

ORDINANCE NO. 20391

AN ORDINANCE introduced by City Manager Stephen Wade, concerning downtown parking rates for meters, garages and lots, amending § 10.05.010, § 10.60.010, § 10.60.200, § 10.60.220, § 10.60.250, § 10.60.260 and § 10.60.390 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 10.05.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

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

“Angle or diagonal parking” means the standing or parking of a motor vehicle on a public street with the long axis of the vehicle extending away from the street curb or roadway edge, and with the front of the vehicle away from the center of the street or roadway.

“Central business district” means that area bounded by Tyler Street, Madison Street, Second Street, and Huntoon Street.

“College Hill TIF development district” means the area bounded by SW 13th Street, SW Lane Street, SW Washburn Avenue and SW 17th Street, including the parking lot at 1325 SW 16th Street, the cutback parking on SW 16th Street west of Washburn Avenue, and the development of the northwest corner of SW 17th Street and SW Washburn Avenue.

“Parallel parking” means:

(1) On streets with curbs, the standing or parking of the vehicle with the righthand wheels thereof parallel and within 12 inches of the righthand curb or roadway edge, subject to the exceptions permitting left side parallel parking as provided in this title.

(2) On streets without curbs, the standing or parking of a motor vehicle with the righthand wheels thereof parallel with the right edge of the roadway so that at least 20 feet of the width of the roadway remains for the free movement of vehicular traffic.

“Street parking” means that portion of a street between the curb or lateral lines of a roadway and the adjacent lot lines not occupied by a sidewalk.

“Traffic Division” means the Traffic Division of the City Police Department created by ordinance or such other unit of the Police Department as is designated functions under this title.

“Traffic Engineer” means the Traffic Engineer of the City or any person designated by the Public Works Director or designee for the purpose of implementing and enforcing ordinances of the City relating to traffic.

“Transportation Operations Division” means that division within the Public Works Department which has responsibility for street maintenance, traffic operations and on-street and off-street parking.

“Transportation Operations Superintendent” means the ~~supervisor of the Transportation Operations Division within the Public Works Department~~Director or designee.

“Vehicle” as used in TMC 10.25.010(b) means any vehicle belonging to a person other than the person who owns or is entitled to possession of the private property on

which abandonment occurs, propelled by power other than human power, designed to travel along the ground by use of wheels, tread, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

Zones.

(1) "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(2) "No parking zones" means portions of streets ~~described,~~ designated and established by the ~~City Council~~ Transportation Operations Superintendent as zones within which parking is prohibited at all times or at stated times when signposted.

(3) "No standing zones" means portions of streets ~~described,~~ designated and established by the ~~City Council~~ Transportation Operations Superintendent as zones within which standing or stopping is prohibited at all times or at stated times when signposted.

(4) "Parking meter zones" means portions of streets ~~described,~~ designated or established by the ~~City Council~~ Transportation Operations Superintendent as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, referred to in this title as parking meters.

(5) "Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(6) "Safety zone" means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(7) "Time-restricted parking zones" means portions of streets designated by the Transportation Operations Superintendent as zones within which the parking of vehicles are controlled and regulated by parking meters, pay stations or other methods.

Words and phrases not defined in this section shall have the meaning ascribed to them by the laws of the State relating to motor vehicles.

Section 2. That section 10.60.010, Fine schedule, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fine schedule.

(a) ~~The following fine schedule is hereby adopted~~ Transportation Operations Superintendent may establish a fine schedule for parking meter, time-restricted parking, overtime parking and block parking zone violations within the following minimum and maximum ranges:

(1) \$8.00 and \$20.00 for a first violation; and

(2) \$15.00 and \$40.00 for a second violation and all successive violations at the same parking meter, time-restricted parking or block parking zone on the same date.

(b) In determining the fine schedule, the Transportation Operations Superintendent will consider the availability of on-street parking, garage and lot parking, parking congestion and any other factors relative to parking operations in the central business district.

(c) Fines shall be paid as follows:

(1) ~~First violation:~~

(i) ~~Eight dollars per violation~~ The amount of the fine, if paid within

14 calendar days.

~~(ii) Fifteen dollars~~Double the fine for the same violation after 14 calendar days have elapsed.

~~(iii) Thirty dollars~~Triple the fine for the same violation after 30 calendar days have elapsed.

~~(iv) Sixty dollars~~Four times the fine for the same violation after 60 calendar days have elapsed.

~~(v) Unpaid fines for parking violations which have been subject to a final determination will be collected, utilizing civil collection process after 75 calendar days have elapsed.~~

~~(2) — Second and all successive violations at the same parking meter or block parking zone on the same date:~~

~~(i) Fifteen dollars per violation, if paid within 14 calendar days.~~

~~(ii) Twenty dollars for the same violation after 14 calendar days have elapsed.~~

~~(iii) Thirty dollars for the same violation after 30 calendar days have elapsed.~~

~~(iv) Sixty dollars for the same violation after 60 calendar days have elapsed.~~

~~(v) Unpaid fines for parking violations which have been subject to a final determination will be collected, utilizing civil collection process after 75 calendar days have elapsed.~~

~~(3d) All of the moneys collected for overtime parking and block meter~~

zone violations shall be distributed to the parking fund.

(be) Notwithstanding the fine schedule set forth in subsection (a) of this section or any other conflicting section contained in this title, the City Manager shall have the authority to waive the enforcement and collection of parking meter, time-restricted parking, overtime parking, and block parking zone violations on such dates and times and at the specific locations that the City Manager shall designate in writing to the Transportation Operations Superintendent.

Section 3. That section 10.60.200, Parking meter rates, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Parking meter rates Time-restricted parking rates; parking meters.

~~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:~~

Parking Meters	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
Hourly Rate	\$0.80	\$0.90	\$1.00
10-Hour Meters	\$0.50	\$0.50	\$0.50
10-Hour Meter Hang Tags/ Monthly	\$44.00	\$44.00	\$44.00
Value Pass Cards	\$35.00	\$35.00	\$35.00

(a) The Transportation Operations Superintendent may establish parking rates in parking meter and time-restricted parking zones within the following minimum and maximum ranges:

(1) On street: \$.50 and \$3.00 per hour

(2) 10 hour permits: \$44.00 and \$65.00 per month

(b) In determining the parking rates, the Transportation Operations Superintendent will consider the availability of on-street parking, garage and lot parking, parking congestion and any other factors relative to parking operations in the central business district.

Section 4. That section 10.60.220, Permit for hood or cover, of The Code of the City of Topeka, Kansas, 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 hooding of such meter.

(b) Eligible Applicants. Criteria for issuing a permit for the hooding, 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.

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

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

164 (6) Persons licensed as funeral directors and holding services in any
165 funeral home or church.

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

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

171 (9) Persons acting under the authority or requirements of the Police and
172 Fire Departments to provide temporary special use parking zones.

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

176 (11) Persons with a severe mobility impairment which necessitates the
177 continued use of a wheelchair or canes and where the hooded parking stall is in
178 close proximity to the person's place of employment. Provided, the fee for such a
179 hooded parking meter shall be at the market rate for garage parking.

180 (c) Approval of Application. The Transportation Operations Superintendent shall
181 determine compliance with the above criteria for the hooding, covering or removal of
182 any parking meter, and upon approval of the application therefor and payment of the

appropriate fee, shall authorize the required parking meter to be 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 article.

(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 hooding 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 hooding 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.~~ The Transportation Operations Superintendent may establish daily meter hood permit rates within the minimum and maximum ranges of \$6.00 and \$30.00. ~~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~~ There shall be no permit fee imposed for 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 5. That section 10.60.250, Overtime parking, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Overtime parking.

It shall be unlawful for any person or driver to cause, allow or permit any motor

vehicle registered in ~~his~~the person's name, or operated or controlled by ~~him~~the person,
to stand or be parked in any ~~parking meter space during the restricted and regulated~~
~~time applicable to the parking meter zone in which the meter is located, while the~~
~~parking meter for such space indicates by signal that the lawful parking time for~~
~~such~~time-restricted parking zone when the time for utilizing the space has expired.

Section 6. That section 10.60.260, Multiple violations, of The Code of the City
of Topeka, Kansas, is hereby amended to read as follows:

Multiple violations.

Each and every hour during which a motor vehicle shall remain unlawfully parked
in any ~~parking meter space during the restricted and regulated time applicable to the~~
~~parking meter zone in which the meter is located~~time-restricted parking zone after the
time for utilizing the space has expired shall constitute a separate and distinct violation,
subject to penalty. Any person who shall aid, abet, or assist in the violation of any of the
provisions of this article shall be guilty of an offense.

Section 7. That section 10.60.390, Rates of operation generally, of The Code
of the City of Topeka, Kansas, is hereby amended to read as follows:

Rates of operation generally for parking garages and lots; special events.

~~The following rates are hereby established and fixed for the use of the City's off-~~
~~street parking garages, parking lots, and such others as might be added in the future:~~

(a) The Transportation Operations Superintendent may establish rates for the
use of the City's off-street parking garages and parking lots within the following
minimum and maximum ranges:

~~(1) Garage fees shall be:~~

Garage Rates	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
Hourly Rate	\$0.80	\$0.90	\$1.00
Monthly Rate at All City-Owned Garages	\$64.50	\$66.00	\$67.75
Townsite Night Rate	\$31.00	\$31.75	\$32.50
Coronado Roof Rate	\$35.00	\$35.00	\$35.00
Coronado Vehicle Storage Rate	\$27.50	\$27.50	\$27.50
Ninth Street Contract Rate	\$45.51	\$46.20	\$47.43
Ninth Street Vehicle Storage Rate	\$27.50	\$27.50	\$27.50
Centre City Reserved Rate	\$72.00	\$73.75	\$75.50
Centre City Alley Rate	\$72.00	\$73.75	\$75.50

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~~(2) Parking lot fees shall be:~~

Lot Rates	Effective 1/1/2008	Effective 1/1/2009	Effective 1/1/2010
5th and Jackson Lot	\$45.00	\$45.00	\$45.00
Water Tower Lot	\$18.00	\$18.00	\$18.00
900 Monroe Lot	\$30.00	\$30.00	\$30.00

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(1) Parking garages/monthly: \$40.00 and \$120.00 per month.

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(2) Parking garages/daily: \$.50 and \$3.00 per day.

(3) Parking lots: \$15.00 and \$80.00 per month.

(4) Special events designated by the Transportation Operations Superintendent: Parking garages/Parking lots: \$.50 and \$20 per hour.

(b) In determining the rates, the Transportation Operations Superintendent will consider the availability of on-street parking, garage parking, parking congestion and any other factors relative to parking operations in the central business district.

(bc) *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 underutilized parking facilities. Promotional rates will be applied in accordance with written Public Works Department policy.

(ed) *Premium Rates.* The Transportation Operations Superintendent shall have the authority to apply premium rates to certain off-street 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 8. That original § 10.05.010, § 10.60.010, § 10.60.200, § 10.60.220, § 10.60.250, § 10.60.260 and § 10.60.390 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 9. This ordinance shall take effect and be in force on January 1, 2023, and after its passage, approval and publication in the official City newspaper.

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

Section 11. 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 November 15, 2022.

CITY OF TOPEKA, KANSAS

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk