be eligible to apply for a license for a period of one year from and after the date of revocation, and no location or premises wherein a license has been revoked shall be used as a bathhouse or massage salon for six months following the date of revocation.~~

Section 22. That section 5.45.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby repealed.

Definitions.

~~Billiard Hall. A "billiard hall" shall mean any establishment having more than two billiard or pool tables available to patrons for playing billiards or pool, with or without consideration.~~

246 Section 23. That section 5.45.020, Location requirements, of The Code of the
247 City of Topeka, Kansas, is hereby repealed.

248 **Location requirements.**

249 ~~(a) Every billiard hall, pool room, bowling alley or skating rink operated as a~~
250 ~~public place of amusement in the City shall be located on the first or second floors only~~
251 ~~of any building in the City. Such billiard hall, pool room, bowling alley or skating rink~~
252 ~~shall have an entrance from a public street or avenue of the City and if any such billiard~~
253 ~~hall, pool room, bowling alley or skating rink is operated on both the first and second~~
254 ~~floors, each floor of such billiard hall, pool room, bowling alley or skating rink shall have~~
255 ~~an entrance from a public street or avenue of the City. The term "first floor" as used in~~
256 ~~this section shall be construed to mean the street floor and the term "second floor," the~~
257 ~~floor immediately above the street floor; provided, that billiard halls, pool rooms, bowling~~
258 ~~alleys or skating rinks may be located on the basement floor, first or second floor of any~~
259 ~~hotel in the City that has 150 rooms or more. The windows and doors of every billiard~~
260 ~~hall, pool room, bowling alley or skating rink operated as a public place of amusement in~~
261 ~~the City shall be kept free and clear of any obstruction, either temporary or permanent,~~
262 ~~that interferes or shuts off the view from the street of the inside of the billiard hall, pool~~
263 ~~room, bowling alley or skating rink. There shall be no back room in connection with any~~
264 ~~billiard hall, pool room, bowling alley or skating rink, except that such billiard hall, pool~~
265 ~~room, bowling alley or skating rink may have a compartment for a water closet or toilet~~
266 ~~purposes.~~

267 ~~(b) The provisions of this section relating to the location of billiard halls, pool~~
268 ~~rooms, bowling alleys and skating rinks shall be supplemental to the provisions of the~~
269 ~~comprehensive zoning regulations of the City as found in TMC Title 18, Division 4.~~

270 Section 24. That section 5.45.030, Hours of closing for pool and billiards, of The
271 Code of the City of Topeka, Kansas, is hereby repealed.

272 **~~Hours of closing for pool and billiards.~~**

273 ~~It shall be unlawful for any person owning or in control of or employed in or~~
274 ~~operating as agent of any billiard hall or pool room to allow billiard or pool tables to be~~
275 ~~used between the hours of 2:00 a.m. and 6:00 a.m.~~

276 Section 25. That section 5.60.010, Required, of The Code of the City of
277 Topeka, Kansas, is hereby repealed.

278 **~~Required.~~**

279 ~~Each circus, menagerie, dog and pony show, wild west show or any similar~~
280 ~~organization or attraction in the City shall obtain a license from the City.~~

281 Section 26. That section 5.60.020, Fees, of The Code of the City of Topeka,
282 Kansas, is hereby repealed.

283 **~~Fees.~~**

284 ~~The license fees under this chapter are prescribed in TMC 5.10.100.~~

285 Section 27. That section 5.65.010, Definitions, of The Code of the City of
286 Topeka, Kansas, is hereby repealed.

287 **~~Definitions.~~**

288 ~~The following words, terms and phrases, when used in this chapter, shall have~~
289 ~~the meanings ascribed to them in this section, except where the context clearly~~
290 ~~indicates a different meaning:~~

291 ~~“Public dance” means any dance to which admission can be had by payment, directly or~~
292 ~~indirectly, of a fee, or any dance to which the public generally may gain admission with~~
293 ~~or without the payment of a fee.~~

~~“Public dancehall” means any room, place or space in which a public dance may be held.~~

Section 28. That section 5.65.020, Attendance by minors under 12, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Attendance by minors under 12.~~

~~(a) It shall be unlawful for the operator of any public dance to permit any person who has not reached the age of 12 years to attend or remain at any public dance unless such person is accompanied by a parent or legal guardian or a responsible person age 21 or older.~~

~~(b) It shall be unlawful for any person to represent himself to have reached the age of 12 years for the purposes of attending a public dance.~~

~~(c) It shall be unlawful for any person to falsely represent himself to be a parent or legal guardian of any person under the age of 12 years in order that such person under the age of 12 years may attend or remain in any public dance.~~

Section 29. That section 5.65.030, Vacation of premises for unlawful activities, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Vacation of premises for unlawful activities.~~

~~Any member of the Police Department or other properly constituted authority shall have the power and it shall be the duty of each of them to cause any public dancehall to be vacated whenever any provision of this chapter, or of any ordinance, regulation or law concerning public dancehalls has been or is being violated, or wherein any ordinance, regulation or law of any character shall be violated, or whenever any indecent act shall be committed or when any disorder or conduct of a gross, violent or vulgar character shall take place.~~

318 Section 30. That section 5.65.040, Closing, of The Code of the City of Topeka,
319 Kansas, is hereby repealed.

320 **Closing.**

321 ~~All public dances shall be discontinued between the hours of 2:00 a.m. and 6:00~~
322 ~~a.m. of any day.~~

323 Section 31. That section 5.65.050, Attendance by persons under the legal age
324 for consumption of cereal malt beverages, of The Code of the City of Topeka, Kansas,
325 is hereby repealed.

326 ~~**Attendance by persons under the legal age for consumption of cereal malt**~~
327 ~~**beverages.**~~

328 ~~(a) At any public dance where persons under the legal age for consumption of~~
329 ~~cereal malt beverage, except for hired instrumental musicians and vocalists, are~~
330 ~~admitted, supervision or licensed security personnel must be provided on a ratio of not~~
331 ~~less than one supervisor or security person for each 50 persons attending such dance.~~

332 ~~(b) It shall be unlawful for any person who has not attained the legal age for~~
333 ~~consumption of cereal malt beverage, except for hired instrumental musicians and~~
334 ~~vocalists, to attend or remain at any public dance in any public dancehall which is~~
335 ~~licensed to sell cereal malt beverages. It shall be unlawful for any person to represent~~
336 ~~himself to have reached the legal age for consumption of cereal malt beverage in order~~
337 ~~to attend or remain at any public dance or enter or remain in a public dancehall licensed~~
338 ~~to sell cereal malt beverages.~~

339 ~~(c) The provisions in subsection (b) of this section shall not apply if no cereal~~
340 ~~malt beverages or alcoholic beverages are sold, distributed in any manner, or~~
341 ~~consumed within the public dancehall at the time of a public dance. Additionally, no~~

~~smoking or use of any tobacco or other such substance shall be allowed during such activity, and no one under the influence of alcohol or illicit drugs shall be allowed to remain on the premises. The licensee shall clearly and reasonably post, in writing, both outside and inside the public dancehall, information notifying patrons or other such persons that the specific conditions stated in this section, and any additional conditions, will be applied and enforced.~~

Section 32. That section 5.65.060, Posting of premises where cereal malt beverages are served, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Posting of premises where cereal malt beverages are served.~~

~~Any public dancehall licensed to sell cereal malt beverages shall cause a sign to be displayed at all times in a prominent place in the dancehall stating that no person under the legal age for consumption of cereal malt beverage shall be permitted on the premises.~~

Section 33. That section 5.65.070, Responsibility for disorderly conduct, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Responsibility for disorderly conduct.~~

~~It shall be unlawful for any person to whom a public dancehall license is issued, or for any person conducting a public dancehall or dancing class under license from the City, to allow or permit in any public dancehall any indecent act to be committed or any disorder or conduct of gross, violent or vulgar character.~~

Section 34. That section 5.65.080, Required, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Required.~~

~~It shall be unlawful for any person, either as principal, agent or employee, to~~

~~conduct, pursue, carry on or operate any public dance in any hall or public place or to permit dancing in such place within the limits of the City without first obtaining a license as provided in this article.~~

Section 35. That section 5.65.090, Application, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Application.~~

~~The application for a license under this article shall state the location at which the proposed dances are to be held, the type of building in which such dancehall is to be operated, and that such building has been approved in writing by the Chief of the Fire Department as being safe insofar as fire hazards are concerned.~~

Section 36. That section 5.65.100, Approval, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Approval.~~

~~The City Clerk shall not issue a license under this article until the application for the license has been approved by a majority of the City Council; provided, that the Council shall not approve any such application until such application has been approved by the Chief of Police, and then such approval shall only be made after due consideration has been given such application by the Council and a finding made that the granting of such license will not be detrimental to the community in which it is proposed to be located.~~

Section 37. That section 5.65.110, Conditions for issuance, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Conditions for issuance.~~

~~No license for a public dancehall shall be issued to any person until it shall be~~

~~found that the place for which it is issued complies with and conforms to all laws, ordinances, plumbing and sanitation regulations and fire regulations applicable thereto and is properly ventilated and supplied with separate and sufficient toilet conveniences for each sex, and is a safe and proper place for the purpose for which it shall be used.~~

Section 38. That section 5.65.120, Fees, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Fees.~~

~~License fees under this article are prescribed in TMC 5.10.210.~~

Section 39. That section 5.65.130, Revocation, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Revocation.~~

~~The City Council may revoke any license under this article for the violation of any of the provisions of this chapter or any other ordinance or law relating to such places, or rules or regulations promulgated under this chapter, or if any licensee permits any person under the legal age for consumption of cereal malt beverages to enter any public dancehall licensed under this article which is licensed to sell cereal malt beverages, or if in the judgment of the City Council the revocation is for the best interest of the City and its inhabitants.~~

Section 40. That section 5.70.010, Required, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Required.~~

~~No person shall engage in the operation of a funeral escort service within the corporate limits of the City without first obtaining a license for such service as provided in this chapter. "Funeral escort service" is defined to mean and include any person hired~~

to direct or control traffic for a funeral procession while escorting the procession through the streets and highways of the City.

Section 41. That section 5.70.020, Application, of The Code of the City of Topeka, Kansas, is hereby repealed.

Application.

~~A person desiring to operate a funeral escort service shall make application for a license with the City Clerk. The application shall be on such form and contain such information as the City Clerk shall require including, but without limitation, the following:~~

~~(a) The name and address of the applicant, or, if a firm or corporation, the names and addresses of persons owning a financial interest therein;~~

~~(b) The number and type of funeral escort vehicles proposed to be operated by the applicant;~~

~~(c) A copy of the applicant's liability and workers compensation insurance policy as specified in TMC 5.70.040 and approved as to form by the City Attorney; and~~

~~(d) A copy of the permit issued to the applicant by the State Department of Transportation to operate authorized emergency vehicles pursuant to K.S.A. 8-2010.~~

Section 42. That section 5.70.030, License fee - Term, of The Code of the City of Topeka, Kansas, is hereby repealed.

License fee — Term.

~~An application for a funeral escort service license shall be accompanied by a license fee as specified in TMC 5.10.130. Such license shall expire on December 31st of each year and thereafter an annual renewal license fee, as specified in TMC 5.10.130, shall be required.~~

Section 43. That section 5.70.040, Insurance, of The Code of the City of

Topeka, Kansas, is hereby repealed.

~~Insurance.~~

~~(a) Before a license to operate a funeral escort service shall be issued, the applicant shall file with the City Clerk an insurance policy or policies to be approved as to form by the City Attorney naming the City as a coinsured and providing liability and workers compensation coverage of no less than the amounts specified as follows:~~

~~(1) Liability Insurance. Minimum coverage shall be in the amounts of \$1,000,000 for any person killed or injured in any one accident or occurrence and \$1,000,000 for more than one person injured or killed in any one accident or occurrence. Such policies shall also provide \$500,000 minimum coverage for all damage arising out of injury to or destruction of property.~~

~~(2) Workers Compensation. Workers compensation shall be supplied at the State statutory amounts.~~

~~(b) Every insurance policy shall extend for the period covered by the license to operate a funeral escort service and the insurer shall be obligated to give not less than 30 days' notice to the City Clerk of the cancellation or termination of such policy or policies. The cancellation or termination of such policy or policies shall automatically revoke and terminate the license to operate a funeral escort service, unless another insurance policy or policies complying with the provisions of this section shall be provided and in effect at the time of such cancellation or termination.~~

Section 44. That section 5.70.050, License – Authority, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Licensee – Authority.~~

~~A funeral escort service licensed as provided in this chapter shall be authorized~~

to escort funeral processions along the streets and through intersections in the City, and while doing so, the driver of the escort vehicle shall be authorized to direct or regulate traffic on the streets and highways of the City.

Section 45. That section 5.70.060, Licensee - Duties, of The Code of the City of Topeka, Kansas, is hereby repealed.

Licensee — Duties.

(a) The driver of the escort vehicle shall at all times be responsible for the orderly movement of the vehicles in the funeral procession.

(b) The driver of the escort vehicle in a funeral procession shall first enter any controlled intersection and direct all other vehicles approaching thereto to stop and yield the right-of-way to all vehicles in the procession before any such vehicle in the procession shall be permitted to enter or proceed through the intersection.

Section 46. That section 5.80.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby repealed.

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Haunted house” means any structure used for the gathering together of persons for such purposes as entertainment, amusement, scaring, or thrilling.

Section 47. That section 5.80.020, Operational requirements, of The Code of the City of Topeka, Kansas, is hereby repealed.

Operational requirements.

Operation of a haunted house shall conform to the following requirements:

~~(a) The proposed structure shall be on property zoned C-4 commercial. Properties located in other zoning categories will require a conditional use permit pursuant to TMC Title 18, Division 4.~~

~~(b) The applicant must comply with minimum City Fire Department and Building Inspection Division safety recommendations.~~

~~(c) The audience of any haunted house must be orderly at all times, and it shall be unlawful for any person attending such haunted house to create a disturbance in the audience.~~

~~(d) Amplified sound equipment shall not be permitted outside of the structure used as a haunted house.~~

Section 48. That section 5.80.030, Required, of The Code of the City of Topeka, Kansas, is hereby repealed.

Required.

~~It shall be unlawful to conduct or operate any haunted house which is open to the public, whether or not an admittance fee is charged, without having first secured a permit therefor. Failure to obtain a permit and continued operation of a haunted house after notification from the Fire Department shall result in the Fire Department ordering such establishment's doors locked 24 hours after notification.~~

Section 49. That section 5.80.040, Application, of The Code of the City of Topeka, Kansas, is hereby repealed.

Application.

~~Application for a haunted house permit shall be made to the office of the City Clerk. The application shall contain the following:~~

~~(a) Applicant's name, address and phone number.~~

- ~~(b) Building owner's name, address and phone number.~~
- ~~(c) Proposed location of the haunted house.~~
- ~~(d) Written consent of the building owner.~~
- ~~(e) Dates and hours of operation.~~
- ~~(f) A hold-harmless agreement executed between the City, applicant and owner.~~
- ~~(g) Verification of public liability insurance with a minimum single occurrence coverage of \$300,000.~~
- ~~(h) Floor plan of the proposed use of the structure.~~
- ~~(i) Sketch of the property.~~
- ~~(j) Payment of a permit fee of \$105.00.~~

Section 50. That section 5.80.050, Issuance, of The Code of the City of Topeka, Kansas, is hereby repealed.

Issuance.

~~Upon receipt of the application for a haunted house permit, the City Clerk shall forward the application to the Division of Building Inspection, Public Works Department, for review. The Division of Building Inspection shall forward the application to other appropriate City departments for review if necessary. If the building inspector or his designee finds from the information submitted that the applicant meets the necessary requirements, he shall so indicate and the City Clerk shall issue the permit to the applicant.~~

Section 51. That section 5.80.060, Revocation, of The Code of the City of Topeka, Kansas, is hereby repealed.

Revocation.

~~The City specifically retains the right to revoke a haunted house permit any time~~

~~it deems such revocation to be in the best interest of the public safety or where the permittee has failed to comply with applicable City requirements.~~

Section 52. That section 5.105.010, Required, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Required.~~

~~It shall be unlawful for any person to engage in or conduct a paintball business in the City limits of Topeka without obtaining a license as provided in this chapter.~~

Section 53. That section 5.105.020, Application, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Application.~~

~~Applicants for a license for a paintball business shall file an application with the City Clerk on forms to be prepared by and supplied by the City for that purpose. The application form shall ask, but not be limited to, the following:~~

~~(a) 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.~~

~~(b) The applicant shall provide written proof that the location of the proposed paintball business is zoned appropriately and that the activity is permitted by the owner of the property.~~

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

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

~~(e) The applicant shall provide copies of all rules and regulations of the proposed paintball business which are intended to provide safety to the customers, spectators, and employees. The safety rules, regulations and safeguards shall comply with all administrative rules established by the Chief of Police regulating the discharge of paintball guns.~~

Section 54. That section 5.105.030, Insurance prerequisite to issuance, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Insurance prerequisite to issuance.~~

~~Before any license is issued under this chapter, the applicant or licensee shall present to the City Clerk evidence of a satisfactory public liability insurance policy covering all operations of \$500,000 combined single limit for liability and property damage. Should any policy be cancelled, the City shall be notified of such cancellation within 10 days after such cancellation is effective, and provisions to that effect placing upon the company writing such policy the duty to give such notice shall be incorporated in such policy. If any such insurance policy at any time fails, in the opinion of the Chief of Police, to comply with the provisions of this section or to afford reasonably satisfactory protection to the persons intended to be protected thereby, he/she shall in writing so notify the licensee and the City Clerk, and failure to maintain the insurance required by this section shall be grounds for revocation of any such license or, in the discretion of the Chief of Police, for the suspension thereof until the insurance required by this section is so furnished, and it shall be unlawful for any person to engage in business while the license to do so is for any reason suspended or after such license is for any reason revoked.~~

Section 55. That section 5.105.040, Fees for license, of The Code of the City of

Topeka, Kansas, is hereby repealed.

~~Fees for license.~~

~~(a) Fee. The application fee for each such license shall be \$100.00. This fee shall be paid at the time the application is filed.~~

~~(b) Expiration. Each license shall be for a term of one year from the date of issuance.~~

Section 56. That section 5.105.050, Issuance of license, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Issuance of license.~~

~~Upon receipt of an application for certificate of registration and license, the City Clerk shall forthwith forward the application to the Planning Agency and Police Department. Within 10 days of the application date the Planning Agency and Police Department shall review the application for compliance with appropriate zoning requirements (planning) and confirmation of the applicant's (police) qualifications. The City Clerk shall issue a license after receipt of approval from the Planning Agency and Police Department.~~

Section 57. That section 5.105.060, Penalties, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Penalties.~~

~~Any person found in violation of the provisions of this chapter shall be fined not less than \$100.00, nor more than \$499.00, and/or shall serve in jail not more than 179 days.~~

Section 58. That section 5.120.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~“Business of photography” means the person maintaining or operating a photographic studio, performing photo finishing, taking orders for photographic services, or employing a photographer or photographers.~~

~~“Photographer” means the person performing photographic services for hire.~~

Section 59. That section 5.120.020, Penalty for violation of chapter, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Penalty for violation of chapter.~~

~~Any person violating any provision of this chapter shall, upon conviction in Municipal Court, be deemed guilty of a misdemeanor.~~

Section 60. That section 5.120.030, Manner of taking orders, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Manner of taking orders.~~

~~All orders taken by any person holding a license under this chapter, or by an employee or agent of such licensee, shall be in writing, in duplicate, stating fully the terms thereof, together with the amount paid in advance, the balance remaining due on the order, and the expected date of delivery of the order. One copy of the order shall be given to the purchaser at the time the order is taken.~~

Section 61. That section 5.130.010, Standards adopted, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Standards adopted.~~

~~The City hereby adopts the standards for regulation of professional boxing and wrestling matches established in K.S.A. Chapter 12, Article 51, and any amendments thereto, in their entirety. Specific regulations and standards in addition to those in State laws are also adopted in this chapter.~~

Section 62. That section 5.130.020, Fire Department to enforce, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Fire Department to enforce.~~

~~The Fire Department shall enforce the licensing and regulatory provisions of this chapter. All expenses incurred in the enforcement and administration of this chapter shall be reimbursed to the City by the promoters of the event, from the boxing match or wrestling match gross proceeds, as provided by law. These expenses shall constitute a lien on all such gross proceeds until the City has been reimbursed.~~

Section 63. That section 5.130.030, State standards adopted – Compliance required, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~State standards adopted – Compliance required.~~

~~All professional boxing or wrestling matches shall conform to and comply with the standards relating to the conduct of professional boxing or wrestling matches established in K.S.A. 74-50,181 et seq., inclusive. The City hereby adopts, and shall enforce, these State standards and any amendments thereto as the applicable standards for the conduct of all professional boxing or wrestling matches to be held in the City.~~

Section 64. That section 5.130.040, License required, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~License required.~~

~~(a) Any person or organization wishing to conduct a professional boxing or wrestling match in the City shall first be licensed by the City to conduct such matches. Licenses shall be obtained from the City Clerk's office.~~

~~(b) The City Clerk may issue a license to hold a professional boxing match or professional wrestling match within the boundaries of the City only to a bona fide patriotic, benevolent, fraternal, or religious organization or local unit thereof, which organization has been in existence and has held meetings at regular intervals during the entire year immediately preceding the application for the license.~~

~~(c) It shall be unlawful for any person, firm or organization to advertise in any manner, or hold or conduct, any professional boxing match or professional wrestling match prior to the approval and licensing of the proposed match.~~

Section 65. That section 5.130.050, Violation – Hearing – Ruling, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Violation – Hearing – Ruling.~~

~~(a) Violation of any of the terms or conditions of this chapter shall be grounds for immediate suspension of such license by any law enforcement officer, and any boxing or wrestling match then in progress shall immediately be terminated.~~

~~(b) A hearing shall be scheduled by the Fire Chief on the first possible date to hear testimony concerning such alleged violation, and upon a finding that the terms and conditions of the license or of this chapter have been violated, any license issued to the promoter or persons conducting a professional boxing or wrestling match shall be suspended for a term of days, or may be revoked, based on a due process hearing by the Fire Chief, to determine the nature, extent and seriousness of the violations.~~

~~(c) The Fire Chief shall make findings detailing such violations, and issue a~~

~~ruling based on the possibility of harm to spectators, participants, officials, support personnel, or the maintenance of good order as required by law.~~

Section 66. That section 5.130.060, Penalty, of The Code of the City of Topeka, Kansas, is hereby repealed.

Penalty.

~~Upon conviction for violation of any of the provisions of this chapter, the violator shall be punished by a fine of not less than \$200.00 nor more than \$500.00, or a jail term of not to exceed 180 days, or by both such fine and imprisonment.~~

Section 67. That section 5.140.050, Required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Required.

Secondhand dealers and auctioneers shall obtain a license from the City.

Section 68. That section 5.140.060, Fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fee.

The license fee in this ~~article~~ chapter is prescribed in TMC 5.10.060 and 5.10.230.

Section 69. That section 5.145.010, License required - Fee, of The Code of the City of Topeka, Kansas, is hereby repealed.

License required — Fee.

~~(a) It shall be unlawful for any person to engage in the business of cleaning septic tanks, outside closet vaults or removing night soil without first having obtained from the City Clerk a license therefor.~~

~~(b) The license fee for a license under this chapter is prescribed in TMC 5.10.240.~~

702 Section 70. That section 5.145.020, Sanitary apparatus – Inspection, of The
703 Code of the City of Topeka, Kansas, is hereby repealed.

704 **Sanitary apparatus – Inspection.**

705 ~~(a) It shall be unlawful for any person to engage in the business of cleaning~~
706 ~~septic tanks or outside closet vaults or removing night soil, except with odorless and~~
707 ~~sanitary apparatus and appliances which shall be inspected by, and meet the approval~~
708 ~~of, the Sanitary Engineer of the City-County Health Department prior to the issuance of~~
709 ~~the license by the City Clerk. Such person shall at all times maintain the apparatus in a~~
710 ~~sanitary condition, and in case of failure so to do, the Sanitary Engineer may at any time~~
711 ~~condemn such apparatus, and, with the consent of the City Council, may also cancel~~
712 ~~the license.~~

713 ~~(b) The Sanitary Engineer shall inspect the sanitary apparatus of each licensee~~
714 ~~under this chapter at least every six months. Such inspection shall be at a site at which~~
715 ~~the licensee is performing his duty. No person shall remove the contents of any septic~~
716 ~~tank or closet vault in an unclean or offensive manner.~~

717 Section 71. That section 9.10.010, Posting on public property, of The Code of
718 the City of Topeka, Kansas, is hereby renumbered as 9.30.020.

719 **Posting on public property.**

720 No person shall post or affix any notice, poster or other paper or device
721 calculated to attract the attention of the public upon any lamppost, public utility pole,
722 shade tree, traffic control device, or upon any public structure or building, except as may
723 be authorized or required by law; provided, that nothing in this section shall prohibit the
724 City Council from designating suitable public structures or buildings upon which
725 advertising may be posted by contract with the City.

Section 72. That section 9.10.020, Posting on private property, of The Code of the City of Topeka, Kansas, is hereby renumbered as 9.30.030.

Posting on private property.

It shall be unlawful for any person to post, paste, paint, brand or stamp any printed, written, painted or other advertisement, bill, poster, dodger, bulletin or sign or notice of any kind or character upon any private fence, house or other building, or upon any other private property in the corporate limits without consent of the owner thereof.

Section 73. That section 9.10.030, Tearing or defacing posted advertising, of The Code of the City of Topeka, Kansas, is hereby renumbered as 9.30.040 and amended as follows:

Tearing~~Removing~~ or defacing posted ~~advertising~~ posters.

It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any poster, advertisement or bill, the same being the property of any other person, when such poster, advertisement or bill is rightfully or lawfully posted or put up in any place in the City.

Section 74. That section 9.10.040, Defined, of The Code of the City of Topeka, Kansas, is hereby repealed.

Defined.

~~Any person who shall post any bill or picture, or shall distribute, post, paint or tack any bill, card, sign, circular, pamphlet or other advertising matter, for the purpose of advertising the place of entertainment, meeting or other exhibition to which an admission charge is to be paid, or of advertising any goods, wares or merchandise, except as provided in this article, shall be a "bill poster" within the meaning of this article and liable to the provisions of this article, unless such person shall be in the employ of a~~

bill poster regularly licensed by the City.

Section 75. That section 9.10.050, Exempted advertising, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Exempted advertising.~~

~~Nothing in this article shall be construed as to prevent any person residing and doing business in the City from distributing circulars or handbills advertising any article or compound which has been manufactured or compounded within the corporate limits, or to prevent merchants from advertising their own business. Nothing in this article applies to interstate commerce.~~

Section 76. That section 9.10.060, Licensing - Exemptions, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Licensing — Exemptions.~~

~~(a) It shall be unlawful for any person to engage in the business of bill posting in the City, or to distribute, post, paint or tack in the streets, avenues, alleys or public ways in the City any bill, picture or advertisement announcing the business or place of meeting of any skating rink, dancehall, opera, theater, park, menagerie or other exhibition to which an admission charge is required, unless for a charitable or religious purpose or for the entertainment of educational or fraternal organizations, or any other advertising matter or samples concerning goods, wares or merchandise in any manner unless such person shall have first been duly licensed by the City.~~

Section 77. That section 9.10.070, Definitions, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the~~

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~“Commercial handbill” means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature which is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.~~

~~“Noncommercial handbill” means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill or newspaper, which is distributed for nonprofit purposes.~~

Section 78. That section 9.10.080, Exception to article provisions, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Exception to article provisions.~~

~~The provisions of this article shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.~~

Section 79. That section 9.10.090, In public places, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~In public places.~~

~~No person shall throw or deposit any commercial or noncommercial handbill in or~~

~~upon any sidewalk, street or other public place within the City. No person shall hand out or distribute or sell any commercial handbill in any public street or place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.~~

Section 80. That section 9.10.100, Placing on vehicles, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Placing on vehicles.~~

~~No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle willing to accept it; provided further, that it shall not be unlawful for duly authorized officials or employees of the City to place upon vehicles handbills or other material containing information pertaining to the regulations and control of traffic and parking within the City.~~

Section 81. That section 9.10.110, On vacant property, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~On vacant property.~~

~~No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.~~

Section 82. That section 9.10.120, On private property, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~On private property.~~

~~No person shall throw, deposit or distribute any commercial or noncommercial~~

822 ~~handbill upon any private premises, if requested by anyone thereon not to do so, or if~~
823 ~~there is placed on the premises in a conspicuous position near the entrance thereof a~~
824 ~~sign bearing the words: "no trespassing," "no peddlers or agents," "no advertisement,"~~
825 ~~or any similar notice, indicating in any manner that the occupants of the premises do not~~
826 ~~desire to be molested or have their right of privacy disturbed, or to have any handbills~~
827 ~~left upon the premises.~~

828 Section 83. That section 9.10.130, Inhabited private premises, of The Code of
829 the City of Topeka, Kansas, is hereby repealed.

830 **~~Inhabited private premises.~~**

831 ~~No person shall throw, deposit or distribute any commercial or noncommercial~~
832 ~~handbill in or upon private premises which are inhabited, except by handing or~~
833 ~~transmitting any such handbill directly to the owner, occupant or other person then~~
834 ~~present in or upon such private premises. In the case of inhabited private premises~~
835 ~~which are not posted as provided in TMC 9.10.120, such person, unless requested by~~
836 ~~anyone upon the premises not to do so, may place or deposit the handbill in or upon the~~
837 ~~inhabited private premises if the handbill is so placed or deposited as to secure or~~
838 ~~prevent the handbill from being blown or drifted about the premises or sidewalks, streets~~
839 ~~or other public places; and provided, that mailboxes may not be used when so~~
840 ~~prohibited by Federal postal law or regulation.~~

841 Section 84. That section 9.10.140, Protection of lawns, yards, of The Code of
842 the City of Topeka, Kansas, is hereby repealed.

843 **~~Protection of lawns, yards.~~**

844 ~~It shall be unlawful for any person engaging in the distribution of handbills to cut~~
845 ~~across or walk upon any lawn, front yard or courtyard except upon sidewalks or~~

walkways if the same are provided or upon a regularly established path where no sidewalk or walkway has been provided to the house or other building.

Section 85. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.15.285, which said section reads as follows:

Responsibility for unlawful conduct; safety.

(a) Unlawful conduct. It shall be unlawful for the holder of a drinking establishment or club license issued pursuant to K.S.A. 41-2601 et seq. and amendments thereto allow or permit any acts of disorderly conduct, as defined in the Uniform Public Offense Code adopted in TMC 9.05.080 ("UPOC").

(b) Vacation of Premises. Upon a determination that acts of disorderly conduct are occurring on the premises of a drinking establishment or club or any other violations of UPOC, a law enforcement officer shall have the power to require patrons to immediately vacate the premises.

Section 86. That section 10.20.080, Funeral processions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Funeral processions.

(a) Duties of Drivers in a Funeral Procession.

(1) Every driver in a funeral procession shall be able to produce, upon request, the permit issued by Shawnee County to operate authorized emergency vehicles pursuant to K.S.A. 8-2010.

(~~4~~2) Every driver in a funeral procession shall drive as near to the right edge of the roadway as practicable and shall follow the vehicles ahead as close as is practicable and safe.

(~~2~~3) The driver of every vehicle in a funeral procession shall illuminate the

headlights of such vehicle to identify it as part of the procession.

(34) The driver of every vehicle in a funeral procession shall yield the right-of-way to an approaching emergency vehicle emitting an audible siren and/or flashing lights and shall yield the right-of-way when directed to do so by law enforcement personnel.

(b) Duties of Drivers of Other Vehicles.

(1) On the immediate approach of a funeral procession or a properly lighted escort vehicle in a funeral procession, the driver of every other vehicle except for emergency vehicles emitting an audible siren and/or flashing emergency lights proceeding in the same direction as the procession shall immediately drive to a position parallel to and as close as possible to the righthand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the procession and the escort vehicle has passed.

(2) Except for emergency vehicles emitting an audible siren and/or flashing emergency lights, no driver of any vehicle shall drive between the vehicles comprising a funeral procession while they are in motion and when such vehicles in the procession are identified with illuminated headlights.

(c) Yield Right-of-Way to Funeral Procession. When following a properly lighted escort vehicle in a funeral procession, vehicles with illuminated headlights shall have the right-of-way at any intersection but shall yield the right-of-way to emergency vehicles emitting an audible siren and/or flashing emergency lights. No driver in a funeral procession shall enter a controlled intersection until directed to do so by the driver of the escort vehicle in the procession. The drivers of vehicles in the funeral procession may proceed into or through any uncontrolled intersection after exercising

894 due care and caution as may be necessary for the safe operation of their vehicles.

895 (d) Speed Limit.

896 (1) A driver of a properly licensed and equipped escort vehicle in a funeral
897 procession may exceed the speed limits of the City so long as he does not
898 endanger life or property.

899 (2) No driver of any vehicle in a funeral procession other than an escort
900 vehicle as described in subsection (d)(1) of this section shall exceed the posted
901 speed limits of the City at any time.

902 (e) Unescorted Processions. A driver of a vehicle in a funeral procession
903 unescorted by a funeral escort properly licensed under this code shall observe all traffic
904 laws and regulations of the City at all times, including stopping at a red or stop signal or
905 stop sign.

906 Section 87. That original § 5.140.050, § 5.140.060, § 9.10.030 and § 10.20.080
907 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

908 Section 88. This ordinance shall take effect and be in force from and after its
909 passage, approval and publication in the official City newspaper.

910 Section 89. This ordinance shall supersede all ordinances, resolutions or rules,
911 or portions thereof, which are in conflict with the provisions of this ordinance.

912 Section 90. Should any section, clause or phrase of this ordinance be declared
913 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
914 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 June 1, 2021.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk