

(Published in the Topeka Metro News October 7, 2013)

**ORDINANCE NO. 19855**

AN ORDINANCE introduced by City Manager Jim Colson, concerning concessions and admission fees at the Topeka Zoo, amending City of Topeka Code Sections 11.35.010, 11.35.040, 11.35.050, 11.35.060 and 11.35.080 and specifically repealing said original sections, as well as repealing Section 11.35.070.

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

Section 1. That section 11.35.010, Statement of Purpose, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Statement of purpose**

(a) The ~~governing body~~city council hereby finds that the Topeka Zoological Park, dedicated and established pursuant to TMC 11.35.020, shall be utilized for the purpose of providing the citizens of Topeka and others with opportunities to learn about our natural world, to increase scientific knowledge that benefits nature conservation, to support conservation of endangered populations and habitats, and to participate in activities that improve the quality of life in the community.

(b) These opportunities can best be provided in partnerships with support groups such as the Friends of the Topeka Zoo, Inc., and the Topeka Zoological Foundation, and in cooperation with local, state, national and international education, and conservation institutions, organizations and governments.

Section 2. That section 11.35.040, Protection of zoo, is hereby amended to read as follows:

**Protection of zoo.**

29           The ~~governing body~~city council shall, when deemed necessary, pass such  
30 ordinances as will enable the zoological park department and the Topeka Friends of the  
31 Zoo, Inc., to efficiently protect and care for the dedicated property and to promote the  
32 purposes of the Topeka Zoological Park.

33           Section 3. That section 11.35.050, Concessions, of The Code of the City of  
34 Topeka, Kansas, is hereby amended to read as follows:

35           **Concessions and admissions.**

36           The zoological park department is hereby granted exclusive authority to operate  
37 admissions and concessions by way of purchasing and selling products or by  
38 authorizing a third party to provide admissions and concessions services at the Topeka  
39 ~~Zoological Park~~. Proceeds from such ~~concessions~~services, if operated by the zoological  
40 park department, shall be credited to the revenue account fund established by the  
41 director of budget and financial services pursuant to TMC 3.25.010 and shall first be  
42 used to pay the expenses thereof, and any excess shall be used for the operation,  
43 maintenance, and improvement of the Topeka Zoological Park. Any authorization  
44 allowing third party provision of admissions and/or concessions operations must be  
45 approved by the City Manager.

46           Section 4. That section 11.35.060, Admission fees, of The Code of the City of  
47 Topeka, Kansas, is hereby amended to read as follows:

48           **Admission fees.**

49           The ~~director of the zoological park department~~City Manager or designee shall  
50 establish all fees for admission to the Topeka Zoological Park ~~which shall be subject to~~  
51 ~~the review and approval of the city council as part of the budget process. No changes~~

52 ~~may be made to the admission fees without the consent of the city council~~ and shall  
53 have full discretion to waive fees and offer discounts and promotions.

54 Section 5. That section 11.35.070, Waiver of fees, of The Code of the City of  
55 Topeka, Kansas, is hereby repealed.

56 **Waiver of fees.**

57 ~~The director of the zoological park department shall have, during winter months and~~  
58 ~~other periods of inclement weather, full discretion to determine what days and what hours the~~  
59 ~~admission fees established under TMC 11.35.060 shall be charged; and the director of the~~  
60 ~~zoological park department shall have full discretion, during such winter months and other~~  
61 ~~periods of inclement weather, to allow admission to the Topeka Zoological Park without charge.~~

62 Section 6. That section 11.35.080, Disposition of fees, of The Code of the City  
63 of Topeka, Kansas, is hereby amended to read as follows:

64 **Disposition of fees.**

65 (a) All moneys derived from the fees established in TMC 11.35.060 less  
66 operational costs of the collection thereof shall be deposited into the city's general fund.

67 (b) ~~Any remaining balance in the zoo fund as of January 1, 2010, shall be~~  
68 ~~transferred to the city's general fund.~~

69 Section 7. That original § 11.35.010, § 11.35.040, § 11.35.050, § 11.35.060  
70 and § 11.35.080 of The Code of the City of Topeka, Kansas, are hereby specifically  
71 repealed.

72 Section 8. This ordinance shall take effect and be in force from and after its  
73 passage, approval and publication in the official City newspaper.

74 Section 9. This ordinance shall supersede all ordinances, resolutions or rules,  
75 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 10. 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 October 1, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk