

(Published in the Topeka Metro News July 23, 2012)

ORDINANCE NO. 19748

AN ORDINANCE introduced by Pamela S. Simecka, Interim City Manager, amending § 9.15.020 and § 11.10.010 of City of Topeka Code and specifically repealing said original section as well as repealing in their entirety § 11.10.020 through § 11.10.210, and Chapters 11.15, 11.20 and 11.30, all concerning parks regulations and other provisions related to the former City Parks and Recreation department.

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

Section 1. That section 9.15.020, Unlawful possession or consumption of alcoholic liquor or cereal malt beverages, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Unlawful possession or consumption of alcoholic liquor or cereal malt beverages.

(a) On Public Roads or Unenclosed Private Property Accessible to Public. No person shall drink, or have in his possession in an open container, any alcoholic liquor or cereal malt beverage on public streets, alleys, roads, highways or unenclosed private property that is accessible to the general public, including but not limited to parking lots, within the city or inside vehicles while on such places within the city.

(b) Private Property – Exceptions. No person shall drink or consume, or have in his possession in an open container, any alcoholic liquor or cereal malt beverage on private property, except:

(1) On premises where the sale of liquor by the individual drink is authorized by the state Club and Drinking Establishment Act by issuance of a license by the state Director of Alcoholic Beverage Control;

30 (2) Upon private property by a person occupying such property as an
31 owner or lessee of an owner and by the guests of such person, if no charge is
32 made for the serving or mixing of any drinks containing alcoholic liquor nor for
33 any substance mixed with any alcoholic liquor, and if no sale of alcoholic liquor
34 takes place in violation of K.S.A. 41-803 and amendments thereto;

35 (3) In a lodging room of any hotel, motel or boardinghouse by the
36 person occupying such room and by the guests of such person, if no charge is
37 made for the serving or mixing of drinks containing alcoholic liquor nor for any
38 substance mixed with any alcoholic liquor, and if no sale of alcoholic liquor takes
39 place in violation of K.S.A. 41-803 and amendments thereto;

40 (4) In a private dining room of a hotel, motel or restaurant if the dining
41 room is rented or made available on a special occasion to an individual or
42 organization for a private party, and if no sale of alcoholic liquor takes place in
43 violation of K.S.A. 41-803 and amendments thereto; or

44 (5) On the premises of a microbrewery or farm winery, if authorized by
45 the Kansas Liquor Control Act (K.S.A. 41-101 et seq.) by issuance of a license by
46 the state Director of Alcoholic Beverage Control.

47 (c) In a Private Room of a Place of Business – Exception. No person shall
48 consume cereal malt beverages in any private room or closed booth in a place of
49 business operating pursuant to K.S.A. Chapter 41, Article 27 (K.S.A. 41-2701 et seq.)
50 unless the licensed premises are also currently licensed as a club pursuant to K.S.A.
51 Chapter 41, Article 26 (K.S.A. 41-2601 et seq.).

52 (d) On Public or Municipal Property – Exceptions. No person shall drink or
53 consume, or have in his possession in an open container, any alcoholic liquor or cereal
54 malt beverage on public or municipal property, except:

55 (1) Those premises owned by the city and under the control of the
56 airport authority which have been properly leased to private persons, and
57 properly licensed under applicable state and local laws for the sale and
58 dispensing of alcoholic liquor and cereal malt beverages;

59 (2) Real property leased by the city to others under the provisions of
60 K.S.A. 12-1740 through 12-1749 inclusive, and amendments thereto, the
61 Industrial Revenue Bond Law, if such property is actually being used for hotel or
62 motel purposes or purposes incidental thereto;

63 (3) Any state-owned or state-operated building or structure and upon
64 the surrounding premises which are furnished to and occupied by any state
65 officer or employee as a residence;

66 (4) Cereal malt beverages or alcoholic liquor at the Performing Arts
67 Center of Topeka, Topeka Zoological Park, Helen Hocker Performing Arts
68 Center, and Heartland Park Topeka;

69 (5) Specified property designated as authorized by K.S.A. 41-719(d)or
70 (e);

71 (6) The National Guard Armory; or

72 (7) Cereal malt beverages served outside of the premises of a retailer
73 provided the retailer has secured both a sidewalk café permit and a sidewalk
74 fence permit pursuant to Article II of Chapter 12.10.

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

77 **Hours.**

78 (a) It shall be unlawful for any person, except a public officer or employee in
79 the discharge of their duties, to visit, loiter about or be found in any public park in the
80 city after the hour of 11:00 p.m. and until ~~sunrise~~6:00 a.m. of the following day unless
81 specifically authorized by the director or designee of the Shawnee County Department
82 of Parks and Recreation. ~~The department of parks and recreation shall have the~~
83 ~~authority to extend the 11:00 p.m. deadline at any time. Any person desiring an~~
84 ~~extension shall submit the request in writing to the mayor at least two weeks prior to the~~
85 ~~date of the event.~~

86 (b) It shall be unlawful for any person, except a public officer or employee in
87 the discharge of duty, to visit, loiter about or be found in the Gage Park Zoo from a time
88 beginning one hour after sunset of each day until sunrise of the following day unless
89 specifically authorized by the City of Topeka Zoological Department director or
90 designee.

91 ~~(c) — It shall be unlawful for any person, except a public officer or employee in~~
92 ~~the performance of duty, to visit, loiter about or be found in the limits of Skyline Park~~
93 ~~during the period of weather or tornado watch or warnings as issued by the United~~
94 ~~States Weather Bureau.~~

95 ~~(d) — The hours of operation enumerated in subsection (a) of this section shall~~
96 ~~not apply to Skyline Park. Skyline Park shall be open to the public from 7:00 a.m. to~~
97 ~~one-half hour after sunset.~~

98 Section 3. That section 11.10.020, Swim-instructors – Qualifications, of The
99 Code of the City of Topeka, Kansas, is hereby repealed.

100 ~~**Swim instructors – Qualifications.**~~

101 ~~All swim instructors employed by the city shall, before being employed, present~~
102 ~~evidence of successful completion of an approved water safety instructor course and~~
103 ~~pass a physical examination and furnish to the director of parks and recreation a~~
104 ~~certificate of good health.~~

105 Section 4. That section 11.10.030, Swimming pool managers, assistant pool
106 managers and lifeguards – Qualifications, of The Code of the City of Topeka, Kansas, is
107 hereby repealed.

108 ~~**Swimming pool managers, assistant pool managers and lifeguards –**~~
109 ~~**Qualifications.**~~

110 ~~All swimming pool managers, assistant pool managers and lifeguards employed~~
111 ~~by the city shall, before being employed, present evidence of successful completion of~~
112 ~~advanced lifesaving and pass a physical examination and furnish to the director of parks~~
113 ~~and recreation a certificate of good health.~~

114 Section 5. That section 11.10.040, Fishing prohibited – Exception, of The
115 Code of the City of Topeka, Kansas, is hereby repealed.

116 ~~**Fishing prohibited – Exception.**~~

117 ~~It shall be unlawful for any person to fish at any pond or lake located within a city~~
118 ~~park, including, but not specifically limited to, West Lake in Gage Park and the pond in~~
119 ~~Central Park, unless such person is a participant in a supervised fishing program~~
120 ~~conducted by a person under authority of the city council.~~

121 Section 6. That section 11.10.050, Public speaking permit, of The Code of the
122 City of Topeka, Kansas, is hereby repealed.

123 ~~**Public speaking permit.**~~

124 ~~Except as otherwise provided, it shall be unlawful for any person to make a~~
125 ~~public address or deliver a sermon or preach, exhort or lecture in or upon any of the~~
126 ~~public grounds or parks of the city without having first obtained a permit from the city~~
127 ~~council so to do.~~

128 Section 7. That section 11.10.060, Shows, events and other entertainment, of
129 The Code of the City of Topeka, Kansas, is hereby repealed.

130 ~~**Shows, events and other entertainment.**~~

131 ~~(a) — It shall be unlawful for any person, or for any agent, servant or employee~~
132 ~~of such person, to operate any show, event, or other entertainment of any kind or~~
133 ~~character in any public park in this city.~~

134 ~~(b) — The provisions of this section shall not apply to the city or any of its~~
135 ~~departments and licensees, or to persons who first obtain the approval of the director of~~
136 ~~the parks and recreation department to operate such show, event, or other~~
137 ~~entertainment.~~

138 Section 8. That section 11.10.070, Concessions, of The Code of the City of
139 Topeka, Kansas, is hereby repealed.

140 ~~**Concessions.**~~

141 ~~(a) — It shall be unlawful for any person to operate any concession or~~
142 ~~commercial enterprise within any city park, or to sell, vend, peddle or offer for sale any~~
143 ~~commodity or article within any city park.~~

~~(b) — The provisions of subsection (a) of this section shall not apply to the city, its employees or agents, or to persons who first obtain the approval of the director of the parks and recreation department to operate such concession or commercial enterprise or to sell, vend, peddle or offer for sale a commodity or article within any city park.~~

Section 9. That section 11.10.080, Swimming pools, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Swimming pools.~~

~~(a) — It shall be unlawful for any person to enter, use or occupy any swimming pool in any public park belonging to the city, except at such times as the pool is open and there is an official city lifeguard on duty at such pool.~~

~~(b) — Fees for admission to and use of municipal swimming pools shall be established by the department of parks and recreation which shall be reviewed and approved as part of the budget process.~~

Section 10. That section 11.10.090, Ball diamonds, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Ball diamonds.~~

~~(a) — Any person desiring to use a ball diamond owned by the division of parks shall first secure a reservation from the director of parks and recreation or a duly acting agent.~~

~~(b) — Any person desiring to use any ball diamond owned by the division of parks for which they will charge an admission shall pay a fee equal to 10 percent of the gross receipts of the admission charge. The city treasurer shall, upon receipt of such fee, credit the same to the revenue account of the park fund of the city.~~

167 Section 11. That section 11.10.100, Waiver of fees, of The Code of the City of
168 Topeka, Kansas, is hereby repealed.

169 **~~Waiver of fees.~~**

170 ~~The director of parks and recreation reserves the right to waive any charge for~~
171 ~~shelter houses and ball diamonds which, in his opinion, will serve the best interests of~~
172 ~~the city.~~

173 Section 12. That section 11.10.110, Tennis courts, of The Code of the City of
174 Topeka, Kansas, is hereby repealed.

175 **~~Tennis courts.~~**

176 ~~(a) Unlawful Acts. It shall be unlawful for any person to use or operate any~~
177 ~~skateboard, roller skate, bicycle, motorized vehicle or other wheeled vehicle on any~~
178 ~~tennis court surfaces. A person convicted of violating this section shall be deemed guilty~~
179 ~~of a misdemeanor and punished in accordance with city ordinances.~~

180 ~~(b) Hours of Operation. Hours of operation of any tennis courts shall be~~
181 ~~established by the department of parks and recreation, and filed with the city council.~~

182 Section 13. That section 11.10.120, Gage Park carousel, of The Code of the
183 City of Topeka, Kansas, is hereby repealed.

184 **~~Gage Park carousel.~~**

185 ~~(a) Fees. Fees for riding the Gage Park carousel shall be established by the~~
186 ~~department of parks and recreation which shall be reviewed and approved as part of the~~
187 ~~budget process.~~

~~(b) Operating Rules, Hours. The director of parks and recreation shall establish the hours of operation for the Gage Park carousel and any other rules necessary for its operation.~~

Section 14. That section 11.10.130, Fees generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Fees generally.~~

~~All users of recreational facilities operated by the department of parks and recreation shall be charged rental fees established by the department of parks and recreation which shall be reviewed and approved as part of the budget process.~~

Section 15. That section 11.10.140, Fees for use of shelter houses, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Fees for use of shelter houses.~~

~~All fees for usage of shelter houses in the city park system shall be established by the department of parks and recreation which shall be reviewed and approved as part of the budget process.~~

Section 16. That section 11.10.150, Admission fee, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Admission fee.~~

~~If facility users under this article require an admission fee or their program is commercial in nature, the rent shall be doubled and approval for such activity shall be obtained by the users from the department of parks and recreation at least two weeks in advance of the activity.~~

210 Section 17. That section 11.10.160, Procedures, of The Code of the City of
211 Topeka, Kansas, is hereby repealed.

212 **Procedures.**

213 ~~The director of each recreational facility shall determine the times that rooms will~~
214 ~~be available for rental at their facility. A maximum of six hours per week of the total~~
215 ~~rental time of a facility will be available to any one specific person or group. Applicants~~
216 ~~desiring to rent a facility shall submit applications to the facility director at least one~~
217 ~~week prior to the first date of intended usage, except as provided in TMC 11.10.150.~~
218 ~~Application for reservations shall not be taken by the director more than six months or~~
219 ~~180 days in advance of the date or time desired. Department of parks and recreation~~
220 ~~programs and other city departments have first priority of facility usage over other~~
221 ~~persons or groups.~~

222 Section 18. That section 11.10.170, Waiting lists, of The Code of the City of
223 Topeka, Kansas, is hereby repealed.

224 **Waiting lists.**

225 ~~The department of parks and recreation shall formulate a waiting list policy for~~
226 ~~the rental of recreational facilities.~~

227 Section 19. That section 11.10.180, Users to indemnify city, of The Code of the
228 City of Topeka, Kansas, is hereby repealed.

229 **Users to indemnify city.**

230 ~~All users under this article shall indemnify and hold the city and the department of~~
231 ~~parks and recreation harmless from any and all liability which might arise as a result of~~
232 ~~the use of a room or facility.~~

233 Section 20. That section 11.10.190, Rental authorization, of The Code of the
234 City of Topeka, Kansas, is hereby repealed.

235 ~~**Rental authorization.**~~

236 ~~The director of parks and recreation shall be responsible for the control and~~
237 ~~management of the portable bandshell and Westlake Amphitheatre, and is hereby~~
238 ~~authorized and empowered to rent or lease the amphitheatre to persons or~~
239 ~~organizations at the rates established which shall be reviewed and approved as part of~~
240 ~~the budget process and subject to the conditions specified in this article.~~

241 Section 21. That section 11.10.200, Bandshell, of The Code of the City of
242 Topeka, Kansas, is hereby repealed.

243 ~~**Bandshell.**~~

244 ~~All persons desiring to rent or lease the portable bandshell shall make application~~
245 ~~with the director of parks and recreation at least 10 days prior to the date of intended~~
246 ~~usage. Fees for the use of the portable bandshell shall be at rates established which~~
247 ~~shall be reviewed and approved as part of the budget process.~~

248 Section 22. That section 11.10.210, Westlake Amphitheatre, of The Code of the
249 City of Topeka, Kansas, is hereby repealed.

250 ~~**Westlake Amphitheatre.**~~

251 ~~All persons or organizations desiring to rent Westlake Amphitheatre shall make~~
252 ~~application with the director of parks and recreation at least 10 days prior to the date of~~
253 ~~intended usage. Fees for the use of Westlake Amphitheatre shall be established by the~~
254 ~~parks and recreation director which shall be reviewed and approved as part of the~~
255 ~~budget process.~~

256 Section 23. That section 11.15.010, Dedication of plot, of The Code of the City
257 of Topeka, Kansas, is hereby repealed.

258 **Dedication of plot.**

259 ~~There is hereby appropriated and perpetually dedicated a municipal rose and~~
260 ~~rose test gardens, to be known as “the E.F.A. Reinisch Rose and Rose Test Gardens,”~~
261 ~~a tract of land in Gage Park as follows:~~

262 ~~All of lot or tract “E” of the west 70 acres of Gage Park, owned by the city, as~~
263 ~~shown by the recorded plat thereof in the office of the county register of deeds; such lot~~
264 ~~or tract “E” containing approximately 5.2 acres, lying west of the peony beds and south~~
265 ~~of the Seery Tract in Gage Park.~~

266 ~~Such lot or tract “E” to be dedicated to rose garden purposes shall be extended~~
267 ~~by the city from time to time if public demand shall require and further land shall be~~
268 ~~available in such park.~~

269 Section 24. That section 11.150.020, Dedication – Conditions, of The Code of
270 the City of Topeka, Kansas, is hereby repealed.

271 **Dedication — Conditions.**

272 ~~Lot or tract “E” as described in TMC 11.15.010 is dedicated and is to be~~
273 ~~extended for rose garden purposes under the limitation aforesaid, upon condition that~~
274 ~~the city horticultural society shall provide sufficient funds to surround with living plants or~~
275 ~~other appropriate enclosure, as the horticultural society and the department of parks~~
276 ~~shall determine to be practical and proper, a portion of such tract not less than 550 feet~~
277 ~~in length by 250 feet in width, as staked out by Mr. E.F.A. Reinisch prior to his death;~~
278 ~~and that the horticultural society shall landscape the grounds into appropriate beds for~~

279 ~~the proper planting of roses in an artistic manner, and shall provide roses for the first~~
280 ~~planting of the tract. The city, through its department of parks, shall plow and grade the~~
281 ~~tract in appropriate manner and form as agreed upon by the representatives of the~~
282 ~~horticultural society and the department of parks. The department of parks shall plant~~
283 ~~therein the roses provided by the horticultural society. Such rose garden once installed~~
284 ~~shall thereafter be maintained and cared for by the city through its department of parks,~~
285 ~~and any extension thereof shall be platted and planted under the same conditions as~~
286 ~~the original tract.~~

287 Section 25. That section 11.15.030, Extending and enlarging tract, of The Code
288 of the City of Topeka, Kansas, is hereby repealed.

289 **~~Extending and enlarging tract.~~**

290 ~~(a) The tract of land perpetually dedicated as the municipal rose and rose test~~
291 ~~gardens by the terms of TMC 11.15.010 is hereby extended and enlarged pursuant to~~
292 ~~the authority therein contained, as follows:~~

293 ~~Beginning at the northeast corner of lot or tract "E" of the west 70 acres of Gage Park,~~
294 ~~owned by the city, perpetually dedicated as a rose garden by the terms of Ordinance~~
295 ~~No. 6000; thence directly east to the west curb or boundary of the road or drive running~~
296 ~~in a northerly and southerly direction through Gage Park, on the west side of the War~~
297 ~~Mother's Memorial Pool; thence along a curved line in a southerly direction, to a point~~
298 ~~on the curb or boundary line of such roadway, coinciding with the south line of said tract~~
299 ~~"E"; thence west to the southeast corner of said tract "E"; thence northerly to the place~~
300 ~~of beginning;~~

301 ~~Also, beginning at the southwest corner of said tract "E," thence westerly in line~~
302 ~~with the southern boundary of said tract "E" to a point 20 feet west of the curved or~~
303 ~~horseshoe drive; thence northerly and easterly around such curve, over the dam~~
304 ~~recently constructed just west of tract "E" to a point which coincides with the northeast~~
305 ~~corner of tract "E"; thence south to the place of beginning.~~

306 ~~(b) The Reinisch rose and rose test gardens extended by this section shall be~~
307 ~~one tract, perpetually dedicated to and known as "the E.F.A. Reinisch Rose and Rose~~
308 ~~Test Gardens," entirely surrounded by an automobile drive, which shall be known as~~
309 ~~"the Rose Drive." Such additional land shall be planted, maintained and cared for in the~~
310 ~~manner provided in TMC 11.15.020.~~

311 Section 26. That section 11.20.010, Statement of purpose, of The Code of the
312 City of Topeka, Kansas, is hereby repealed.

313 **Statement of purpose.**

314 ~~(a) — It is deemed advisable and in the public interest that the so-called Meade~~
315 ~~Park, located in the city, can best be utilized by dedication of such park to the Meade~~
316 ~~Park Garden Center association, a nonprofit organization, and the department of parks~~
317 ~~to be used for the cultivation and planting of trees, shrubs and other flowering plants.~~

318 ~~(b) — It is deemed that the dedication and use of Meade Park will be a~~
319 ~~stimulating factor to a citywide beautification program to encourage the use by citizens~~
320 ~~of this city of new and improved trees, shrubs and plants.~~

321 Section 27. That section 11.20.020, Dedication of Meade Park Garden Center
322 as test and botanical gardens, of The Code of the City of Topeka, Kansas, is hereby
323 repealed.

~~Dedication of Meade Park Garden Center as test and botanical gardens.~~

~~There is hereby appropriated and perpetually dedicated as test gardens and botanical gardens, the following described tract of land:~~

~~A tract of land, being all of that part of Meade Park lying east of a line which is 20 feet west of the extension of the west right-of-way line of Fillmore Street, such tract to be known as Meade Park Garden Center.~~

Section 28. That section 11.20.030, Purpose – Duties of city and Meade Park Garden Center association, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Purpose – Duties of city and Meade Park Garden Center association.~~

~~The tract of land, as described in this chapter, is hereby dedicated for the general overall beautification of the city and to encourage a wider use throughout the city of desirable trees, plants and shrubs. Such dedication is upon condition that the Meade Park Garden Center association and the department of parks shall jointly prepare and adopt a landscape design for such grounds, providing for the proper planting of trees, shrubs and plants and other vegetation in an artistic manner. The city, through its department of parks, shall plow and grade and plant such grounds in an appropriate manner as agreed upon by representatives of the Meade Park Garden Center association and the department of parks. Such garden center association shall further provide and maintain a horticultural and educational library and trophy room within the building located on such premises, and shall have the right and license under the jurisdiction of the department of parks to use the library and premises for meetings in connection with gardening and horticultural purposes.~~

347 Section 29. That section 11.20.040, Rules and regulations, of The Code of the
348 City of Topeka, Kansas, is hereby repealed.

349 **Rules and regulations.**

350 ~~The department of parks in conjunction with the Meade Park Garden Center~~
351 ~~association shall, within the authority granted in this chapter, establish proper rules and~~
352 ~~regulations for the management of the Meade Park Garden Center and the board of~~
353 ~~commissioners shall, as may be deemed necessary, pass such laws as will enable the~~
354 ~~department of parks to efficiently protect and care for such property and to promote the~~
355 ~~purposes of such garden center.~~

356 Section 30. That section 11.30.010, Fees, of The Code of the City of Topeka,
357 Kansas, is hereby repealed.

358 **Fees.**

359 ~~All fees for admission to and use of the public golf course will be established by~~
360 ~~the department of parks and recreation which shall be reviewed and approved as part of~~
361 ~~the budget process. All fees may be increased up to five percent per year without~~
362 ~~further action by the council.~~

363 Section 31. That section 11.30.020, Receipt to be issued, of The Code of the
364 City of Topeka, Kansas, is hereby repealed.

365 **Receipt to be issued.**

366 ~~Upon receipt of the fee as set out in TMC 11.30.010 from each person using the~~
367 ~~golf course, the public golf attendant shall issue a receipt which shall entitle the recipient~~
368 ~~to use the golf course.~~

369 Section 32. That section 11.30.030, Restricted use on minors' annual fee, of
370 The Code of the City of Topeka, Kansas, is hereby repealed.

371 **~~Restricted use on minors' annual fee.~~**

372 ~~The annual fee for minors under age 18 shall only allow the minors to use the~~
373 ~~facilities on weekdays; provided, that the weekday shall not also be a national holiday~~
374 ~~and that no announced functions such as a tournament or exhibition shall be scheduled~~
375 ~~on that day at the public golf course.~~

376 Section 33. That section 11.30.040, Tournament play, of The Code of the City
377 of Topeka, Kansas, is hereby repealed.

378 **~~Tournament play.~~**

379 ~~The council may allow the public golf attendant to set aside time for tournament~~
380 ~~play and may establish rates for tournament play on a case by case basis; provided,~~
381 ~~however, the rates set by the public golf attendant on one tournament shall not be a~~
382 ~~precedent for the rates it sets for any subsequent tournaments.~~

383 Section 34. That original § 9.15.020 and § 11.10.010 of The Code of the City of
384 Topeka, Kansas, are hereby specifically repealed.

385 Section 35. This ordinance shall take effect and be in force from and after its
386 passage, approval and publication in the official City newspaper.

387 Section 36. This ordinance shall supersede all ordinances, resolutions or rules,
388 or portions thereof, which are in conflict with the provisions of this ordinance.

389 Section 37. Should any section, clause or phrase of this ordinance be declared
390 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
391 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 July 17, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk