

(Published in the Topeka Metro News September 18, 2023)

ORDINANCE NO. 20453

AN ORDINANCE introduced by Deputy Mayor Dobler and Councilmembers Duncan and Valdivia-Alcala concerning unlawful camping, amending § 9.45.350 and § 9.45.360 of the Topeka Municipal Code.

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

Section 1. That section 9.45.350, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

“Camp” means to use property for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping); or storing personal property (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material); or making any fire, regularly cooking meals, using any tents, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using such property as a living accommodation. Camping does not include camping on a property by the owner of record for a period not to exceed ten (10) days within any six (6) month period.

“Flood control works” means the system comprised of levees, flood walls, relief wells, closure structures, pump stations and ponding areas that serve to protect the City

from flooding.

“Levee” means the Waterworks Levee Unit, the South Topeka Unit, the Auburndale Unit, the Oakland Unit and the North Topeka unit.

“Levee critical zone” means 500 feet from the centerline of the land side of a levee and 300 feet from the centerline of the levee to the water’s edge.

“Personal property” means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, personal items such as luggage, backpacks, clothing, documents and medication, and household items.

“Public infrastructure” means bus shelters, bridges, overpasses and flood control works.

“Store, stored or storing” means to put aside or accumulate for use when needed, to keep for safekeeping, and/or to place or leave in a location.

“Tent” includes any tarp, cover, structure or shelter, made of any material that is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarp, cover, structure or shelter.

“Trail” means the trails conveyed to Shawnee County pursuant to City of Topeka Contract No. 41460 which includes Deer Creek Trail, Soldier Trail, Shunga Trail and Landon Trail.

Section 2. That section 9.45.360, Unlawful camping, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Unlawful camping.

It is unlawful and a public nuisance for any person to camp in the following areas,

51 unless otherwise allowed by the Topeka Municipal Code:

52 (a) Public infrastructure;

53 (b) Within 10 feet of any doorway, loading dock, stairway or fire escape;

54 (c) Within an area bounded by Topeka Boulevard from SW 10th Avenue to
55 NW Crane Street; Madison Street from SE 10th Avenue to NE Crane Street; Crane
56 Street from Topeka Boulevard to NE Madison Street; and 10th Avenue from Topeka
57 Boulevard to SE Madison Street; and

58 (d) Within an area bounded by Topeka Boulevard from NW Curtis Street to
59 ~~NE Quincy~~NW Morse Street; NE Quincy Street from NE Curtis Street to NE Morse
60 Street; ~~NE Morse~~ Street from NE Quincy Street to NW Topeka Boulevard; and Curtis
61 Street from NE Quincy Street to NW Topeka Boulevard; and

62 (e) Within a levee critical zone, within 500 feet of the centerline of any trail, or
63 within 50 feet of the centerline of any sidewalk inside city limits to protect the health,
64 safety and general welfare of the citizens of the City.

65 Section 3. That original § 9.25.350 and § 9.45.360 of The Code of the City of
66 Topeka, Kansas, are hereby specifically repealed.

67 Section 4. This ordinance shall take effect and be in force on November 17,
68 2023, after its passage, approval and publication in the official City newspaper.

69 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,
70 or portions thereof, which are in conflict with the provisions of this ordinance.

71 Section 6. Should any section, clause or phrase of this ordinance be declared
72 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
73 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 September 12, 2023.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk