



Cyrus K. Holliday Building, 1st Floor  
Conference Room 620 SE Madison Street  
Topeka, KS 66603  
<https://www.topeka.org>

## Governing Body Agenda

September 17, 2024  
6:00 PM

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Mayor: Michael A. Padilla

### Councilmembers

Karen A. Hiller	District No. 1	Marcus D.L. Miller	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
David Banks	District No. 4	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

City Manager: Dr. Robert M. Perez

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before the date of the meeting for attachment to the meeting minutes.

If you need any accommodations for the meeting, please contact the City ADA Coordinator at 785-368-4470. Kansas Relay Service at 800-766-3777. Please provide a 48 Hour Notice if possible. Assistive listening devices are available for use in the community forum.

Agendas are available by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

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**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. ROLL CALL:**

**2. APPOINTMENTS:**

**A. Board Appointment - Americans with Disabilities Act Advisory Council**

**ADVISORY COUNCIL REAPPOINTMENT of Aricles "Wulf" Roby to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending October 4, 2026. (Council District No. 6)**

**B. Board Appointment - Americans with Disabilities Act Advisory Council**

**ADVISORY COUNCIL REAPPOINTMENT of Joe Cheray to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2026. (Council District No. 9)**

**C. Board Appointment - Topeka Planning Commission**

**BOARD APPOINTMENT recommending the reappointment of Del-Metrius Herron to the Topeka Planning Commission for a term ending September 30, 2027. (Council District No. 6)**

**D. Board Appointment - Topeka Planning Commission**

**BOARD APPOINTMENT recommending the appointment of Joseph Mauk to the Topeka Planning Commission for a term ending September 30, 2027. (3-mile Extraterritorial Jurisdiction)**

**3. CONSENT AGENDA:**

**A. Workers' Compensation Claim Settlement - Dustin Ebert**

**APPROVAL of workers' compensation claim settlement in the amount of up to \$50,000 to resolve the claim with Dustin Ebert on a full and final basis for a work-related injury sustained by the employee while engaged in normal work duties.**

**B. MINUTES of the regular meeting of September 10, 2024**

**C. APPLICATIONS:**

**4. ACTION ITEMS:**

**A. Resolution- Neighborhood Revitalization Plan Renewal 2025-2027**

**RESOLUTION introduced by City Manager Dr. Robert M. Perez, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.**

**Voting Requirement: Action requires at least six (6) votes of the Governing Body.**

*(Approval would set the public hearing date of October 15, 2024, to consider renewal of the City's Neighborhood Revitalization Plan for years 2025-2027.)*

**B. Ordinance - Standard Traffic Ordinance 51st Edition Adoption**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, concerning adoption of the 2024 edition of the Standard Traffic Ordinances, amending § 10.15.010 and § 10.15.020 of the Topeka Municipal Code and repealing original sections.

**Voting Requirement:** Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

*(Approval will adopt the most recent version of the STO.)*

**C. Ordinance - Uniform Public Offense Code 40th Edition Adoption**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, concerning adoption of the 2024 edition of the Uniform Public Offense Code, amending § 9.05.080 of the Topeka Municipal Code and repealing original section.

**Voting Requirement:** Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

*(Approval will adopt the most current version of the UPOC with current statutory changes.)*

**D. Ordinance - Utility Bill Real Estate Liens**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Imposing real estate liens, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas.)*

**E. Resolution - 2024 Shawnee County Tax Foreclosure Sale - Purchase Authority**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, regarding the upcoming Shawnee County Tax Foreclosure Sale.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Approval would authorize the City Manager to evaluate the properties for purchase at the September 19, 2024, Shawnee County 2024 Tax Foreclosure Sale and purchase those properties he finds necessary in order to mitigate the City's loss of special assessment revenue.)*

**F. Resolution - Lauren's Bay Special Assessment Forgiveness**

**RESOLUTION** introduced by Councilmembers Neil Dobler and Spencer Duncan regarding Lauren's Bay.

**Voting Requirement: Action requires at least six (6) votes of the Governing Body.**

*(Approval would forgive past due special assessments for properties in the upcoming tax sale with the primary shareholder of Jim Klausman in exchange for full payment of back due property taxes and negotiated payment for the lots by the end of 2024.)*

**G. Resolution - Presbyterian Manors, Inc.- Health Care Facilities Revenue Bonds**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez approving the issuance by the City of Wichita, Kansas of its Health Care Facilities Revenue Bonds for the purpose of financing or refinancing the acquisition, construction, improvement and equipping of senior living and health care facilities located in the city of Topeka, Kansas.

**Voting Requirement: Action requires at least six (6) votes of the Governing Body.**

*(Approval would authorize the City of Wichita to issue revenue bonds for the benefit of Presbyterian Manors, Inc. to finance and refinance projects at the Topeka Presbyterian Manor.)*

**H. Appropriation Ordinance - 2025 Operating Budget**

**AN APPROPRIATION ORDINANCE** introduced by City Manager Dr. Robert M. Perez, approving and adopting the operating budget for the City of Topeka for the year 2025 and appropriating the amounts for the purpose as set forth therein.

**Voting Requirement: Action requires at least six (6) votes of the Governing Body.**

*(If this budget is adopted the adopted Mill Levy rate will be 37.952 which will be 1 mill less than the maximum approved mill levy rate of 38.952. However, this will be 1 mill higher than the 2024 adopted mill levy rate of 36.952.)*

**5. NON-ACTION ITEMS:**

**A. Discussion - Bi-Annual Contractor Licensing**

**DISCUSSION** regarding a proposal to amend the Construction and Licensing Fees in the Topeka Municipal Code to implement bi-annual contract licensing. *(Policy and Finance Committee recommended approved by a vote of 3-0-0 on August 15, 2024)*

*(The proposed ordinance would amend TMC Section 5.63.50 to allow licenses to be issued on a two-year cycle.)*

**6. PUBLIC COMMENT:**

**Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before the date of the meeting for attachment to the**

meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

**7. ANNOUNCEMENTS:**

**8. EXECUTIVE SESSION:**

**Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.**

*(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)*

**9. ADJOURNMENT:**



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** Mayor Michael A. Padilla **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Americans with **PROJECT #:**  
Disabilities Act Advisory  
Council  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**ADVISORY COUNCIL REAPPOINTMENT of Aricles "Wulf" Roby to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending October 4, 2026. (Council District No. 6)**

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

The ADA council seeks to enhance the community by the contributions of persons with disabilities; to make a positive difference in their relationship with the community by working toward providing full access to facilities, programs, services and activities.

**STAFF RECOMMENDATION:**

Councilmember Miller nominates and Mayor Padilla recommends the reappointment of Aricles "Wulf" Roby to the City of Topeka ADA Advisory Council for a two-year term ending October 4, 2026. This position requires that the appointee be an individual with a disability of one of the major six life functions. Mr. Roby meets these requirements.

**BACKGROUND:**

The mission of the Topeka ADA Advisory Council is to support the civil rights of and full integration into Topeka community life for all people with disabilities. The ADA Council will be comprised of 10 members. At least six of the members must be individuals with disabilities, representing the six major life functions as much as possible. Members will serve a two-year term and shall not be eligible to serve more than four consecutive terms pursuant to Topeka Municipal Code Section 2.250.010.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

A. Roby - Reappointment Application

# City of Topeka Boards and Commissions Application

Submitted on	9 July 2024, 12:47PM
Receipt number	252
Related form version	8

## Profile

First Name	aricles 'wulf
Last Name	roby
Email Address	roby.consulting.llc@gmail.com
Street Address	3322 SW Huntoon St
Suite or Apt	
City	Topeka
State	Kansas
Zip	66604
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 6
Primary Phone	7855599107
Alternate Phone	
Employer	
Job Title	
Which Board would you like to apply for?	Americans with Disabilities Act Advisory Council
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission: Continued appointment requested, serving as a community member with disabilities and a long history of disability advocacy

## Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking. ADA Coordinator program through University of Missouri, PMP certification, vocational rehabilitation counseling academic and career experience

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) None

\*\*Please upload a resume or any additional information you believe may be helpful in considering your application. [James Roby Resume Federal 2024 \(1\).pdf](#)

## Voluntary Self Identification

Ethnicity American Indian/Alaskan Native Aleutian

Gender Nonbinary or third gender

## Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

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**Alternative electronic signature**

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**Notification to applicants for City Board/Commissions**

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



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**www.topeka.org**  
September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** Mayor Michael A. Padilla **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Americans with **PROJECT #:**  
Disabilities Act Advisory  
Council  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**ADVISORY COUNCIL REAPPOINTMENT of Joe Cheray to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2026. (Council District No. 9)**

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

The ADA council seeks to enhance the community by the contributions of persons with disabilities; to make a positive difference in their relationship with the community by working toward providing full access to facilities, programs, services and activities.

**STAFF RECOMMENDATION:**

Councilmember Hoferer nominates and Mayor Padilla recommends the reappointment of Joe Cheray to the City of Topeka ADA Advisory Council for a two-year term ending September 30, 2026. This position requires that the appointee be an individual with a disability of one of the major six life functions. Ms. Cheray meets these requirements.

**BACKGROUND:**

The mission of the Topeka ADA Advisory Council is to support the civil rights of and full integration into Topeka community life for all people with disabilities. The ADA Council will be comprised of 10 members. At least six of the members must be individuals with disabilities, representing the six major life functions as much as possible. Members will serve a two-year term and shall not be eligible to serve more than four consecutive terms pursuant to

Topeka Municipal Code Section 2.250.010.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

J. Cheray - Reappt Application

# City of Topeka Boards and Commissions Application

Submitted on 13 August 2024, 1:41PM  
Receipt number 259  
Related form version 8

## Profile

First Name Joe

Last Name Cheray

Email Address j3cheray@gmail.com

Street Address 1133 SW Glendale Dr

Suite or Apt Unit D

City Topeka

State Kansas

Zip 66604

Are you a resident of the City of Topeka? Yes

What district do you live in? District 9

Primary Phone 7852747492

Alternate Phone 7852747492

Employer

Job Title

Which Board would you like to apply for? Americans with Disabilities Act Advisory Council

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I have been active on the council since 2019. I have worked my way from member to vice chair to chair. I have a vested interest in making sure that Topeka is an accessible city to live in as I have a son with a disability.

I want to continue working to make Topeka a more accessible place for him and countless other Topeka residents with disabilities.

## Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Communications Chair for Capital Area Democratic Women  
Communications secretary for Kansas Federation of Democratic Women  
Chair Kansas Democratic Disability Caucus  
Current member and chair of Topeka ADA council  
South West Regional Coordinator for the National Progressive Council on Disability

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) NA

\*\*Please upload a resume or any additional information you believe may be helpful in considering your application.

## Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Female

## Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

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Your electronic signature



[Link to signature](#)

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Alternative electronic signature

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**Notification to applicants for City Board/Commissions**

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September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** Mayor Michael A. Padilla **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Topeka Planning Commission **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT recommending the reappointment of Del-Metrius Herron to the Topeka Planning Commission for a term ending September 30, 2027. (Council District No. 6)**

**VOTING REQUIREMENTS:**

Majority vote of the City Council (5). Mayor does not vote.

**POLICY ISSUE:**

As a primary function, the Topeka planning commission shall have the responsibility for the adoption and recommendation to the city council of the comprehensive metropolitan plan to guide the orderly growth and harmonious development of the Topeka metropolitan area. The comprehensive metropolitan plan shall consist of, but not be limited to, the elements described in TMC 18.05.020. The Topeka planning commission shall recommend appropriate legislative, administrative or budgetary actions necessary for the governing body to implement the comprehensive metropolitan plan on or before May 1st of each year.

**STAFF RECOMMENDATION:**

Councilmember Miller nominates and Mayor Padilla recommends the reappointment of Del-Metrius Herron for a term that will end September 30, 2027. Ms. Herron meets the residency requirement.

**BACKGROUND:**

This is a nine member board, created by the City. Council members nominate and the Mayor appoints. The governing ordinance, 18442, specifically states that at least six, but not more than seven shall reside within the corporate boundaries of the city. At least two, but not more than three shall reside outside the city boundaries, but within the city's 3-Mile Extraterritorial Jurisdiction. At least six shall be appointed from the private sector; at least three from the private sector shall be currently licensed or engaged or have substantial past experience in

the following fields: licensed professional engineer; licensed landscape architect; licensed architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced professional working in a field related to planning or land development.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

D. Herron - Reappt Application

# City of Topeka Boards and Commissions Application

Submitted on	12 August 2024, 5:01PM
Receipt number	260
Related form version	8

## Profile

First Name	Del-Metrius
Last Name	Herron
Email Address	delmetrius@herronandassoc.com
Street Address	1816 SW Huntoon
Suite or Apt	
City	TOPEKA
State	Kansas
Zip	66604
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 6
Primary Phone	7854086611
Alternate Phone	
Employer	Del-Metrius Herron and Associates
Job Title	Owner/Realtor
Which Board would you like to apply for?	Topeka Planning Commission
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I am passionate about serving on this board because I have a deep love for our community and a strong desire to contribute to its growth and well-being. I believe that by working together and creating thoughtful solutions, we can help our community reach its full potential and ensure a vibrant future for all residents.

## Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I am eager to serve on the Planning Commission because my experience as a realtor, combined with my service on the SENT Housing Committee and GTP boards, provides me with a unique perspective on land use and economic development. I understand how these factors impact our community and have worked diligently to address housing needs, especially for the underserved. My goal is to bring this experience to the Planning Commission to help shape solutions that benefit all residents.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I am a licensed Real estate Salesperson.

\*\*Please upload a resume or any additional information you believe may be helpful in considering your application.

[Del-Metrius H. Resume \(3\).pdf](#)

## Voluntary Self Identification

Ethnicity African American

Gender Female

## Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

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**Alternative electronic signature**

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**Notification to applicants for City Board/Commissions**

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If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



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September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** Mayor Michael A. Padilla **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Board Appointment for **PROJECT #:**  
the Topeka Planning  
Commission  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT** recommending the appointment of Joseph Mauk to the Topeka Planning Commission for a term ending September 30, 2027. (3-mile Extraterritorial Jurisdiction)

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

As a primary function, the Topeka planning commission shall have the responsibility for the adoption and recommendation to the city council of the comprehensive metropolitan plan to guide the orderly growth and harmonious development of the Topeka metropolitan area. The comprehensive metropolitan plan shall consist of, but not be limited to, the elements described in TMC 18.05.020. The Topeka planning commission shall recommend appropriate legislative, administrative or budgetary actions necessary for the governing body to implement the comprehensive metropolitan plan on or before May 1st of each year.

**STAFF RECOMMENDATION:**

Councilwomen Hiller nominates and Mayor Padilla recommends the appointment of Joseph Mauk for a term that will end September 30, 2027.

**BACKGROUND:**

This is a nine member board, created by the City. Council members nominate and the Mayor appoints. The governing ordinance, 18442, specifically states that at least six, but not more than seven shall reside within the corporate boundaries of the city. At least two, but not more than three shall reside outside the city boundaries, but within the city's 3-Mile Extraterritorial Jurisdiction. At least six shall be appointed from the private sector; at

least three from the private sector shall be currently licensed or engaged or have substantial past experience in the following fields: licensed professional engineer; licensed landscape architect; licensed architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced professional working in a field related to planning or land development.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

J. Mauk - Application & Resume

# City of Topeka Boards and Commissions Application

Submitted on	9 August 2024, 7:51AM
Receipt number	256
Related form version	8

## Profile

First Name	Joseph
Last Name	Mauk
Email Address	joseph.mauk@sbbeng.com
Street Address	833 NW 50th Street
Suite or Apt	
City	Topeka
State	Kansas
Zip	66618
Are you a resident of the City of Topeka?	No
What district do you live in?	Other/Outside City Limits
Primary Phone	7854092462
Alternate Phone	
Employer	SBB Engineering, LLC
Job Title	Senior Civil Engineering Technician
Which Board would you like to apply for?	Topeka Planning Commission
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

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Who are you related to and how are you related?

---

Are you or have you been a party to any civil litigation involving the City of Topeka? No

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Please explain the litigation and your role in it:

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Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

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Please explain your delinquent payment situation.

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Please state why you are interested in serving on this board or commission:

My background from working with private developments, through the civil engineering and surveying field, has given me a strong foundation in city planning principles and practices. I believe my problem-solving skills and ability to consider diverse perspectives will help us find creative, balanced solutions that support a thriving community. I am eager to contribute my skills and experience to the Planning Commission and help shape a bright future for our city.

## Interests & Experiences

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Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I graduated from Seaman High School and KAW Valley Technical School in 1999 with a certificate in Civil Engineering Technologies. My professional experience spans several large-scale development projects, from design to construction, including Sherwood Park No. 5-7, the Linwood Subdivisions, Topeka ER & Hospital, and the newest additions to Westridge Mall. I am an active member of the Northeast Chapter of the Kansas Society of Land Surveyors.

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List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

None. Although I am approved by the Board of Technical Professions for the Professional Land Surveyor's tests.

---

\*\*Please upload a resume or any additional information you believe may be helpful in considering your application.

## Voluntary Self Identification

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Ethnicity Caucasian/Non-Hispanic

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Gender Male

---

## Acknowledgements and Verification

---

Purpose of Information being submitted. I Agree

---

The information I am submitting is true and correct. I Agree

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Your electronic signature

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Alternative electronic signature

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**Notification to applicants for City Board/Commissions**

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

# Joseph Mauk

## Contact information

785-409-2462

joseph.mauk@sbbeng.com

833 NW 50th Street, Topeka, Kansas 66618

## Personal Profile

A skilled civil engineering and surveying technician with over 20 years of experience in development projects throughout the City of Topeka and Shawnee County. My expertise encompasses a comprehensive understanding of land use, construction techniques, and relevant regulations. I am proficient in site planning, surveying, grading, drainage design, and construction management, as well as related permitting processes. I have experience in project management and planning, scheduling, budgeting, risk assessment, and team leadership. My technical expertise includes proficiency in AutoCAD, Civil 3D, and GIS. My experience has fostered strong communication and collaboration skills, enabling me to effectively work with diverse teams and stakeholders. I am also a strong problem-solver and critical thinker, adept at analyzing complex situations and identifying solutions. I am eager to contribute my skills and commitment to community development as a member of the City of Topeka Planning Commission, helping shape the future of our city.

## Experience

### **SBB Engineering, LLC | Senior Civil Engineering Technician | Spring 2015 - Present**

- Drafted plans for the Topeka Rescue Mission additions.
- Developed the subdivision plats for the Miller's Glen Subdivisions.
- Assisted with the street and sewer plans and construction staking for the Miller Glen Subdivision.
- Led the initial drafting for construction plans of several City of Topeka street and sidewalk projects, including NW Tyler Street and the Hi-Crest neighborhood.
- Collaborated with architects, engineers, and contractors to ensure projects met regulatory requirements and deadlines.
- Developed and implemented effective project management strategies to optimize efficiency and minimize costs.
- Proactively identified and addressed potential risks and challenges, ensuring projects remained on track.

### **Schmidt Engineering | Surveying & Civil Engineering Technician | Summer 1999 - August 2009**

- Assisted with various development projects, including Sherwood Park No. 5-7, the Linwood Subdivisions, and Lauren's Bay.
- Assisted with the surveying of city of Topeka offices at 620 SE 6th Street while it was still a part of the Santa Fe Hospital.
- Developed expertise in site planning, surveying, grading, and drainage design.

### **Surveys, Inc. | Surveying Technician | Summer 1999**

- Provided construction staking services for the Oakland Expressway project.
- Gained initial experience in field surveying and construction techniques.

## Education

KAW Area Technical School | Certificate in Civil Engineering Technologies | 1999

Seaman High School | High School Diploma | 1999

## **Professional Affiliations**

Member, Northeast Chapter of the Kansas Society of Land Surveyors

Member, National Society of Professional Surveyors

## **Interest in Serving on the Planning Commission**

I am deeply invested in the future of our city and believe that serving on the Planning Commission offers a unique opportunity to actively contribute to its growth and development. I'm passionate about ensuring that our city evolves in a way that benefits all residents, preserves our unique character, and fosters a vibrant, sustainable community for generations to come.

My background in civil engineering and surveying has equipped me with a strong understanding of the complexities involved in land development and construction. For over 20 years, I've worked on a variety of projects throughout the City of Topeka and Shawnee County, gaining valuable experience in navigating regulations, managing budgets, and ensuring projects meet the needs of our community. I am eager to leverage this experience to make informed decisions that balance the needs of our diverse community, promote policies that stimulate growth, and ensure that our city's infrastructure supports a high quality of life for all.

I am drawn to the collaborative nature of the Planning Commission and the opportunity to work alongside other dedicated individuals to address the challenges and opportunities facing our city. I believe my strong problem-solving skills and ability to consider multiple perspectives will be an asset in finding creative solutions that foster a thriving and inclusive community.



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

---

**DATE:** September 17, 2024  
**CONTACT PERSON:** Pamela Foster and Sarah Schmittlein, HR Department  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Worker's Compensation PROJECT #: Claim Settlement Dustin Ebert  
**CATEGORY/SUBCATEGORY:** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**APPROVAL** of workers' compensation claim settlement in the amount of up to \$50,000 to resolve the claim with Dustin Ebert on a full and final basis for a work-related injury sustained by the employee while engaged in normal work duties.

**VOTING REQUIREMENTS:**

Action requires at least six (6) votes of the Governing Body.

**POLICY ISSUE:**

Seeking authority to settle the claim for up to \$50,000 on a full and final basis.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body approve the claim as part of the consent agenda.

**BACKGROUND:**

The employee sustained injury involving his head, face, and right shoulder.

**BUDGETARY IMPACT:**

If approved the \$46,871.10 settlement would be paid from the Risk Fund-Workers' Compensation.

**SOURCE OF FUNDING:**

Risk Fund: Workers' Compensation



**City of Topeka**  
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**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

---

**DATE:** September 17, 2024  
**CONTACT PERSON:** Rhiannon M. Friedman - **DOCUMENT #:**  
Planning and  
Development Director  
**SECOND PARTY/SUBJECT:** Neighborhood **PROJECT #:**  
Revitalization Plan  
2025-2027  
**CATEGORY/SUBCATEGORY** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Approval would set the public hearing date of October 15, 2024, to consider renewal of the City's Neighborhood Revitalization Plan for years 2025-2027.)*

**VOTING REQUIREMENTS:**

Action requires at least six (6) votes of the Governing Body.

**POLICY ISSUE:**

The current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2024. The NRP boundary is based on the recently updated 2023 Neighborhood Health Map. Future NRP renewals should occur every three years in sync with the update of the Health Map.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution.

**BACKGROUND:**

Topeka's Neighborhood Revitalization Plan began in 1994. The State of Kansas authorized the program through the Neighborhood Revitalization Act. Topeka was the first city in Kansas to adopt a local plan.

All taxing entities participate with an interlocal agreement. Staff met with all potential participation tax entities this summer including: Unified School Districts 345, 437, 450, and 501; the Shawnee County Board of Commissioners; Topeka Metro Transit Authority (TMTA); Metro Topeka Airport Authority (MTAA); Topeka and Shawnee County Public Library and Washburn University. There have been 9 plan renewals (every 3-5 years). The current plan expires on December 31, 2024.

The current program (2022 - 2024) rebates 95% of the new property taxes for the first 5 years and 50% for years 6 through 10. Intensive Care, Historic properties, and new residential units are eligible for a 95% rebate for 10 years. Applicants have 60 days to apply and up to 1-year to show prior intent if they miss the 60-day deadline. The current boundary contains 13.31 square miles (23% of city). The proposed boundary (2022 - 2025) contains 12.31 square miles (19% of the city).

The proposed Program shrinks the boundary to align with the 2023 Health Map's Intensive Care and At Risk areas, continues to provide the 95% rebate for all new single and multiple family housing, includes the provision of an extended rebate period within Tax Increment Finance (TIF) areas (up to 20 years), and continues the Menninger Clock Tower building eligibility for the property tax rebate.

**Program Highlights:**

- Approximately \$515 million of private investment (1995 - 2023)
- Approximately \$63.2 million of total rebates paid (1996 - 2023)
- Approximately \$165 million invested in the Downtown area (1995 - 2023)
- Approximately \$34 million of new tax generated (2006 - 2023) For every dollar rebated by the program \$8 is invested

**BUDGETARY IMPACT:**

Cost to publish in the Topeka Metro Newspaper for two (2) consecutive weeks.

**SOURCE OF FUNDING:**

General Fund

**ATTACHMENTS:**

**Description**

Resolution

Presentation NRP

Neighborhood Revitalization Plan (NRP) 2025-2027 (DRAFT)

Neighborhood Revitalization Area Map 2025-2027

NRP Infographic

Neighborhood Revitalization Program Investment per Application Map (July 2021 to June 2024)

(Published in the Topeka Metro News on \_\_\_\_\_ and \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by City Manager Dr. Robert M. Perez establishing a date for a public hearing concerning the adoption of a Neighborhood Revitalization Plan pursuant to K.S.A. 12-17,114 *et seq.*

WHEREAS, the City of Topeka, Kansas, may pursuant to K.S.A. 12-17,114 *et seq.* adopt a plan to assist in the rehabilitation, conservation or redevelopment of any area within the City of Topeka which meets the conditions provided in said law; and

WHEREAS, the City of Topeka is desirous of exercising the authority provided in K.S.A. 12-17,114 *et seq.* in order to rehabilitate, conserve or redevelop certain designated areas in the City of Topeka; and

WHEREAS, the current Neighborhood Revitalization Plan (NR Plan) expires on December 31, 2024; and

WHEREAS, K.S.A. 12-17,117(c) requires that the Governing Body hold a public hearing before adopting an NR Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that the following notice is hereby given:

NOTICE

The Governing Body will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 *et seq.*, at a public hearing at 6:00 p.m. on October 15, 2024 at Cyrus K. Holliday Building, 1<sup>st</sup> Floor Conference Room, 620 SE Madison Street, Topeka, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection

during the hours of 8:00 a.m. to 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas. The Plan is also accessible at: <https://www.topeka.org/planning/neighborhood-revitalization-plan/>

At the conclusion of the hearing, the Governing Body will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 *et seq.*

BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be mailed to the following taxing entities within Shawnee County, Kansas:

Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and 501 (Topeka); the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka & Shawnee County Library and Washburn University.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

ADOPTED and APPROVED by the Governing Body

\_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

9/17/2024 GB Meeting

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Brenda Younger, City Clerk



CITY OF  
**TOPEKA**



# City of Topeka Neighborhood Revitalization Plan

2025-2027 Renewal

# Background

- Topeka was first city to adopt Neighborhood Revitalization Plan (NRP) as authorized by State legislation (1995)
- City has approved 9 times since 1995 with 100% participation of impacted tax entities
- Current plan expires on 12/31/2024



# Process/Next Steps

---

## Spring

- Discussion with Governing Body

## Summer/Fall

- Meet with all taxing entities

## Fall/Winter

- Approve resolution setting public hearing
- Hold public hearing
- City adopts plan
- Inter-local agreements by 12/31/2024





# City of Topeka Neighborhood Revitalization Plan

2025-2027 Renewal





DRAFT

2025-2027

Prepared by : City of Topeka Planning Department  
Dan Warner, AICP, Planning Director  
Ann-Marie Driver, AICP, Planner II  
Bryson M. Risley, Planner II

***City of Topeka, Kansas***

Effective January 1, 2025  
ADOPTED BY THE CITY OF TOPEKA GOVERNING BODY:

xx/xx/2024

*Table of Contents*

	<i>Page</i>
<b>Introduction</b> .....	3
<b>Part 1</b> Description of Neighborhood Revitalization Area .....	6
<b>Part 2</b> Appraised Valuation of Real Property.....	15
<b>Part 3</b> Listing of Owners of Record in Area .....	15
<b>Part 4</b> Summary Description of Zoning Districts.....	15
<b>Part 5</b> Major Improvements for NRP Area .....	16
<b>Part 6</b> Statement Specifying the Eligibility Requirements for a Tax Rebate.....	17
<b>Part 7</b> Criteria for Determination of Eligibility.....	18
<b>Part 8</b> Contents of Application for Tax Rebate.....	20
<b>Part 9</b> Application Procedure .....	21
<b>Part 10</b> Standards and Criteria for Approval.....	22
<b>Part 11</b> Statement Specifying Rebate Formula .....	23
<b>Part 12</b> Other Matters .....	24
<b>Appendix</b>	
Shawnee County Tax Levy Schedule .....	26

## Introduction

This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the Neighborhood Revitalization Area (NRA) of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance with KSA 12-17, 114 et. seq., the Governing Body has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (City of Topeka, Shawnee County, USD 501 (Topeka), USD 345 (Seaman), USD 450 (Shawnee Heights), USD 437 (Auburn-Washburn Rural), Washburn University, Topeka-Shawnee County Public Library, Topeka Metropolitan Transit Authority (TMTA), Metropolitan Topeka Airport Authority (MTAA)). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA 12-17,115 (c).

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

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*DRAFT*

*2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024*

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Furthermore, the Governing Body may declare a building outside of a NRA to be a “dilapidated structure” if the structure satisfies the following definition KSA 12-17,115(a): "Dilapidated structure" means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

The boundary of the proposed NRA is intended to reflect the City’s most investment-challenged and deteriorated areas as determined by the City’s Neighborhood Health Map. The NRA includes all designated “Intensive Care” and “At Risk” Census block groups based on the most recent update of the health map in 2017. These areas are deemed to qualify under all of the above criteria (KSA 12-17, 115 (c)).

In addition, some parts of the proposed NRA are outside At Risk/Intensive Care designations. Those areas are included because they either: 1) have been historically “At Risk” since 2000, 2) are part of infill subdivisions or redevelopment areas that were dependent upon and approved under the City’s past Neighborhood Revitalization Plans, 3) are part of minor boundary rounding to make the NRA as contiguous and orderly as possible, or 4) otherwise would qualify under the above criteria (KSA 12-17, 115 (c)). Taken as a whole, the proposed NRA meets legislative and statutory intent of KSA 12-17, 115 (c).

Any boundary expansions should be consistent with the above criteria and the State’s Attorney General’s opinion issued in 1996 which determined that the intent of the legislation was aimed at neighborhood stabilization and preventing deterioration in the central section of the city or more specifically, neighborhoods. The opinion concludes that the governing body must make a finding that the area meets one of the conditions listed in KSA 12-17, 115 (c), that rehabilitation of the

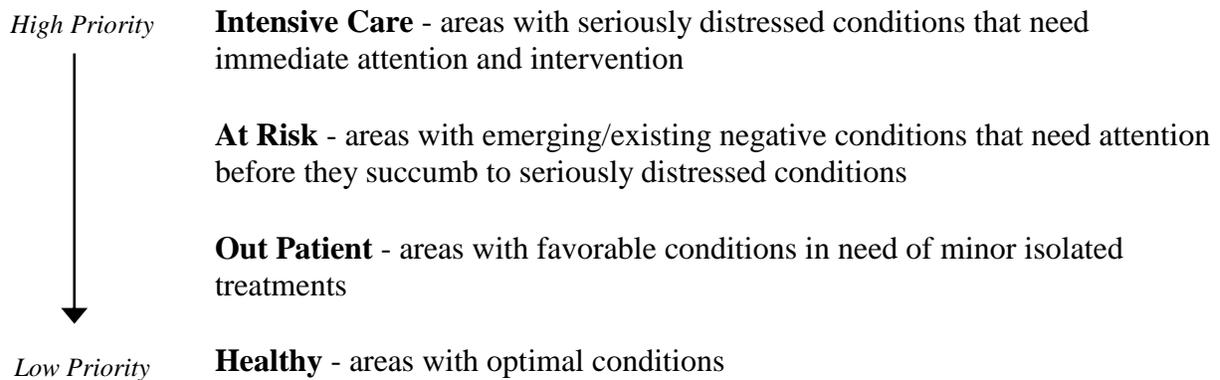
area is necessary to protect the welfare of the municipalities' residents, and that the area should not include the entire municipality.

As a matter of policy, the City of Topeka's NRA is also proposed to be limited in scope to the above areas in order to promote a streamlined and administrative "but for" policy. The inherent presumption of this Plan is that necessary private investments would not occur in these areas "but for" the incentives offered under the Plan. Incentives are approved administratively by City of Topeka staff upon application by the property owner without further proof of need for the incentives. In order to enforce this assumption, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are most legally justifiable under State law and provides for a streamlined "but for" test to revitalize the City's most deteriorated sections.

**PART 1**  
**DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA**

The Neighborhood Revitalization Area (Map #1) in general follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the City of Topeka Neighborhood Health Map. This map most recently updated in 2023, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

**Poverty (2018-2022 American Community Survey 5-Year Estimates, U.S Census)** - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

**Public Safety (January 2022 – December 2023, Topeka Police Dept.)** – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

**Residential Property Values (July 2023, Shawnee County Appraisers Office)** – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$122,000 in 2018 (Topeka Association of Realtors).

**Single Family Housing Tenure (July 2023 Shawnee County Appraisers Office)**

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were primarily built for individual ownership.

**Secured Houses & Unsafe Structures (2023 City of Topeka Special Structures Unit)** - A secured house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

**Vital Sign Ranges (2023)**

Neighborhood Health Composite (avg. score)	% of Persons Below Poverty Level (score)	Part 1 Crimes per 100 Persons (score)	Average Residential Property Values (score)	% Owner Occupied Housing Units (score)	Number of Secured and Unsafe Structures Per 100 Properties (score)
<b>Healthy</b> (3.3 - 4.0)	2023: 0 - 9% (4)	0 - 12 (4)	2023: \$134,451 and ↑ (4)	70 - 100% (4)	2023: 0 (4)
<b>Out Patient</b> (2.7 - 3.2)	2023: 10 - 18% (3)	13 - 18 (3)	2023: \$87,447 - \$134,450 (3)	50 - 69% (3)	2023: 0.01 - 0.75 (3)
<b>At Risk</b> (1.9 - 2.6)	2023: 19 - 30% (2)	19 - 28 (2)	2023: \$51,960 - \$87,446 (2)	34 - 49% (2)	2023: 0.76 - 1.75 (2)
<b>Intensive Care</b> (1.0 - 1.8)	2023: 31 - 100% (1)	29 + (1)	2023: \$51,959 and ↓ (1)	0 - 33% (1)	2023: 1.76 and ↑ (1)

**Area Profile**

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area

Total Primary Neighborhood Revitalization Area 2023					
Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Intensive Care	35	38.5%	43.4%	2.024	\$67,448
At Risk	18	29.1%	47.3%	1.050	\$74,156
Out Patient	10	11.1%	57.5%	0.878	\$90,930
Total Primary NR Area	19	25.9%	49.5%	1.160	\$77,316

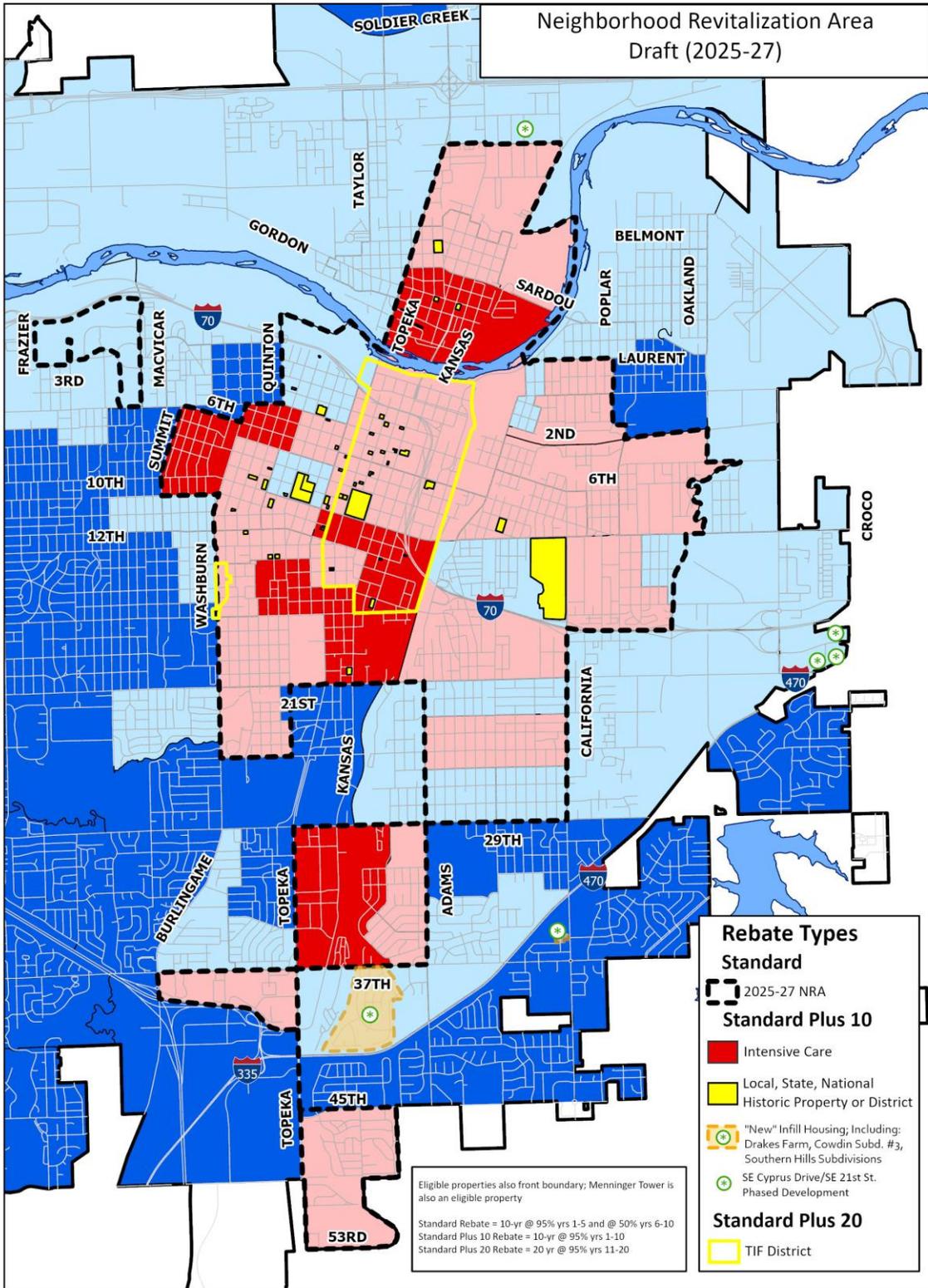
Total Non Neighborhood Revitalization Area 2023					
Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Out Patient	11	17.7%	61.8%	0.56	\$115,743
Healthy	5	8.7%	79.7%	0.13	\$212,709
Total Non NR Area	7	10.6%	75.3	0.25	\$189,507

General Characteristics 2023							
Area	Square Miles	% of Total	#of Parcels	% Total	Vacant Parcels	% Total	
Intensive Care	2.46	3.9%	2,587	5.1%	417	10.2%	
At Risk	7.59	12.0%	8,438	16.5%	1,186	29.1%	
Out Patient	1.85	2.9%	2,510	4.9%	370	9.1%	
Kanza/ USD 501	0.3	0.5%	29	0.06%	3	0.07%	
Total NR AREA	12.15	19.3%	13,535	26.5%	1,973	48.4%	
Non-NR Area	50.95	80.7%	37,612	73.5%	2,107	51.6%	
Total (All Topeka)	63.1	100%	51,147	100%	4,080	100%	

General Characteristics 2023						
Area	2022 Population	% of Total	Total Housing Units (2018 - 2022 ACS)	% of Total	Real Property Valuation (2023)	% of Total
Intensive Care (Primary)	4,595	3.6%	2,221	3.7%	\$588,646,970	6.4%
At Risk (Primary)	20,732	16.4%	10,349	17.3%	\$1,317,793,490	14.2%
Out Patient (Primary)	8,370	6.6%	3,906	6.5%	\$261,039,450	2.8%
Total NR Area	33,697	26.7%	16,476	27.5%	\$2,167,479,910	23.4%
Non NR Area	92,734	73.3%	43,511	72.5%	\$9,268,928,010	100.0%
Total (All Topeka)	126,431	100.0%	59,987	100.0%	11,436,407,920	100.0%

**Summary**

- The primary NR Area comprises only 19.3% of the land area of Topeka, but contains approximately 48.4% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly 145% greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (75.3% versus 49.5%).
- 63% of all secured and unsafe structures in the City are located within the NR Area boundary yet only constitute 27.5% of all housing units in the city



DRAFT

2025 - 27 Neighborhood Revitalization Plan  
 Adopted by the Governing Body: xx/xx/2024

**LEGAL DESCRIPTION OF  
Neighborhood Revitalization Area  
MAY 2024**

**PRIMARY AREA**

Beginning at the intersection of the NW Topeka Boulevard and NW Independence Avenue; thence easterly along NW Independence Avenue to its intersection with N Kansas Avenue; thence continuing easterly along NE Independence Avenue to its intersection with NE Meriden Road; thence Southerly along Meriden Road to its intersection with NE Grantville Road; thence southerly along said NE Grantville Road to its intersection with Old Soldier Creek channel; thence easterly along Old Soldier Creek channel to its intersection with the Kansas River; thence southerly along the Kansas River to its intersection with northerly extension of NE Chandler Street; thence southerly along said extension of NE Chandler Street to its intersection with NE River Road; thence northeasterly along NE River Road to its intersection with NE Division Street; thence easterly along NE Division Street to its intersection with NE Sumner Street; thence southerly along NE Sumner Street to its intersection with NE Seward Avenue; thence westerly along NE Seward Avenue to its intersection with Sumner Street; thence Southerly along Sumner Street to its intersection of NE Florence Avenue; thence easterly along NE Florence Avenue to its intersection with NE Golden Avenue; thence southerly along NE Golden Avenue to its intersection with the Mainline Track of the Burlington Northern - Santa Fe Railway; thence easterly along said Mainline Track to its intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M.; thence southerly along said East Line to its intersection with SE 2<sup>nd</sup> Street; thence easterly along SE 2<sup>nd</sup> Street to its intersection with Deer Creek; thence southerly along Deer Creek to its intersection with SE 6<sup>th</sup> Avenue; thence westerly along SE 6<sup>th</sup> Avenue to its intersection with SE Deer Creek Parkway; thence southerly along SE Deer Creek Parkway to its intersection with Interstate Highway 70; thence westerly along Interstate Highway 70 to its intersection with SE California Avenue; thence southerly along SE California Avenue to its intersection with the Centerline of SE 29<sup>th</sup> Street; thence westerly along SE 29<sup>th</sup> Street to its intersection with SE Adams Street; thence southerly along SE Adams Street to its intersection with SE 37<sup>th</sup> Street; thence westerly along SE 37<sup>th</sup> and SW 37<sup>th</sup> Street to its intersection with SW Topeka Boulevard; thence southerly along SW Topeka Boulevard to the Northwest corner of the Northwest Quarter of Section 30 Township 12 South Range 16 East of the 6<sup>th</sup> P.M.; thence easterly along the North Line of said Section 30 to the Northeast corner of the West Half of the Northeast Quarter of said Section 30; thence southerly along the East line of said West Half to the Southeast corner of said West Half; thence westerly along the South line of said West Half to the Southwest corner of said Northeast Quarter; thence southerly along the East line of the Southwest Quarter of said Section 30 to its intersection with the southwesterly right of way line of the Missouri Pacific Railroad, as recorded in Book 4251, page 621; thence South 54 degrees 38 minutes 32 seconds East, 1304.94 feet along said right of way line; thence southeasterly and southwesterly along said right of way line, 1020.98 feet along the arc of a curve to the right, having a radius of 419.28 feet with a chord which bears South 21 degrees 57 minutes 15 seconds West, 786.78 feet; thence South 89 degrees 35 minutes 28 seconds West, 132.83 feet along said right of way line; thence westerly along said right of way line, 249.10 feet along the arc of a curve to the left, having a radius of 613.69 feet with a chord which bears South 77 degrees 55 minutes 31 seconds West, 247.40 feet to the North right of way

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*2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024*

line of SE 53<sup>rd</sup> Street; thence South 89 degrees 35 minutes 28 seconds West, 368.63 feet along the North right of way of SE 53<sup>rd</sup> Street; thence southerly to the South line of Section 30; thence westerly along the South line of Section 30 to SW Topeka Boulevard; thence northerly along Topeka Boulevard to its intersection of Interstate Highway 470; thence westerly along Interstate Highway 470 to its intersection with Burlingame Road; thence northerly along Burlingame Road to its intersection with SW 37<sup>th</sup> Street; thence Easterly along SW 37<sup>th</sup> Street to its intersection with Topeka Boulevard; thence northerly along Topeka Boulevard to its intersection with SW 29<sup>th</sup> Street; thence Easterly along SW 29<sup>th</sup> Street and SE 29<sup>th</sup> Street to its intersection with SE Adams Street; thence northerly along SE Adams Street to its intersection with SE 21<sup>st</sup> Street; thence westerly along SE 21<sup>st</sup> Street and SW 21<sup>st</sup> Street to the Northwest Corner of the Northwest Quarter of Section 7 Township 12 South Range 15 East of the 6<sup>th</sup> P.M.; thence southerly along the West line of said Quarter Section to its intersection with SW 27<sup>th</sup> Street; thence westerly along SW 27<sup>th</sup> Street to its intersection with SW Washburn Avenue; thence northerly along SW Washburn Avenue to its intersection with SW 11<sup>th</sup> Street; thence westerly along SW 11<sup>th</sup> Street to its intersection with SW Woodward Avenue; thence northerly along SW Woodward Avenue to its intersection with SW 10<sup>th</sup> Avenue; thence westerly along SW 10<sup>th</sup> Avenue to its intersection with SW Summit Avenue; thence northerly along SW Summit Avenue to its intersection with SW Sixth Avenue; thence easterly SW Sixth Avenue to its SW Washburn Avenue; thence northerly along SW Washburn Avenue to its intersection with SW Willow Avenue; thence easterly along SW Willow Avenue to its intersection with Quinton Avenue; thence northerly along Quinton Avenue to its intersection with the Centerline of SW 1<sup>st</sup> Street; thence easterly along SW 1<sup>st</sup> Street to the West line of Section 30, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M.; thence northerly along the said West line to its intersection with the south line of a tract of land described in a deed recorded in Book 3384 Page 896, Register of Deeds Office, Shawnee County, Kansas; thence easterly and northeasterly along the south line and east line of said tract of land to the South Bank of the Kansas River; thence northeasterly along the extension of said east line to its intersection with the Kansas River; thence easterly down the Kansas River to its intersection with SW Topeka Boulevard; thence northerly along Topeka Boulevard to the Point of Beginning.

(AND IN ADDITION)

**KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)**

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST

*DRAFT*

2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024

LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55"

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2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024

WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

**KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION.** CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-foot North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-foot; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-foot; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-foot; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-foot; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-foot; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-foot; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-foot; thence South 00 degrees, 24 minutes, 53 seconds East, 1,344.97-foot to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-foot to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

(AND IN ADDITION)

Cowdin Subdivision No. 3, according to the recorded plat thereof.

(AND IN ADDITION)

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C" according to the recorded plats thereof. Contains approximately 110.8 acres.

(AND IN ADDITION)

Drakes Farm Subdivision, according to the recorded plat thereof.

(AND IN ADDITION)

3528 SE Cyprus Drive - Lot 1, Block A, Croco Park Subdivision

(AND IN ADDITION)

3521 SE 21<sup>st</sup> Street – Lots 1, 2, 4, and 4, Block A, Altair Heights Subdivision No. 6.

(AND IN ADDITION)

Lot 1, Block A, Altair Heights Subdivision No. 3, less street right-of-way.

(AND IN ADDITION)

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*2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024*

3526 SE 21<sup>st</sup> Street – Lots 1, 3, and 4, Block A, Altair Heights Subdivision No. 6 and Lot 1, Block A, Altair Heights No. 7

**OUTSIDE REVITALIZATION AREA; ‘DILAPIDATED STRUCTURE’:**

(Menninger Clock Tower Building)

A portion of Lot 1, Block A, Menninger Foundation Subdivision, being situated in the Southwest Quarter of Section 28, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter, being a point on the West line of Menninger Foundation Subdivision; thence on an assumed Azimuth of 179 degrees 17 minutes 46 seconds coincident with the West line of said Menninger Foundation Subdivision, a distance of 638.96 feet; then on Azimuth 89 degrees 17 minutes 46 seconds, perpendicular to the West line of Menninger Foundation Subdivision, a distance of 898.87 feet to the Point of Beginning; thence on Azimuth 88 degrees 07 minutes 19 seconds, a distance of 329.86 feet; thence on Azimuth 177 degrees 11 minutes 06 seconds, a distance of 250.36 feet; thence on Azimuth 183 degrees 05 minutes 12 seconds, a distance of 141.29 feet; thence on Azimuth 194 degrees 58 minutes 13 seconds, a distance of 66.17 feet; thence on Azimuth 177 degrees 47 minutes 10 seconds, a distance of 178.14 feet; thence on Azimuth 267 degrees 50 minutes 09 seconds, a distance of 275.83 feet; thence on Azimuth 357 degrees 50 minutes 17 seconds, coincident with centerline of an existing access road recorded in Book 4314, Page 099 in the Register of Deeds Office for Shawnee County, a distance of 431.62 feet; thence on Azimuth 317 degrees 14 minutes 41 seconds, a distance of 39.39 feet; thence on Azimuth 358 degrees 10 minutes 19 seconds, a distance of 172.54 feet to the Point of Beginning.

**PART 2**  
**APPRAISED VALUATION OF REAL PROPERTY**

The appraised valuation of the Menninger Clock Tower and the real estate contained in the Neighborhood Revitalization Area as of July, 2023 for each parcel by land and building values is on file in the office of the Shawnee County Appraiser. The January 1, 2024 appraised valuation for the 13,548 parcels contained in the area is:

Land	\$ 266,766.250
<u>Improvements</u>	<u>\$ 1,961,021.080</u>
Total Appraised Valuation	\$ 2,227, 787. 330

*Updated values from Shawnee County Appraiser, May 2024*

**PART 3**  
**LISTING OF OWNERS OF RECORD IN AREA**

Each owner of record of the Menninger Clock Tower and each parcel of land is listed together with the corresponding address on file in the office of the Shawnee County Appraiser (<http://www.snco.us/ap/>).

## **PART 4**

### **EXISTING ZONING BOUNDARIES & EXISTING/PROPOSED LAND USES**

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department or at [www.topeka.org/planning](http://www.topeka.org/planning)

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*2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024*

**PART 5**  
**MAJOR IMPROVEMENTS**  
**PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA**

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City’s Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at [www.topeka.org/planning](http://www.topeka.org/planning)

- Topeka Land Use and Growth Management Plan (2015)
- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008/2019)
- Hi-Crest Neighborhood Plan (2015)
- North Topeka West (2016)
- Historic North Topeka East (2013)
- Holliday Park Neighborhood Plan (1998/2008/2023)
- Oakland Neighborhood Plan (2004/2014)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001/2017)
- Washburn-Lane Parkway Plan (2001)
- Quinton Heights Neighborhood Plan (2018)
- East Topeka North Neighborhood Plan (2020)
- Downtown Master Plan (2021)
- Valley Park Neighborhood Plan (2021)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City’s future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City’s Capital Improvement Budget and Consolidated Plan.

**PART 6**  
**STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS**  
**FOR A TAX REBATE**

**Residential New Construction/Rehabilitation**

All properties with residential improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%.

**Commercial New Construction/Rehabilitation**

All properties with commercial, office and institutional, and industrial improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

## PART 7

### CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (a) Construction of an improvement must have begun on or after January 1, 2025. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2027 by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2025, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. xxxxx.
- (b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be “out-of-time” shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director’s decision to the City Manager who has final authority over the matter.
- (c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable elements of the Comprehensive Plan and Title 18 Comprehensive Zoning Regulations, including adopted Neighborhood Conservation Districts in effect at the time the improvements are made.
- (d) New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant

to Article 11, Section 13 of the Kansas Constitution and TMC Chapter 3.55, may receive one exemption/rebate per project from the City as a tax incentive.

- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.

## **PART 8**

### **CONTENTS OF APPLICATION FOR TAX REBATE**

#### Part 1 - General Information (Completed by applicant)

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings and Improvements proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

#### Part 2 - Status of Construction/Completion

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

**PART 9**  
**APPLICATION PROCEDURE**

- (a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department, or concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).
- (c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary for designated historic properties, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

**PART 10**  
**STANDARDS AND CRITERIA FOR APPROVAL**

- (a) Project improvements shall be 100% complete within two years of building permit issuance or 100% complete within two years of beginning construction on the listed improvements (if permits are not required.).
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including zoning regulations and design guidelines adopted by the Governing Body, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

## PART 11

### STATEMENT SPECIFYING REBATE FORMULA

#### Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2024.

#### Rebate Period:

All Eligible Uses – Administrative Approval	10 years
All Eligible Uses – Governing Body Approval	11-20 years

#### Rebate Amount\*:

##### Standard Rebate:

- All Eligible Uses Not Specified In Areas Below	95% (years 1-5) 50% (years 6-10)
--	-------------------------------------

##### Standard Plus 10 Rebate:

- “Intensive Care” areas (2020 Neighborhood Health Map)	95%
- National/State Register/Properties and Districts and Local Historic Properties/Districts	95%
- “New” Infill Housing (Single and Multi-Family); including: new Single-family houses only in Cowdin Subd. #3 and Southern Hills Subd. A, B, and C, Drakes Farm Subdivision	95%

##### Standard Plus 20 Rebate:

- TIF District	
- Minimum \$10,000,000 investment	
- Primary use is residential	
- “But-For” Test/Study	
- Governing Body Approval	95%

\*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

---

*DRAFT*

*2025 - 27 Neighborhood Revitalization Plan  
Adopted by the Governing Body: xx/xx/2024*

## Part 12

### OTHER MATTERS

1. The governing body may declare a building outside of a neighborhood revitalization area to be a “dilapidated structure” if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115. A “dilapidated structure” is defined as a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worth of preservation. Pursuant to K.S.A. 12-17,117(b), the governing body may determine a structure outside the boundary is a ‘dilapidated structure’ and, as such, is eligible for consideration of a property tax rebate for the following reasons:

- The building is a dilapidated structure due to its long vacancy and current boarded condition,
- The building is historic and is listed on the National Register of Historic Places and is worthy of preservation.

Prior to acceptance of a tax rebate application for projects involving a ‘dilapidated structure’, the applicant must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

- The Menninger Clock Tower was approved as a delapidated structure with the approval of the 2022-2024 NRP plan and remains in effect.

2. The governing body may designate certain projects to have up to a 20-year rebate period, provided all of the following criteria are satisfied:

- The project is located within an existing Tax Increment Financing District (TIF) within the NRP Area

- The primary use is residential
- The project has a minimum investment of \$10,000,000
- The project submits a but-for analysis that demonstrates the need for the longer rebate period.

Should the governing body determine that the project meets the criteria, the property will be removed from the TIF district in accordance with Ordinance No. 20228. Prior to acceptance of a tax rebate application, projects must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

**SHAWNEE COUNTY TAX LEVY SCHEDULE 2023**

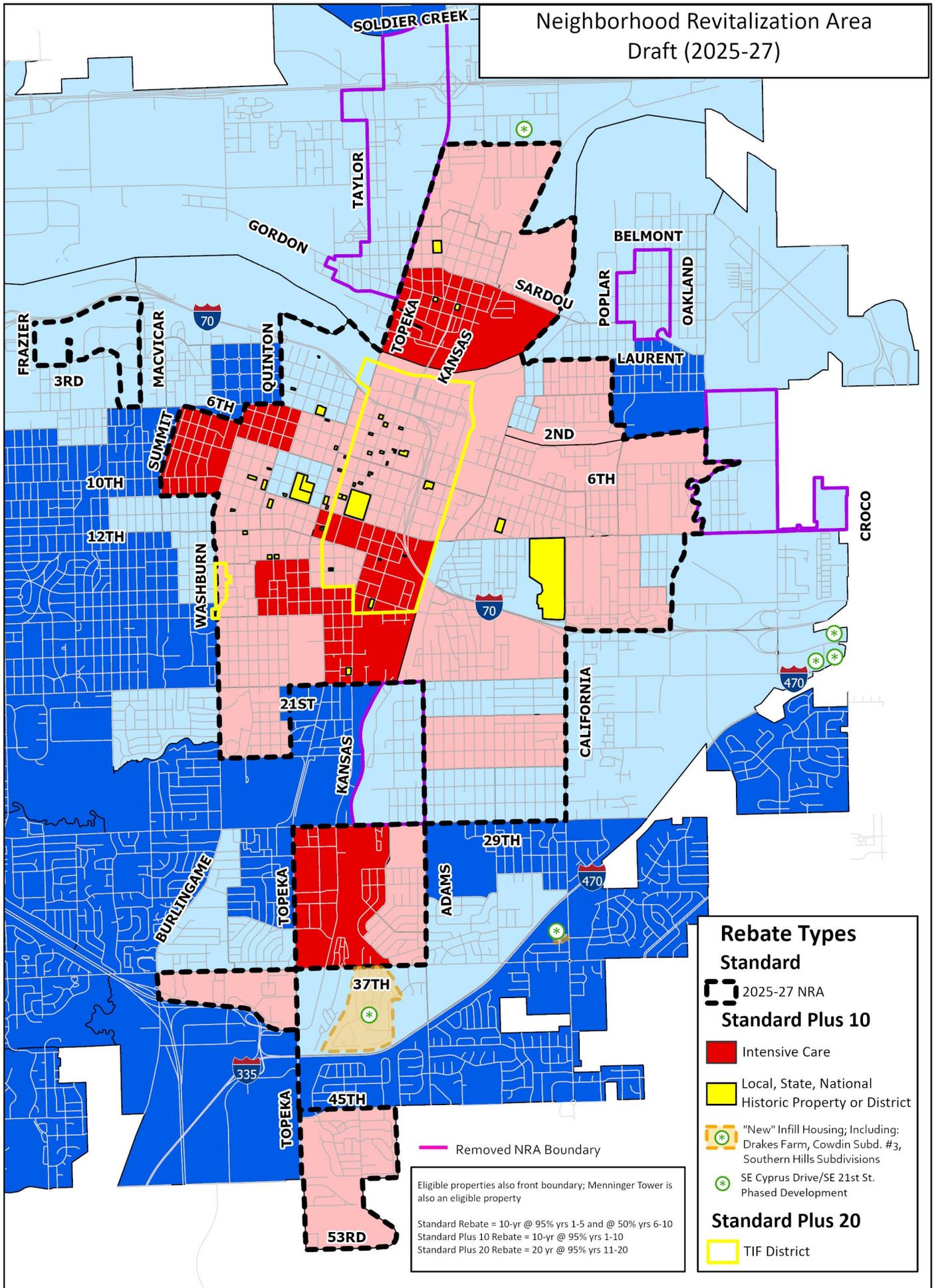
**Tax Levies per \$1,000 Assessed Valuation**

	<b>2023 Levy</b>	<b>% of Total Levy</b>
Shawnee County	48.653	34.41%
City of Topeka	36.952	26.13%
USD 501 (Topeka)	37.791	26.73%
Washburn University	3.45	2.44%
Topeka-Shawnee County Public Library	8.192	5.79%
TMTA (Transit)	4.2	2.97%
MTAA (Airport)	2.157	1.53%
<b>Total</b>	<b>141.395</b>	<b>100%</b>
Shawnee County	48.653	33.09%
City of Topeka	36.952	25.13%
USD 345 (Seaman)	43.422	29.53%
Washburn University	3.45	2.35%
Topeka-Shawnee County Public Library	8.192	5.57%
TMTA (Transit)	4.2	2.86%
MTAA (Airport)	2.157	1.47%
<b>Total</b>	<b>147.026</b>	<b>100%</b>
Shawnee County	48.653	33.07%
City of Topeka	36.952	25.12%
USD 450 (Shawnee Heights)	43.501	29.57%
Washburn University	3.45	2.35%
Topeka-Shawnee County Public Library	8.192	5.57%
TMTA (Transit)	4.2	2.86%
MTAA (Airport)	2.157	1.47%
<b>Total</b>	<b>147.105</b>	<b>100%</b>
Shawnee County	48.653	32.29%
City of Topeka	36.952	24.52%
USD 437 (Auburn Washburn Rural)	47.092	31.25%
Washburn University	3.45	2.29%

Topeka-Shawnee County Public Library	8.192	5.44%
TMTA (Transit)	4.2	2.79%
MTAA (Airport)	2.157	1.43%
Total	150.696	100%

*Source: Shawnee County Clerk's Office, 2024*

# Neighborhood Revitalization Area Draft (2025-27)



**Rebate Types**

**Standard**

**Standard Plus 10**

- 2025-27 NRA
- Intensive Care
- Local, State, National Historic Property or District
- "New" Infill Housing; Including: Drakes Farm, Cowdin Subd. #3, Southern Hills Subdivisions
- SE Cyprus Drive/SE 21st St. Phased Development

**Standard Plus 20**

- TIF District

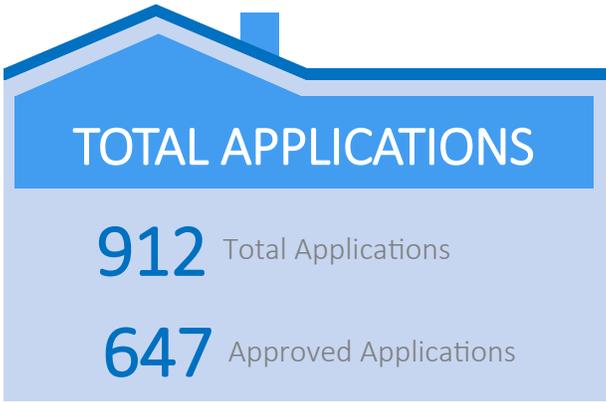
Removed NRA Boundary

Eligible properties also front boundary; Menninger Tower is also an eligible property

Standard Rebate = 10-yr @ 95% yrs 1-5 and @ 50% yrs 6-10  
 Standard Plus 10 Rebate = 10-yr @ 95% yrs 1-10  
 Standard Plus 20 Rebate = 20 yr @ 95% yrs 11-20

# Neighborhood Revitalization Program

## Term Years 1995-2024



**TOTAL INVESTED**

**515** MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

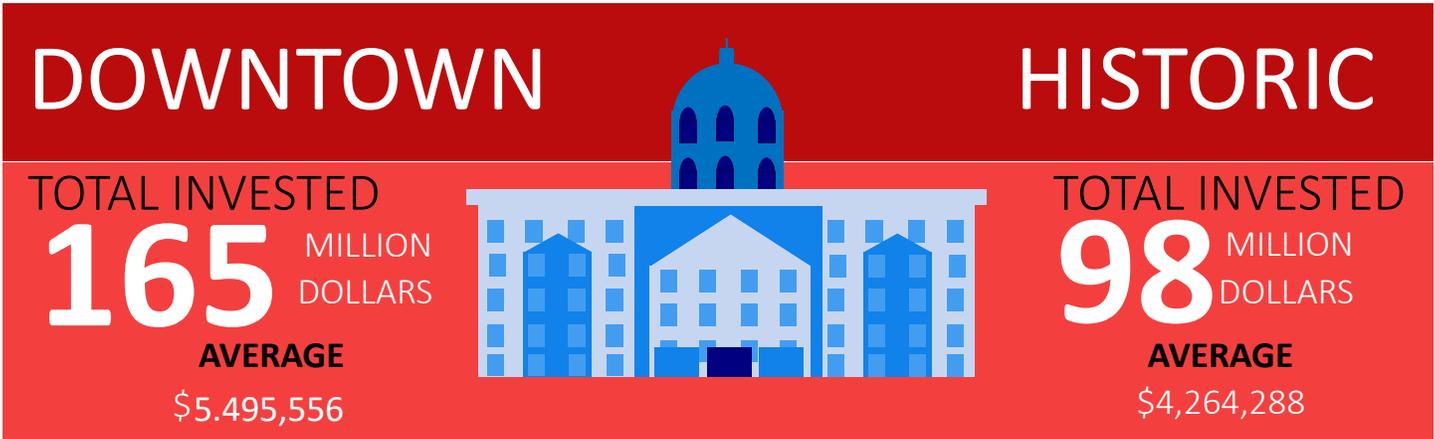
**\$389 million**  
COMMERCIAL

**\$141 million**  
RESIDENTIAL

1995-2023 **TAX REBATE AMOUNT PAID** **\$63,215,296**

**\$34,038,676** **NEW TAX GENERATED** <sup>2006-2023</sup>

FOR EVERY DOLLAR REBATED **\$8** ARE INVESTED

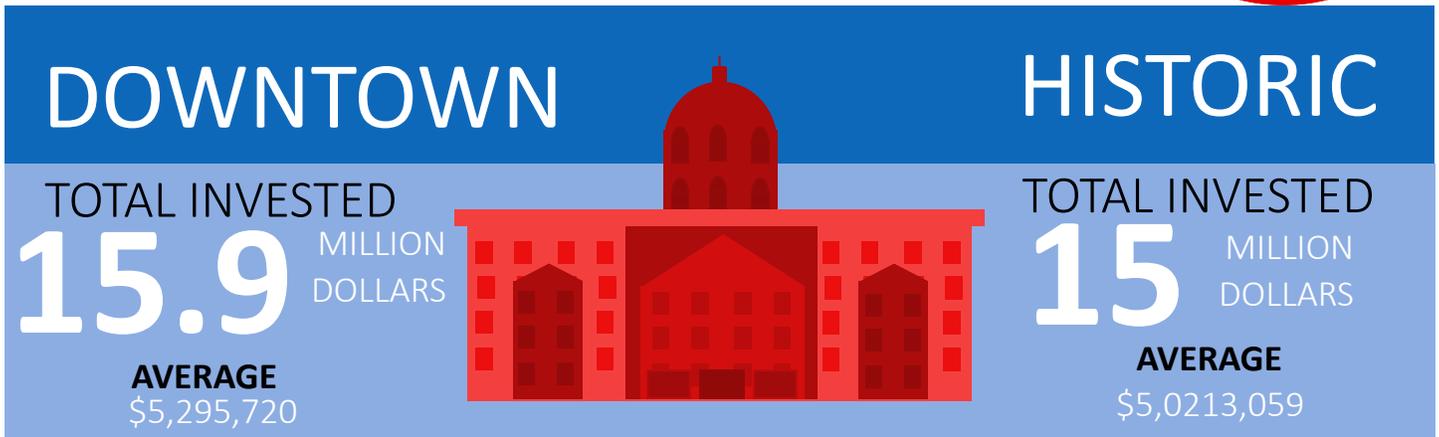
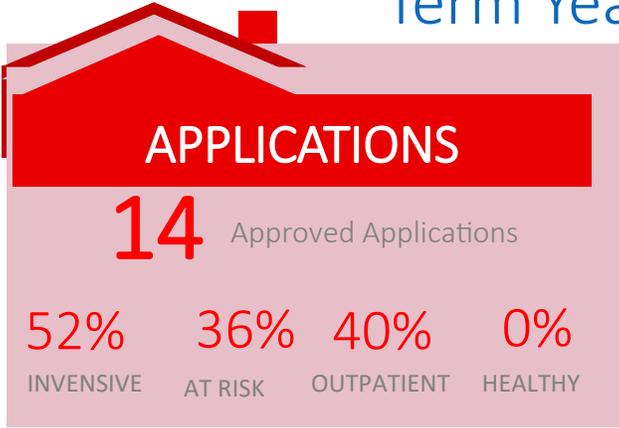


### Neighborhood Health 2004-2024

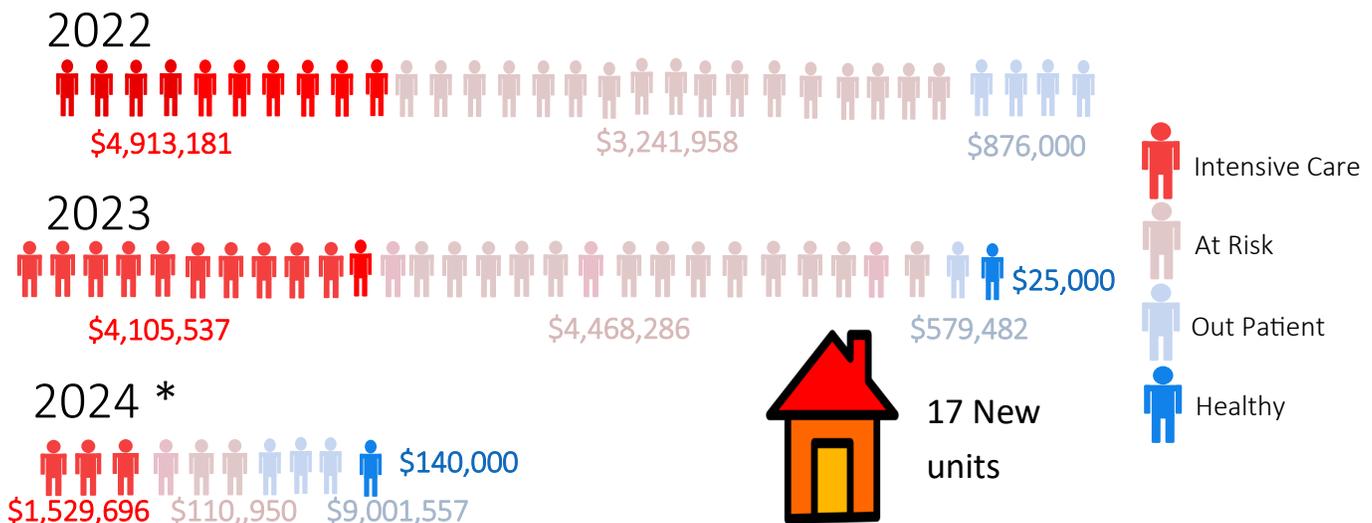
INTENSIVE CARE	<b>\$52,412,754</b>	<b>14%</b>
AT RISK	<b>\$212,369,359</b>	<b>56%</b>
OUTPATIENT	<b>\$80,586,612</b>	<b>21%</b>
HEALTHY	<b>\$30,636,867</b>	<b>8%</b>

# Neighborhood Revitalization Program

## Term Years 2022-2024

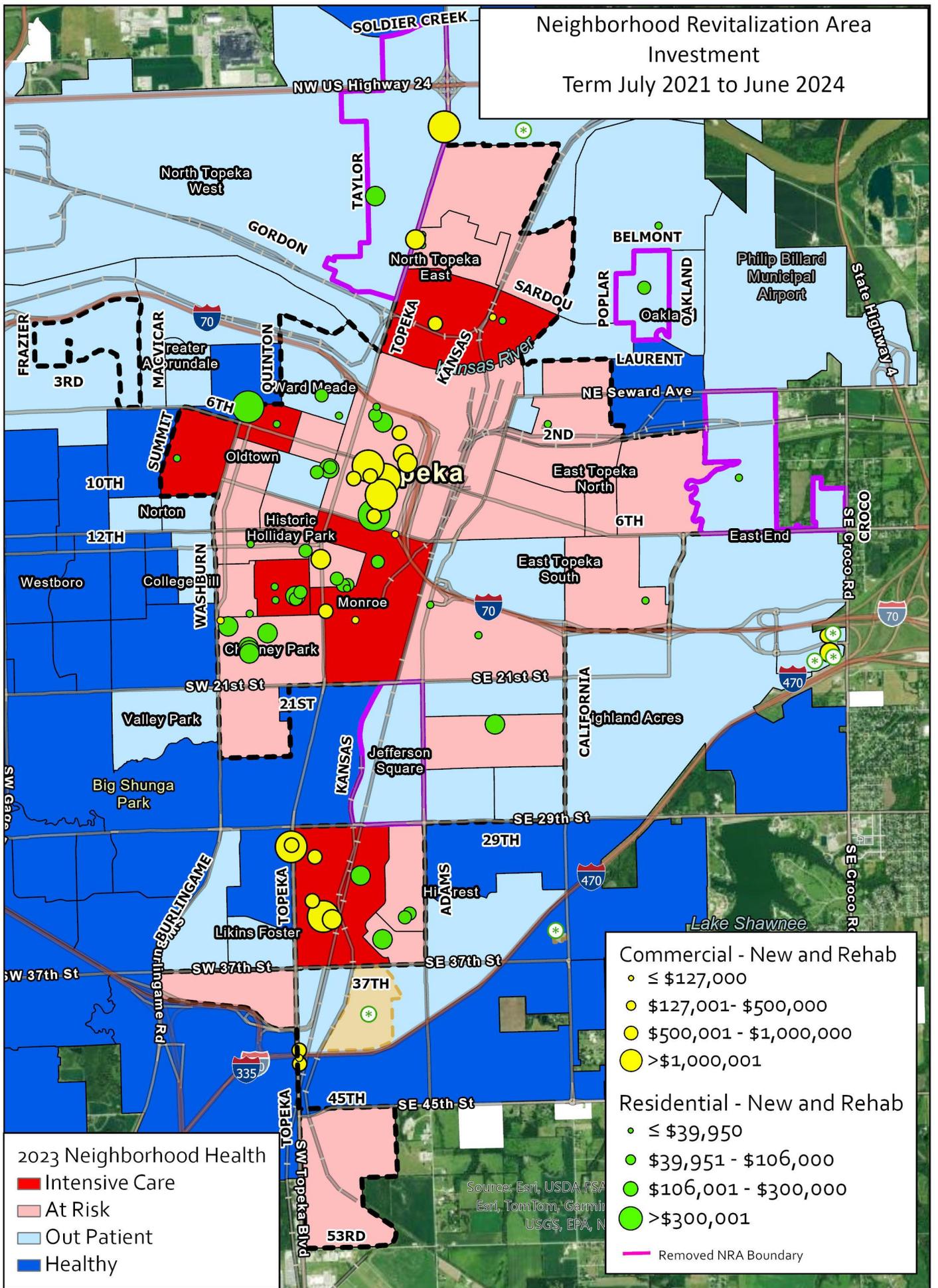


### Neighborhood Health Applications and Investments



2024 Applications Pending

Neighborhood Revitalization Area  
Investment  
Term July 2021 to June 2024





City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 17, 2024

---

**DATE:** September 17, 2024  
**CONTACT PERSON:** Amanda Stanley, City Attorney      **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Adoption of 2024 Standard Traffic Ordinance      **PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 013 Ordinances - Codified / 142 Traffic and Vehicles  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** Discussion. 09-10-24      **JOURNAL #:**  
**PAGE #:**

---

**DOCUMENT DESCRIPTION:**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, concerning adoption of the 2024 edition of the Standard Traffic Ordinances, amending § 10.15.010 and § 10.15.020 of the Topeka Municipal Code and repealing original sections.

**Voting Requirement:** Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

*(Approval will adopt the most recent version of the STO.)*

**VOTING REQUIREMENTS:**

Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

**POLICY ISSUE:**

Whether to adopt the 2024 STO with most current statutory updates following the 2024 legislative session with recommended local amendments.

**STAFF RECOMMENDATION:**

Staff recommends the City Council move to adopt the ordinance.

**BACKGROUND:**

The League of Kansas Municipalities (LKM) prepares and publishes the Standard Traffic Ordinance on an

annual basis in July following the legislative session. This book is a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

**BUDGETARY IMPACT:**

One (1) Electronic Copy for website posting - \$100

Hard Copies - \$9.00 per book.

**SOURCE OF FUNDING:**

General Fund

**ATTACHMENTS:**

**Description**

Ordinance

Executive Summary Memo - K. Trussell (August 32, 2024)

2024 STO Electronic Version

1 (Published in the Topeka Metro News \_\_\_\_\_)  
2

3 ORDINANCE NO. \_\_\_\_\_  
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, concerning  
6 adoption of the 2024 edition of the Standard Traffic Ordinances,  
7 amending § 10.15.010 and § 10.15.020 of the Topeka Municipal  
8 Code and repealing original sections.  
9

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

11 Section 1. That section 10.15.010, Incorporation of Standard Traffic  
12 Ordinance, of The Code of the City of Topeka, Kansas, is hereby amended to read as  
13 follows:

14 **Incorporation of Standard Traffic Ordinance.**

15 (a) Generally – Copies. There is hereby incorporated by reference for the  
16 purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas,  
17 the Standard Traffic Ordinance for Kansas Cities, ~~50<sup>th</sup>~~51<sup>st</sup> Edition (~~2023~~2024), prepared  
18 and published in book form by the League of Kansas Municipalities, Topeka, Kansas,  
19 save and except such articles, sections or parts or portions as are hereafter omitted,  
20 deleted, modified or changed. One copy of the Standard Traffic Ordinance shall be  
21 marked or stamped “Official Copy as Adopted by Ordinance No. ~~20456~~\_\_\_\_\_,” with all  
22 sections or portions thereof intended to be omitted or changed clearly marked to show  
23 any such omission or change and to which shall be attached a copy of the ordinance  
24 codified in this chapter and filed with the City Clerk to be open to inspection and  
25 available to the public at all reasonable hours. The Standard Traffic Ordinance, as  
26 amended, shall also be posted on the City’s website.

27 (b) Traffic Infractions and Traffic Offenses.

28 (1) A traffic infraction is a violation of any section of this title or of the Standard

29 Traffic Ordinance that prohibits or requires the same behavior as that prohibited or  
30 required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118,  
31 and amendments thereto.

32 (2) All traffic violations which are included within this title and which are not  
33 traffic infractions as defined in subsection (b)(1) of this section shall be considered  
34 traffic offenses.

35 Section 2. That section 10.15.020, Amendments, of The Code of the City of  
36 Topeka, Kansas, is hereby amended to read as follows:

37 **Amendments.**

38 The ~~50<sup>th</sup>~~51<sup>st</sup> Edition of the Standard Traffic Ordinance for Kansas Cities, as  
39 adopted by reference, shall be amended as follows:

40 (a) Section 33 of the Standard Traffic Ordinance, relating to maximum speed  
41 limits, is hereby declared to be and is omitted and deleted and the provisions set forth at  
42 TMC 10.20.060 shall be substituted therefor.

43 (b) Section 50 of the Standard Traffic Ordinance, relating to right, left and U-  
44 turns at intersection – obedience to, is hereby declared to be and is omitted and deleted  
45 and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220  
46 shall be substituted therefor.

47 (c) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use  
48 right half of crosswalks, is hereby declared to be and is omitted and deleted.

49 (d) Section 69 of the Standard Traffic Ordinance, relating to pedestrians  
50 soliciting rides or business, is hereby declared to be and is omitted and deleted and the  
51 provisions set forth in Chapter 10.80 TMC shall be substituted therefor.

52 (e) Section 104 of the Standard Traffic Ordinance, relating to inattentive driving,  
53 is hereby declared to be and is omitted and deleted and the provisions set forth at TMC  
54 10.20.100 shall be substituted therefor.

55 (f) Section 107 of the Standard Traffic Ordinance, relating to unattended motor  
56 vehicles, is hereby declared to be and is omitted and deleted and the provisions set  
57 forth at TMC 10.20.125 shall be substituted therefor.

58 (g) Section 116 of the Standard Traffic Ordinance, relating to driving upon  
59 sidewalks, is hereby declared to be and is omitted and deleted and the provisions set  
60 forth at TMC 10.20.127 shall be substituted therefor.

61 (h) Section 119 of the Standard Traffic Ordinance, relating to parades and  
62 processions, is hereby declared to be and is omitted and deleted and the provisions set  
63 forth in Chapter 10.50 TMC shall be substituted therefor.

64 (i) Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle  
65 paths, is hereby declared to be and is omitted and deleted.

66 (j) Section 133(c), relating to bicycle pedals, is hereby amended by adding the  
67 following exception:

68 Exception: Subsection (c) shall not apply where the design of the pedal  
69 does not allow attachment of reflectors.

70 (k) Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving  
71 while license canceled, suspended or revoked, is hereby declared to be and is omitted  
72 and deleted.

73 (l) Section 195.1 of the Standard Traffic Ordinance, relating to operation of a  
74 motor vehicle when a habitual violator, is hereby declared to be and is omitted and

75 deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

76 (m) Section 198 of the Standard Traffic Ordinance, relating to vehicle license –  
77 illegal tag, is hereby declared to be and is omitted and deleted and the provisions set  
78 forth at TMC 10.05.060 shall be substituted therefor.

79 (n) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in  
80 school zones, is hereby declared to be and is omitted and deleted and the provisions  
81 set forth at TMC 10.20.170 shall be substituted therefor.

82 Section 3. That section 10.60.080, Stopping, standing or parking prohibited in  
83 street parkings, of The Code of the City of Topeka, Kansas, is hereby repealed.

84 ~~**Stopping, standing or parking prohibited in street parkings.**~~

85 ~~No person shall stop, stand or park a vehicle except when necessary to avoid~~  
86 ~~conflict with other traffic or in compliance with the directions of a police officer or traffic~~  
87 ~~control device in any of the following places:~~

88 ~~On any parking of any street; provided, that “parking” as used in this section shall~~  
89 ~~be defined as the area of any street between the curblines and the property line, but not~~  
90 ~~including:~~

91 ~~(a) That area improved and used as a sidewalk;~~

92 ~~(b) That area approved by the Council and used as a cutback; and~~

93 ~~(c) That area authorized for a loading zone while being used for such purpose;~~

94 ~~provided further, that the area in the parking of any street which has been~~  
95 ~~authorized for ingress and egress to adjacent property shall not be excluded from the~~  
96 ~~parking of any street for the purposes of this section.~~

97





# CITY OF TOPEKA

Legal Department, Prosecution Division  
215 SE 7<sup>th</sup> Street, Room 170  
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution  
Tel: (785) 368-3910  
[www.topeka.org](http://www.topeka.org)

## MEMORANDUM

To: Governing Body Members  
From: Kelly J. Trussell, Chief of Prosecution  
Re: 51<sup>st</sup> Edition (2024) of the Standard Traffic Ordinance  
Date: August 23, 2024

The purpose of this memo is to explain the proposed adoption of the 51<sup>st</sup> Edition (2024) of the Standard Traffic Ordinance (STO). The STO is a codification of state laws that is published in book format by the League of Kansas Municipalities, which has been published since 1960. The publication is revised annually to remain consistent with the changes in state law, with the 51<sup>st</sup> Edition (2024) released as the most current version. It is designed to provide a comprehensive traffic code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by, K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3301.

It is not necessary to publish the STO in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary for the city. The incorporating ordinance may also change sections, but where there is a statutory citation at the end of any section, care should be exercised not to change the language in such a manner as to conflict with the language of the statute (K.S.A. 8-2001).

The STO, in large part, parallels the state traffic act. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to traffic in conflict with provision of this STO and ordinances incorporating earlier editions of the STO should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 50<sup>th</sup> Edition (2023) of the STO, as previously adopted by the governing body. At this time, the 51<sup>st</sup> Edition (2024) of the STO is available. We are recommending adoption of the 51<sup>st</sup> Edition with certain deletions and/or changes.

The following relevant changes were made in the 51<sup>st</sup> Edition of the STO:

## CHANGES TO THE STANDARD TRAFFIC ORDINANCE

1. ***Section 23. Accident Involving Death or Personal Injuries; Duties of Drivers, Reports; Penalties.*** In the 50<sup>th</sup> Edition, drivers involved in an accident with more than \$1,000 of property damage that did not remain at the scene of an accident were subject to a penalty of up to one year of imprisonment and/or a fine up to \$2,500. HB 2665 amended the property damage amount to clarify the penalty applies to any property damage of \$1,000 or more.
2. ***Section 114.5. Unlawful Operation of a Work-Site Utility Vehicle.*** This Section was edited to replace the wording in Subsection (c) referencing all-terrain vehicles to the proper references of work-site utility vehicles.
3. ***Section 201.1. Failure to Comply with a Traffic Citation.*** This Section is updated to expire at 11:59 p.m. on December 31, 2024. Upon expiration, the new Section 201.2 will take effect.
4. ***Section 201.2. Failure to Comply with a Traffic Citation.*** This Section takes effect on January 1, 2025, reflecting the changes made by SB 500 regarding the failure to comply with a traffic citation. Previously, a person violated this provision if they did not appear before municipal court and pay their fines in full. Section 201.2 makes it a violation when a person does not appear in municipal court and pay their fine and court costs as ordered by the court.

We are recommending the passage of the ordinance adopting the 51<sup>st</sup> Edition with the following deletions and / or changes. These are all carry through changes from previous years.

1. Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.060 shall be substituted therefor.
2. Section 50 of the Standard Traffic Ordinance, relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220 shall be substituted therefor.
3. Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.
4. Section 69 of the Standard Traffic Ordinance, relating to pedestrians standing on a highway for the purpose of soliciting employment, business, or

contributions, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.80 shall be substituted therefor.

5. Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.100 shall be substituted therefor.
6. Section 107 of the Standard Traffic Ordinance, relating to unattended motor vehicles, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.125 shall be substituted therefor.
7. Section 116 of the Standard Traffic Ordinance, relating to driving upon sidewalks, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.127 shall be substituted therefor.
8. Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 TMC shall be substituted therefor.
9. Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle paths, is hereby declared to be and is omitted and deleted.
10. Section 133(c), relating to bicycle pedals, is hereby amended by adding the following exception:  

Exception: Subsection (c) shall not apply where the design of the pedal does not allow attachment of reflectors.
11. Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.
12. Section 195.1 of the Standard Traffic Ordinance, relating to operation of a motor vehicle when a habitual violator, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.
13. Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.05.060 shall be substituted therefor.
14. Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in school zones, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.170 shall be substituted therefor.

Finally, Section 85 of the STO replicates state law for stopping, standing or parking prohibited in specified places. TMC 10.60.080 in addressing the same topic does not replicate state law. While not in conflict, the language in Section 85 mirroring KSA 8-1571 is easier to understand. As such, we have recommend repealing TMC 10.60.080 in its entirety and relying on STO Section 85.



# 2024

# Standard Traffic Ordinance For Kansas Cities

**51st Edition**

Prepared and Published by

The League of Kansas Municipalities

300 SW 8th Avenue Suite 100, Topeka KS, 66603

Ordinance Incorporated by Reference  
Under the Provisions of K.S.A. 12-3009 through  
12-3012, and K.S.A. 12-3301 and 12-3302

by Ordinance No. \_\_\_\_\_

City of \_\_\_\_\_, Kansas

# 51<sup>st</sup> Edition

Standard Traffic Ordinance  
For Kansas Cities

Published in 2024



## STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

The *Standard Traffic Ordinance* for Kansas Cities has been published by the League of Kansas Municipalities since 1960. It is designed to provide a comprehensive traffic code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302. All citations refer to the Kansas Statutes in effect 7/1/24 unless otherwise noted.

It is not necessary to publish the *Standard Traffic Ordinance* in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary for the city. The incorporating ordinance may also change sections, but where there is a statutory citation at the end of any section, care should be exercised not to change the language in such a manner as to conflict with the language of the statute (K.S.A. 8-2001).

The *Standard Traffic Ordinance*, in large part, parallels the state traffic act. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to traffic in conflict with provisions of this standard traffic ordinance and ordinances incorporating earlier editions of the standard traffic ordinance should be repealed by the incorporating ordinance.

There must be at least one official copy of this standard ordinance on file with the city clerk. Enforcing officers should have copies. The blanks on the first page should be filled in on all copies.

There are several blank pages at the end of this book. Newspaper clippings of the incorporating ordinance and subsequent ordinances on traffic may be pasted on these pages. Extra copies of the newspaper should be procured, or reprints arranged for so that copies may be pasted in all copies of the standard ordinance.

A listing of changes made to the Standard Traffic Ordinance for 2024 can be found on page 215 of this edition.



## Table of Contents

	Page
Article 1. Definitions .....	6
Article 2. Scope of Ordinance .....	27
Article 3. Obedience to and Effect of Traffic Laws ...	28
Article 4. Traffic Signs, Signals and Markings.....	31
Article 5. Accidents and Accident Reports; Duties...	38
Article 6. Serious Traffic Offenses.....	42
Article 7. Speed Regulations .....	58
Article 8. Driving on Right Side of Roadway; Overtaking and Passing; Use of Roadway .....	61
Article 9. Turning and Starting and Signals on Stopping and Turning.....	70
Article 10. Right-of-Way .....	73
Article 11. Pedestrians.....	77
Article 12. Special Stops Required .....	80
Article 13. Stopping, Standing and Parking .....	85
Article 14. Miscellaneous Rules.....	95
Article 15. Operation of Bicycles, Motorized Bicycles, Low Power Cycles and Play Vehicles.....	114
Article 16. Special Rules for Motorcycles .....	118
Article 17. Lights, Brakes, Horns and Other Equipment.....	120
Article 18. Equipment on Motorcycles and Motor-Driven Cycles .....	159
Article 19. Driver's License and Vehicle Tags .....	163
Article 20. Penalties Generally.....	173
Article 21. Severability .....	187
Appendix A. Statutes Affecting or Limiting Powers of Cities .....	188
Appendix B. Ordinance Traffic Infractions .....	191
Index.....	197
Changes in STO for 51 <sup>st</sup> Edition .....	215

**STANDARD TRAFFIC ORDINANCE  
FOR  
KANSAS CITIES**

**51<sup>st</sup> Edition**

**Article 1. Definitions**

**Section 1. Definitions.** The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires. (K.S.A. 8-1401)

**Alcoholic Beverage.** Any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto. (K.S.A. 8-1599(a))

**Alcohol Concentration.** The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath. (K.S.A. 8-1013(a))

**Alley.** A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (K.S.A. 8-1402)

**All-Terrain Vehicle.** Any motorized nonhighway vehicle, other than an electric-assisted bicycle, 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires. (K.S.A. 8-1402a; K.S.A. 8-126)

**Antique.** Any vehicle, including an antique military vehicle, more than 35 years old, propelled by a motor using petroleum fuel, steam or electricity, or any combination thereof, regardless of the age or type of the components or equipment installed on the vehicle. (K.S.A. 8-166(a))

**Arterial Street.** Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (K.S.A. 8-1403)

**Authorized Emergency Vehicle.** Such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 *et seq.*, and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto. (K.S.A. 8-1404)

**Authorized Utility or Telecommunication Vehicle.** (1) A motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, or a municipality-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto; and (2) a motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provide or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto. (K.S.A. 8-15,114(e))

**Autocycle.** A three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it. (K.S.A. 8-1497)

**Bicycle.** Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter. (K.S.A. 8-1405)

**Bus.** Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (K.S.A. 8-1406)

**Business District.** The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (K.S.A. 8-1407)

**Chief of Police.** The chief of police of the city, or any member of the police department of the city designated by the chief of police to act in his or her place.

**Church Bus.** Every bus owned by a religious organization and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, **religious organization** means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place. (K.S.A. 8-1730a(a))

**City or This City.** A city incorporating this ordinance by reference and whose name is stated in the incorporating ordinance.

**Commercial Motor Vehicle.** A motor vehicle designed or used to transport passengers or property, if:

- (a) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
- (b) The vehicle is designed to transport 16 or more passengers, including the driver; or
- (c) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F.

(K.S.A. 8-2,128(f))

**Controlled-Access Highway.** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. (K.S.A. 8-1410)

**Crosswalk.**

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(K.S.A. 8-1411)

**Daycare Program.** Those which provide day service for development in self-help, social, recreational, and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities. (K.S.A. 8-1730a(b); K.S.A. 39-1006)

**Daycare Program Bus.** Every bus used primarily to carry out functions of a daycare program or used by a childcare facility licensed by the Kansas Department of Health and Environment who provides transportation for children six through 18 years of age. (K.S.A. 8-1730a(b))

**Department or Motor Vehicle Department or Vehicle Department.** The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas. (K.S.A. 8-126(e))

**Digital Network.** Any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers. (K.S.A. 8-2702(b))

**Director.** The director of vehicles. (K.S.A. 8-1412)

**Divided Highway.** A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic. (K.S.A. 8-1414)

**Division.** The division of vehicles of the department of revenue. (K.S.A. 8-1413)

**Drag Race.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit. (K.S.A. 8-1565(b))

**Drawbar.** A bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a tow bar may be coupled. (K.S.A. 8-1414a)

**Driveaway-Towaway Operations.** Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. (K.S.A. 8-1415)

**Driver.** Every person who drives or is in actual physical control of a vehicle. (K.S.A. 8-1416)

**Driver's License.** Any license to operate a motor vehicle issued under the laws of this state. (K.S.A. 8-1417)

**Electric-Assisted Bicycle.** A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **Class 1 electric-assisted bicycle** means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
- (b) **Class 2 electric-assisted bicycle** means an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
- (c) **Class 3 electric-assisted bicycle** means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. (K.S.A. 8-1489)

**Electric-Assisted Scooter.** Every self-propelled vehicle, other than an electric-assisted bicycle, that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. (K.S.A.8-126(h))

**Electronic Certificate of Title.** Any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 8-135d, and amendments thereto. (K.S.A. 8-126(k))

**Electric Personal Assistive Mobility Device.** A self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. (K.S.A. 8-1491)

**Electric Vehicle.** A vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electric energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (a) Residential electric service;
- (b) An electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

(K.S.A. 8-126(j))

**Essential Parts.** All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. (K.S.A. 8-1418)

**Exhibition of Speed or Acceleration.** Those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

**Farm Tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry, and such term shall include every self-propelled implement of husbandry. (K.S.A. 8-1420)

**Farm Trailer.** Every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle. (K.S.A. 8-126(n))

**Funeral Escort.** A person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies and groups designated to escort military funeral processions. (K.S.A. 8-1349(c))

**Funeral Lead Vehicle.** Any authorized law enforcement or nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A. 8-1723, and amendments thereto, or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle. (K.S.A. 8-1349(b))

**Funeral Procession.** Two or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort. (K.S.A. 8-1349(a))

**Golf Cart.** A motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver. (K.S.A. 8-1495)

**Governing Body.** In commission and commission-manager cities, the mayor shall be considered part of the city governing body in all matters. In mayor-council, modified mayor-council and mayor-council-manager cities, the mayor shall be considered part of the city governing body for the purpose of voting on the passage of a charter ordinance. Whether the mayor is considered part of the governing body for purposes of voting on any other matter shall otherwise be established by ordinance of the city passed by a 2/3 majority of the council. All existing ordinances and charter ordinances relating to the mayor being considered part of the city governing body shall remain in effect until amended or repealed by such city. (K.S.A. 12-104)

**Gross Weight.** The weight of a vehicle without load plus the weight of any load thereon. (K.S.A. 8-1423)

**Habitual Violator.** Defined as in K.S.A. 8-285.

**Highway.** Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term **highway** shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions. See also **Street or Highway**. (K.S.A. 8-126(q); K.S.A. 8-1424)

**House Trailer.**

- (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (c) **House Trailer** does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202.  
(K.S.A. 8-1425)

**Identifying Numbers.** The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle. (K.S.A. 8-1426)

**Ignition Interlock Device.** A device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage. (K.S.A. 8-1013(d))

**Implement of Husbandry.** Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a fertilizer spreader or nurse tank used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership. For the purpose of this section or for the purpose of the act of which this section is a part, "implement of husbandry" shall not include

- (a) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (b) a mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (c) a truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership.  
(K.S.A. 8-1427)

## **Intersection.**

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection. (K.S.A. 8-1428)

**Interstate System.** The national system of interstate and defense highways. (K.S.A. 8-1428a)

**Laned Roadway.** A roadway which is divided into two or more clearly marked lanes for vehicular traffic. (K.S.A. 8-1429)

**License or License to Operate a Motor Vehicle.** Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- (a) Any temporary license, or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (c) Any nonresident's operating privilege.  
(K.S.A. 8-1430)

**Lien Holder.** A person holding a security interest in a vehicle.  
(K.S.A. 8-1431)

**Light Transmission.** The ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing. (K.S.A. 8-1749b(b))

**Light Weight Roadable Vehicle.** A multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration. (K.S.A. 8-1496)

**Local Authorities.** The Kansas turnpike authority and every city, county and other local board or body having authority to adopt ordinances or regulations relating to vehicular traffic under the constitution and laws of this state. (K.S.A. 8-1432)

**Low-Speed Vehicle.** Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500. (K.S.A. 8-1488)

**Luminous Reflectants.** The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material. (K.S.A. 8-1749b(c))

**Mail.** To deposit in the United States mail properly addressed and with postage prepaid. (K.S.A. 8-1433)

**Manufacturer.** Every person engaged in the business of constructing or assembling vehicles of a type required to be registered in this state. (K.S.A. 8-1434)

**Metal Tire.** Every tire, the surface of which in contact with the highway, is wholly or partly of metal or other hard non-resilient material. (K.S.A. 8-1435)

**Micro Utility Truck.** Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. **Micro utility truck** does not include a work-site utility vehicle. (K.S.A. 8-1494)

**Motor Home.** Every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use. (K.S.A. 8-1436)

**Motor Vehicle.** Every vehicle, other than a motorized bicycle, electric-assisted bicycle or a motorized wheelchair, that is self-propelled. (K.S.A. 8-1437; K.S.A. 8-126(w))

**Motorcycle.** Every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding an electric-assisted bicycle or a tractor. (K.S.A. 8-1438)

**Motor-Driven Cycle.** Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle. (K.S.A. 8-1439)

**Motorized Bicycle.** Every device, other than an electric-assisted bicycle, having two tandem wheels or three wheels that may be propelled by either human power or helper motor, or by both, and that has: (a) a motor that produces not more than 3.5 brake horsepower; (b) a cylinder capacity of not more than 130 cubic centimeters; (c) an automatic transmission; and (d) the capability of a maximum design speed of no more than 30 miles per hour except a low power cycle. (K.S.A. 8-1439a)

**Motorized Skateboard.** A self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

**Motorized Wheelchair.** Any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour. (K.S.A. 8-1439c)

**Narrow Width Lane.** A lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane. (K.S.A. 8-1590)

**Nonreflective.** A product or material designed to absorb light rather than to reflect it. (K.S.A. 8-1749b(d))

**Nonresident.** Every person who is not a resident of this state. (K.S.A. 8-1440)

**Nonresident's Operating Privilege.** The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state. (K.S.A. 8-1441)

**Official Time Standard.** Whenever certain hours are specified, they shall mean standard time or daylight-saving time as may be in current use in this city.

**Official Traffic-Control Devices.** All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (K.S.A. 8-1442)

**Official Traffic-Control Signal.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**Oil Well Servicing, Oil Well Clean-out or Oil Well Drilling Machinery or Equipment.** A vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment. (K.S.A. 8-126(dd))

**Ordinance Traffic Infraction.** Is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, as amended.

**Other Competent Evidence.** Includes: (a) alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (b) readings obtained from a partial alcohol concentration test on a breath testing machine. (K.S.A. 8-1013(f))

**Owner.** A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. (K.S.A. 8-1443)

**Park or Parking.** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (K.S.A. 8-1444)

**Passenger Car.** Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons. A motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle. (K.S.A. 8-1445; 8-2502)

**Pedestrian.**

- (a) Any person afoot;
- (b) Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (c) Any person using an electric personal assistive mobility device.

(K.S.A. 8-1446)

**Person.** Every natural person, firm, partnership, association or corporation. (K.S.A. 8-1447)

**Person with a Disability.** Any individual who:

- (a) Has a severe visual impairment;
- (b) Cannot walk 100 feet without stopping to rest;
- (c) Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (d) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (e) Uses portable oxygen;
- (f) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association; or

(g) Is severely limited in such person's ability to walk at least 100 feet due to an arthritic, neurological or orthopedic condition. (K.S.A. 8-1,124)

**Pneumatic Tire.** Every tire in which compressed air is designed to support the load. (K.S.A. 8-1448)

**Pole Trailer.** Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (K.S.A. 8-1449)

**Police Officer.** Every law enforcement officer, as defined in K.S.A. 21-5111, authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (K.S.A. 8-1450)

**Private Road or Driveway.** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (K.S.A. 8-1451)

**Racing.** The use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes. (K.S.A. 8-1565(c))

**Railroad.** A carrier of persons or property upon cars operated upon stationary rails. (K.S.A. 8-1452)

**Railroad Sign or Signal.** Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (K.S.A. 8-1453)

**Railroad Train.** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (K.S.A. 8-1454)

**Recreational Off-Highway Vehicle.** Any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires. (K.S.A. 8-126(ii))

**Recreational Vehicle.** A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the state uniform standards code for mobile homes and recreational vehicles. (K.S.A. 75-1212)

**Registration.** The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles. (K.S.A. 8-1455)

**Residence District.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is improved in the main, with residences or residences and buildings in use for business. (K.S.A. 8-1456)

**Revocation of Driver's License.** The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed in K.S.A. 8-256 and any amendments thereto. (K.S.A. 8-1457)

**Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (K.S.A. 8-1458)

**Road Construction Zone.** The portions of a highway which are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended. (K.S.A. 8-1458a)

**Roadway.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term **roadway** as used herein shall refer to any such roadway separately but not to all such roadways collectively. (K.S.A. 8-1459)

**Safety Hitch.** A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the tow bar or drawbar fails or becomes disconnected. (K.S.A. 8-1459a)

**Safety Zone.** The area or 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. (K.S.A. 8-1460)

**Samples.** Includes breath supplied directly for testing, which breath is not preserved. (K.S.A. 8-1013(g))

**School Bus.** Every motor vehicle defined and designated as a school bus in K.S.A. 72- 6486(g)(1), formerly cited as K.S.A. 72-8301(g). (K.S.A. 8-1461)

**School Crossing Guard.** Any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized under K.S.A. 8-15,104, and amendments thereto, to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop. (K.S.A. 8-1492)

**Secretary.** The Secretary of Transportation.

**Security Agreement.** A written agreement which reserves or creates a security interest. (K.S.A. 8-1462)

**Security Interest.** An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions. (K.S.A. 8-1463)

**Self-propelled Farm Implement.** Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design. (K.S.A. 8-126(kk))

**Semitrailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (K.S.A. 8-1464) .

**Sidewalk.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. (K.S.A. 8-1465)

**Solid Rubber Tire.** Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (K.S.A. 8-1466)

**Special Mobile Equipment.** Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (K.S.A. 8-1467)

**Specially Constructed Vehicle.** Every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. (K.S.A. 8-1468)

**Stand or Standing.** The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (K.S.A. 8-1469)

**State.** The State of Kansas.

**Stop.** When required means complete cessation from movement. (K.S.A. 8-1471)

**Stop or Stopping.** When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (K.S.A. 8-1472)

**Street or Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word “highway” or the word “street” is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise. (K.S.A. 8-1473)

**Sun Screening Devices.** A film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun. (K.S.A. 8-1749b(a))

**Suspension of a Driver’s License.** The temporary withdrawal by formal action of the division of a person’s license or privilege to operate a motor vehicle on the highways. (K.S.A. 8-1474)

**Through Highway.** Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance. (K.S.A. 8-1475)

**Tow Bar.** A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle. (K.S.A. 8-1475a)

**Toxic Vapors.** The following substances or products containing such substances:

- (a) Alcohols, including methyl, isopropyl, propyl, or butyl;
  - (b) aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
  - (c) acetone;
  - (d) benzene;
  - (e) carbon tetrachloride;
  - (f) cyclohexane;
  - (g) freons, including freon 11, freon 12 and other halogenated hydrocarbons;
  - (h) hexane;
  - (i) methyl ethyl ketone;
  - (j) methyl isobutyl ketone;
  - (k) naphtha;
  - (l) perchlorethylene;
  - (m) toluene;
  - (n) trichloroethane; or
  - (o) xylene.
- (K.S.A. 21-5712)

**Traffic.** Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel. (K.S.A. 8-1477)

**Traffic-Control Signal.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (K.S.A. 8-1478)

**Traffic Control Signal Preemption Device.** Any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal. (K.S.A. 21-6324(d))

**Traffic Infraction.** A violation of any of the statutory provisions listed in subsection (c) of K.S.A. 8-2118 as amended.

**Trailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle. (K.S.A. 8-1479)

**Transportation Network Company.** A corporation, partnership, sole proprietorship or other entity operating in Kansas that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract. (K.S.A. 8-2702(e))

**Transportation Network Company Driver.** An individual who:

- (1) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
- (2) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride.

(K.S.A. 8-2702(f))

**Travel Trailer.** Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes. (K.S.A. 8-1490)

**Truck.** Every motor vehicle designed, used or maintained primarily for the transportation of property. (K.S.A. 8-1481)

**Truck-Camper.** Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (K.S.A. 8-1482)

**Truck Tractor.** Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn. (K.S.A. 8-1483)

**Urban District.** The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. (K.S.A. 8-1484)

**Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks. (K.S.A. 8-1485)

**Waste Collection Vehicle.** A vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations. (K.S.A. 8-15,112(b))

**Wide-Base Single Tires.** All tires having a section width, as specified by the manufacturer, of 14 inches or more. (K.S.A. 8-1742b(a))

**Wireless Communication Device.** Any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. **Wireless communication device** does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function. (K.S.A. 8-15,111(a)(1))

**Work-Site Utility Vehicle.** Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. **Work-site utility vehicle** does not include a micro utility truck. (K.S.A. 8-1493)

**Wrecker or Tow Truck.** Any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles. (K.S.A. 66-1329(a))

**Write, Send or Read a Written Communication.** Using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail. (K.S.A. 8-15,111(a)(2))

## Article 2. Scope of Ordinance

**Sec. 2. Provisions of Ordinance Refer to Vehicles Upon the Streets and Highways; Exceptions.** The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways within this city except:

- (a) Where a different place is specifically referred to in a given section; and
- (b) The provisions of Sections 29 to 31, inclusive, of this ordinance, and the provisions of Article 10 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall apply upon streets and highways and elsewhere throughout the city. (K.S.A. 8-1501)

**Sec. 3. Emergency, Temporary and Experimental Regulations.** The chief of police or city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of this and other traffic ordinances of the city, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the governing body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than 90 days. (K.S.A. 8-2001; 8-2002, as amended)

**Sec. 4. Authority of Police.** Police officers of the city shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this city and temporary and emergency rules and regulations of the chief of police, and may at any time direct and control traffic in person or by visible or audible signals: provided, that in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances. (K.S.A. 8-2001; 8-2002)

**Article 3. Obedience to and  
Effect of Traffic Laws**

**Sec. 5. Required Obedience to Traffic Laws.** It is unlawful for any person to do any act forbidden or fail to perform any act required in this ordinance.

**Sec. 6. Obedience to Authorized Persons Directing Traffic.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman of this city invested by law with authority to direct, control or regulate traffic. (K.S.A. 8-1503)

**Sec. 6.1. Road Construction Zone.** It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in a road construction zone or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone. (K.S.A 8-1531a)

**Sec. 7. Persons Riding Animals or Driving Animal-Drawn Vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application. (K.S.A. 8-1504)

**Sec. 8. Persons Working on Highways; Exceptions.** Unless specifically made applicable, the provisions of this ordinance, except those contained in Sections 29 to 31, inclusive, of this ordinance, shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway, but shall apply to such persons and vehicles when traveling to or from such work. (K.S.A. 8-1505)

**Sec. 9. Public Officers and Employees to Obey Ordinance; Exceptions.** The provisions of this ordinance applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance. (K.S.A. 8-2103)

## **Sec. 10. Authorized Emergency Vehicles.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
  
- (b) The driver of an authorized emergency vehicle may:
  - (1) Park or stand, irrespective of the provisions of this ordinance.
  - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (3) Exceed the maximum speed limits so long as such driver does not endanger life or property.
  - (4) Disregard regulations governing direction of movement or turning in specified directions.
  - (5) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.
  
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
  
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others. (K.S.A. 8-1506)

**Ref.:** Sec. 61.

## Sec. 10.1 Funeral Processions.

- (a) Notwithstanding any provision of state law, city ordinance or county resolution relating to traffic control devices or right-of-way provisions, pedestrians and operators of all vehicles, except as provided in subsection (b), funeral escorts may reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices. When the funeral lead vehicle is directed by a funeral escort to lawfully enter an intersection, the remaining vehicles in the funeral procession may follow such funeral lead vehicle through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state law, city ordinance or county resolution.
- (b) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:
  - (1) Operators of vehicles in a funeral procession shall yield the right of-way to an approaching authorized emergency vehicle, and amendments thereto, using an audible signal meeting the requirements of Sec. 174, and amendments thereto, or a visual signal meeting the requirements of Sec. 160, and amendments thereto;
  - (2) operators of vehicles in a funeral procession shall yield the right of-way when directed by a police officer;
  - (3) operators of vehicles in a funeral procession shall exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian in accordance Sec. 66, and amendments thereto; and
  - (4) (4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession.
- (c) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

- (d) In accordance with Sec. 47, and amendments thereto, any state law, city ordinance or county resolution stating that motor vehicles shall be operated to allow sufficient space, enabling any other vehicle to enter and occupy such space without danger, shall not be applicable to funeral processions.
- (e) Each vehicle that is a part of a funeral procession shall have such vehicle's headlights, either high beam or low beam, and tail lights lighted and may also use flashing hazard lights if the vehicle is so equipped.
- (f) No funeral procession shall occupy, march or proceed along any highway until the city police department has been notified by the person or persons in charge thereof and until the chief of police or designee shall have made provision for such purpose together with a law enforcement or non-law enforcement funeral escort if he or she deems such escort necessary. (K.S.A. 8-2002(a)(3)); K.S.A. 8-1350:1352).

#### **Article 4. Traffic Signs, Signals and Markings**

**Sec. 11. Manual and Specifications for Traffic Control Devices.** All traffic control devices shall conform to the state manual and specifications. (K.S.A. 8-2005)

#### **Sec. 12. Obedience to and Required Traffic-Control Devices; Presumption of Legality.**

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.
- (b) No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

- (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (d) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. (K.S.A. 8-1507)

**Sec. 13. Traffic-Control Signal Legend.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) **Green Indication.**

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise provided by a pedestrian-control signal, as provided in Section 14, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

**(b) Steady Yellow Indication.**

- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 14, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

**(c) Steady Red Indication.**

- (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2), (3), and (4) of this subsection. Any turn provided for in paragraphs (2), (3), and (4) shall be governed by the applicable provisions of Section 49 of this ordinance.
- (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the

intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (4) The driver of a motorcycle or person riding a bicycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, shall have the right to proceed subject to the rules stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (5) Unless otherwise directed by a pedestrian-control signal as provided in Section 14, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.
- (d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(K.S.A. 8-1508)

### **Sec. 13.1. Traffic Control Signal Preemption Devices.**

- (a) Except as provided in subsection (c), it shall be unlawful for any person to knowingly possess a traffic control signal preemption device.
- (b) A person convicted of violating subsection (a) shall be guilty of a code violation and subject to a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.
- (c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:
  - (1) Publicly owned fire department vehicles;
  - (2) Publicly owned police vehicles; or
  - (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board.

(K.S.A. 21-6324)

**Sec. 14. Pedestrian-Control Signals.** Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" or symbols of "walking person" or "upraised palm" are in place, such signals shall indicate as follows:

- (a) **Flashing or Steady Walk or Walking Person.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (b) **Flashing or Steady Don't Walk or Upraised Palm.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" or "walking person" signal shall proceed to a sidewalk or safety island while the "don't walk" or "upraised palm" signal is showing. (K.S.A. 8-1509)

## Sec. 15. Flashing Signals.

- (a) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:
- (1) **Flashing Red (Stop Signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - (2) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed by the rules as set forth in Section 76 of this ordinance.
- (K.S.A. 8-1510)

**Sec. 16. Lane-Direction-Control Signals.** When lane-direction-control signals are placed over the individual lanes of a street or highway, such signals indicate and apply to drivers of vehicles as follows:

- (a) **Green Indication.** Vehicular traffic may travel in any lane over which a green signal is shown.
- (b) **Steady Yellow Indication.** Vehicular traffic is thereby warned that a lane control change is being made.
- (c) **Steady Red Indication.** Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.
- (d) **Flashing Yellow Indication.** Vehicular traffic may use the lane only for the purpose of approaching and making a left turn. (K.S.A. 8-1511)

## **Sec. 17. Display of Unauthorized Signs, Signals or Markings.**

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain, nor shall any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising, except for business signs included as part of official motorist service panels or roadside area information panels approved by the secretary of transportation.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the governing body is hereby empowered to remove the same or cause it to be removed without notice. (K.S.A. 8-1512)

**Sec. 18. Interference with Official Traffic-Control Devices or Railroad Signs or Signals.** No person, without lawful authority, shall attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (K.S.A. 8-1513)

**Sec. 19. Designation of Crosswalks and Safety Zones.** The chief of police, subject to the approval of the governing body, may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. The chief of police may also, subject to such approval, establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians. (K.S.A. 8-2001 and K.S.A. 8-2006)

**Ref.:** Driving Through Safety Zones, see Sec. 70.

## **Sec. 20. Play Streets.**

- (a) The chief of police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(K.S.A. 8-2002(a)(17))

**Sec. 21. Traffic Lanes.** The chief of police is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary.

## **Article 5. Accidents and Accident Reports; Duties**

**Sec. 22. Provisions of Article Apply Throughout City.** The provisions of this article shall apply upon streets and highways and elsewhere throughout the city. (K.S.A. 8-1601)

**Ref.:** Sec. 2.

**Sec. 23. Accident Involving Death or Personal Injuries; Duties of Drivers, Reports; Penalties.**

- (a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to or death of any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 25.
- (b) Violation of subsection (a) when an accident results in:

- (1) Total property damages of less than \$1,000 shall be punished as provided in Section 201.
- (2) Any person who violates this section which results in injury to any person or property damages of \$1,000 or more shall be punished by imprisonment for not more than one year or by a fine of not more than \$2,500, or by both such fine and imprisonment.

(c) The driver shall comply with the provisions of section 26.1

(K.S.A. 8-1602)

#### **Sec. 24. Reserved for Future Use.**

#### **Sec. 25. Duty of Driver to Give Certain Information after Accident; Failure to Provide Proof of Liability Insurance or Financial Security; Duty to Render Aid after Accident; Proof of Liability Insurance or Financial Security by Electronic Means, Restrictions.**

- (a) (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or other property shall give such driver's name, address, and the registration number of the vehicle such driver is driving, and upon request shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and upon request exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.
- (2) Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

- (b) If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:
- (1) There is apparently property damage of \$1,000 or more;
  - (2) Any person involved in the accident is injured or killed; or
  - (3) The persons specified in subsection (a) are not present or in condition to receive such information.
- (c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence also may be produced by displaying on a cellular phone or other type of portable electronic device evidence of financial security required by this subsection. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic devices. (K.S.A. 8-1604)

## **Sec. 26. Duty Upon Striking Unattended Vehicle or Other Property.**

- (a) The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name, address and the registration number of the vehicle such driver was driving, or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving such driver's name, address, and the registration number of the vehicle such driver was driving, and without unnecessary delay shall notify the nearest office of a authorized police authority.
- (b) The driver under subsection (a), if possible, shall comply with the provisions of section 26.1. (K.S.A. 8-1605)

## **Sec. 26.1. Removal of Vehicle from Roadway After Accident.**

- (a) Except in the case of an accident involving death or apparent injury of any person, or the transportation of hazardous material, the owner or driver of a vehicle which obstructs the regular flow of traffic on any interstate highway, U.S. highway, or any multi-lane or divided roadway, shall make every reasonable effort to move the vehicle from the roadway, if, moving the vehicle may be done safely, does not require towing and may be operated under its own power without further damage to the vehicle or the roadway and without endangering other vehicles or persons upon the roadway.
- (b) Except in the case of an accident involving death or apparent injury of any person or the transportation of hazardous material, authorized employees or agents of the Kansas department of transportation, Kansas highway patrol, or other law enforcement agency without the consent of the driver or owner of the vehicle or property, may require, assist in or cause the removal from the roadway any vehicle, debris or any other property which is obstructing the regular flow of traffic, creating or aggravating an emergency situation or otherwise endangering public safety.

- (c) No state, county, or municipal agency nor their authorized employees or agents shall be held liable for any damages resulting from the reasonable exercise of authority granted under this section.
- (d) Notwithstanding the provisions of this section, a driver is required to comply with the applicable provisions of K.S.A. 8-1601 *et seq.*, and amendments thereto. (K.S.A. 8-15,107)

#### **Sec. 27. Reserved for Future Use.**

**Sec. 28. False Reports.** A person shall not give information in oral or written reports, as required in this ordinance, knowing or having reason to believe that such information is false. (K.S.A. 8-1608)

### **Article 6. Serious Traffic Offenses**

#### **Sec. 29. Reckless Driving; Penalties.**

- (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- (b) Except as provided in K.S.A. 8-2,142, violation of this section is a misdemeanor. Upon a first conviction of a violation of this section a person shall be sentenced to not less than five days nor more than 90 days' imprisonment or fined not less than \$25 nor more than \$500, or by both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 10 days nor more than six months' imprisonment or fined not less than \$50 nor more than \$500 or both such fine and imprisonment. (K.S.A. 8-1566)

**Sec. 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.**

- (a) Driving under the influence is operating or attempting to operate any vehicle within this city while:
  - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in Section 1 of this ordinance, is .08 or more;
  - (2) The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
  - (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
  - (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
  - (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
  
- (b) (1) Driving under the influence is:
  - (A) An ordinance violation. On a first conviction of a violation of this section, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000.
  - (B) On a second conviction of a violation of this section the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:
    - (i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination

of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and (b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's next work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

- (2) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

- (c) Any person 18 years of age or older convicted of violating this section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
  
- (d) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
  
- (e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
  
- (f)
  - (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
  - (2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the \$250 required to be remitted to the state treasurer pursuant to K.S.A. 12-4120(a) upon a showing that the person successfully completed court-ordered education or treatment.

- (g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (h) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:
- (1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
  - (2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - (A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or section 30.1 of this ordinance;
    - (B) Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - (C) Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a) (3) or (a)(5), and amendments thereto;
    - (D) Aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and
    - (E) Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

- (3) **Conviction** includes:
- (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (h)(2); and
  - (B) Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (h)(1) or (h)(2);
- (4) Multiple convictions of any crime described in subsection (h)(1) or (h)(2) arising from the same arrest shall only be counted as one conviction;
- (5) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
- (6) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.
- (i) For the purposes of determining whether an offense is comparable, the following shall be considered:
- (1) The name of the out-of-jurisdiction offense;
  - (2) The elements of the out-of-jurisdiction offense;
  - (3) Whether the out-of-jurisdiction offense prohibits similar conduct prohibited by the closest approximate Kansas offense.
- (j) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- (k) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (l) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

- (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
  - (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 *et seq.*, or K.S.A. 22-2906 *et seq.*, and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt of such charge.
- (n) The alternatives set out in subsection (a) may be pleaded in the alternative, and the city may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.
- (o) As used in this section:
- (1) **Imprisonment** includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
  - (2) **Drug** includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto. (K.S.A. 8-1567)

**Ref.:** For persons under 21 years of age, see also K.S.A. 8-1567a.

**{Editor's Note:** Since 2007 the Kansas Legislature has acted to give municipal courts jurisdiction over the felony level offences of Third, Fourth, and Subsequent Driving Under the Influence (DUI), K.S.A. 8-1567(l)(1) and (l)(3). However, K.S.A. 8-1567(m) (2) appears to remove this authority from municipal courts. Because of this apparent conflict, and concerns about sentencing issues and cost, the Editor has determined that Third, Fourth, and Subsequent Driving Under the Influence (DUI) would not be included in this Code. Should a city wish to implement these provisions concerning prosecuting felony level DUI in municipal court, a separate ordinance will need to be adopted.}

## **Sec. 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties.**

- (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in Section 1, within this city while:
  - (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, is .04 or more;
  - (2) The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
  - (3) Committing a violation of subsection (a) of Section 30 of this ordinance, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder or is otherwise comparable.
  
- (b) (1) Driving a commercial motor vehicle under the influence is:
  - (A) An ordinance violation. On a first conviction, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000.
  - (B) On a second conviction, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:
    - (i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and (b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's next work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(2) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of a violation of this section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

- (d) If a person is charged with a violation of Section 30(a)(4) or (a)(5), as incorporated in this section, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (f)
  - (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
  - (2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the \$250 required to be remitted to the state treasurer pursuant to K.S.A. 12-4120(a) upon a showing that the person successfully completed court-ordered education or treatment.
- (g) The court shall electronically report every conviction of a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the:
  - (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and
  - (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (h) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall:
  - (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and
  - (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

- (i) The court is authorized to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (j) Upon the filing of a complaint, citation or notice to appear alleging a violation of this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (k) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.
- (l) The alternatives set out in subsection (a) may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
- (m) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:
  - (1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the

- person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
- (2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
- (A) This section or K.S.A. 8-2,144, and amendments thereto;
  - (B) Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
  - (C) Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;
  - (D) Aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and
  - (E) Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
- (3) **Conviction** includes:
- (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (m)(2);
  - (B) Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (m)(1) or (m)(2);
- (4) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
- (5) Multiple convictions of any crime described in subsection (m)(1) or (m)(2) arising from the same arrest shall only be counted as one conviction.

- (n) For the purposes of determining whether an offense is comparable, the following shall be considered:
  - (1) The name of the out-of-jurisdiction offense;
  - (2) The elements of the out-of-jurisdiction offense;
  - (3) Whether the out-of-jurisdiction offense prohibits similar conduct prohibited by the closest approximate Kansas offense.
  
- (o) For the purpose of this section:
  - (1) **Imprisonment** includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
  - (2) **Drug** includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto. (K.S.A. 8-2,144)

### **Sec. 30.2. Preliminary Breath Test.**

- (a) A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath or oral fluid, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
  
- (b) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.

- (c) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.  
(K.S.A. 8-1012)

**Sec. 30.2.1. Reserved for Future Use.**

{**Editor's Note:** K.S.A. 8-1025 was found to be unconstitutional by the Kansas Supreme Court so the Editor has deleted the offense of Refusal to Submit to Alcohol or Drug Test.}

**Sec. 30.3. Ignition Interlock Devices; Tampering.**

- (a) No person shall:
- (1) Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative;
  - (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;
  - (3) Blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
  - (4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.
- (b) Violation of this section shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment.
- (c) In addition to any other penalties provided by law:
- (1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

- (B) On a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and
- (2) On a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

(K.S.A. 8-1017)

**{Editor's Note:** K.S.A.8-1015(e) seems to provide an exception to K.S.A. 8-1017(a)(4) as replicated in STO section 30.3 (a) (4) with regard to driving an employer's vehicle. However, there are also exceptions to this exception. Please see K.S.A. 8-1015 for further guidance.}

**Sec. 30.4. Impounded Motor Vehicle; Disposition; When.**

If the owner of a motor vehicle which has been impounded pursuant to Section 30 or Section 105, refuses to pay any towing, impoundment, storage, or other fees relating to the impoundment or immobilization of such vehicle or fails to take possession of such vehicle within 30 days following the date of the expiration of the impoundment period, such vehicle shall be deemed abandoned and the vehicle may be disposed of by the person having possession of such vehicle. If the person having possession of such vehicle is a public agency, disposition of such vehicle shall be in compliance with the procedures for notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. If the person having possession of such vehicle is not a public agency, disposition of such vehicle shall be in compliance with K.S.A. 8-1103 through 8-1108, and amendments thereto. (K.S.A. 8-1021)

**Sec. 30.5. Commercial Driver's Licenses; Diversion Agreements Not Allowed.**

- (a) A driver or a holder of a commercial driver's license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the person's record, whether the person was convicted for an offense committed in the state where the person is licensed or another state.

- (b) For purposes of subsection (a), a person shall be considered a holder of a commercial driver's license if the person was a holder of a commercial driver's license at the time the person was arrested or was issued a citation and shall remain a holder of a commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation.
- (c)
  - (1) A prosecuting attorney as defined in K.S.A. 22-2202, and amendments thereto, shall not mask or defer imposition of judgment or allow an individual to enter into a diversion program that would prevent a commercial learner's permit or commercial driver's license holder's conviction from appearing on the CDLIS driver record of any violation of a local traffic control law that occurred in any type of motor vehicle. The provisions of this subsection shall apply regardless of whether the driver was convicted for an offense committed in the state where the driver is licensed or in any other state.
  - (2) The provisions of this subsection shall not apply to parking, vehicle weight or vehicle defect violations. (K.S.A. 8-2,150)

**Sec. 31. Fleeing or Attempting to Elude a Police Officer.**

- (a)
  - (1) Any driver of a motor vehicle who knowingly fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (c).
  - (2) Any driver of a motor vehicle who knowingly otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).
  - (3) It shall be an affirmative defense to any prosecution under subsection (a)(1) that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.
- (b) The signal given by the police officer may be by hand, voice, emergency light, or siren:
  - (1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

- (2) If the office giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.
- (c) When the person being sentenced for violating subsection (a), the person, shall be imprisoned for not more than six months or fined not to exceed \$1,000, or both when the person being sentenced has no prior convictions for a violation of subsection (a) or K.S.A. 8-1568(b). Every person convicted of violating this section shall be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both when the person has one prior conviction for a violation of subsection (a) or K.S.A. 8-1568(b).
- (d) (1) For the purpose of this section **conviction** means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (2) **Appropriately marked** official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle. (K.S.A. 8-1568)

## **Article 7. Speed Regulations**

**Sec. 32. Speed Limitations; Basic Rule.** No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill

crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (K.S.A. 8-1557)

### **Sec. 33. Maximum Speed Limits.**

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
  - (1) In any urban district, 30 miles per hour;
  - (2) On any separated multilane highway, as designated and posted by the secretary of transportation, 75 miles per hour;
  - (3) On any county or township highway, 55 miles per hour; and
  - (4) On all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.
- (c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and K.S.A. 8-1560, and amendments thereto. (K.S.A. 8-1558)

### **Sec. 33.1. Special Speed Limitations Applicable to Certain Vehicles and Portions of Highways; Powers of Secretary and Local Authorities; Violations, Evidence of Safe Speed.**

- (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of fifty-five (55) miles per hour.

- (b) No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten (10) miles per hour.
  - (c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.
  - (d) The secretary of transportation and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the secretary or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained not less than one hundred (100) feet before each end of such structure.
  - (e) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said secretary and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.
- (K.S.A. 8-1563)

### **Sec. 34. Minimum Speed Regulation.**

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) Whenever the governing body determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the governing body may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.  
(K.S.A. 8-1561)

**Sec. 35. Special Speed Limitation on Motor-Driven Cycle.**

No person shall operate any motor-driven cycle at any time mentioned in Section 144 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead. (K.S.A. 8-1562)

**Ref.:** Sec. 182.

**Sec. 36. Charging Speed Violations.** In every charge of violation of any speed regulation in this article, except charges of violations of Section 32, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location. (K.S.A. 8-1564)

**Sec. 37. Racing on Highways.** No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition. (K.S.A. 8-1565)

**Ref.:** Power to change speed limits generally and regulate speed in parks and school zones. (K.S.A. 8-1560, and K.S.A. 8-2002)

**Article 8. Driving on Right Side of Roadway;  
Overtaking and Passing; Use of Roadway**

**Sec. 38. Driving on Right Side of Roadway; Exceptions.**

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
  - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
  - (2) When an obstruction exists making it necessary to drive to the left of center of the highway, except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - (4) Upon a roadway restricted to one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices, designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (K.S.A. 8-1514)

**Ref.:** Sec. 46.

**Sec. 38.1. Driving in Defiles or Canyons.** The driver of a motor vehicle traveling through defiles or canyons or on highways with steep grades shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway. (K.S.A. 8-1579)

**Sec. 39. Passing Vehicles Proceeding in Opposite Directions.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible. (K.S.A. 8-1515)

**Sec. 40. Overtaking a Vehicle or Bicycle on the Left.** The following rules shall govern the overtaking and passing of vehicles and bicycles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
- (c)
  - (1) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.
  - (2) The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so. (K.S.A. 8-1516)

**Ref.:** For limitation see Sec. 42.

**Sec. 40.1 Passing a Stationary Waste Collection Vehicle.**

- (a) The driver of a motor vehicle, upon approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying vehicular hazard warning signal lamps as required by Section 174(f), shall do either of the following:
  - (1) If the driver of the motor vehicle is traveling on a highway that consist of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary waste collection vehicle; or

- (2) If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- (b) This section shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.
- (c) Prior to July 1, 2019, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a). Violations after July 1, 2019 shall be subject to penalties as established pursuant to Section 201. (K.S.A. 8-15,112)

#### **Sec. 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle**

- (a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of a stationary authorized utility or telecommunications vehicle.
- (b) The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle or pedestrian actually engaged in work on the highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.
- (c) The driver of a motor vehicle, upon approaching a stationary authorized utility or telecommunications vehicle that is obviously and actually engaged in work upon a highway, when such authorized utility or telecommunications vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:
  - (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with

due regard to the road and weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized public utility or telecommunications vehicle; or

- (2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type described in paragraph (1) but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road and weather and traffic conditions.

- (d) This section shall not operate to relieve the driver of an authorized utility or telecommunications vehicle from the duty to drive with due regard for the safety of all persons using the highway. (K.S.A. 8-15,114).

#### **Sec. 41. When Passing on the Right is Permitted.**

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (1) When the vehicle overtaken is making or about to make a left turn; or
  - (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
  - (3) A transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway, except as authorized under K.S.A. 75-5091, and amendments thereto. (K.S.A. 8-1517)

**Sec. 42. Limitations on Overtaking on the Left.** Except as otherwise provided in this article no vehicle shall be driven to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle. (K.S.A. 8-1518)

**Ref.:** Sec. 40.

**Sec. 43. Further Limitations on Driving on Left of Center of Roadway.**

- (a) No vehicle shall be driven to the left side of the roadway under the following conditions:
  - (1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
  - (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except that this section shall not apply to any intersection on a state or county maintained highway located outside city limits unless such intersection is marked by an official department of transportation or county road department traffic control device or pavement marking or both indicating that passing is prohibited and such marking is placed at least 100 feet before the intersection; or
  - (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in subsection (a)(2) of Section 38, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (K.S.A. 8-1519)

#### **Sec. 44. No-Passing Zones.**

- (a) Whenever signs or markings are in place to define a no-passing zone and clearly visible to an ordinarily observant person no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
- (b) This section shall not apply under the conditions described in subsection (a)(2) of Section 38, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (K.S.A. 8-1520)

#### **Sec. 45. One-Way Roadways and Rotary Traffic Islands.**

- (a) When official traffic control devices indicate that vehicular traffic shall proceed in one direction upon any highway, roadway, part of a roadway or specific lanes a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by such device.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (K.S.A. 8-1521)

**Sec. 46. Driving on Roadways Laned for Traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
- (d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device. (K.S.A. 8-1522)

**Ref.:** Sec. 38.

### **Sec. 47. Following Too Closely.**

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.
- (b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall leave sufficient space, whenever conditions permit, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. (K.S.A. 8-1523)

### **Sec. 48. Driving on Divided Highways; Left and U Turns; Controlled-Access Highways.** No person shall:

- (a) Drive a vehicle over, upon or across any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on divided highways;

- (b) Make a left turn or a semicircular or “U” turn on the interstate system;
- (c) Make a left turn or a semicircular or “U” turn over, across or within any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on a divided highway, except this subsection (c) does not prohibit making a left turn or a semicircular or “U” turn through an opening provided and surfaced for the purpose of public use for such turning movements;
- (d) Make a left turn or a semicircular or “U” turn on a divided highway wherever such turn is specifically prohibited by a sign or signs placed by the authority having jurisdiction over that highway;
- (e) Drive any vehicle on a divided highway except on the proper roadway provided for that purpose and in the proper direction and to the right of the intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways unless directed or permitted to use another roadway by official traffic-control devices or police officers;
- (f) Drive any vehicle onto or from any controlled-access highway except at such entrances and exists as are established by the authority having jurisdiction over such highway;
- (g) Use controlled-access highway right of way for parking vehicles or mobile equipment, or stacking of materials or equipment, for the purpose of servicing adjacent property; or
- (h) Stop, stand or park vehicles on the right of way of controlled-access highway except for:
  - (1) Stopping of disabled vehicles;
  - (2) Stopping to give aid in an emergency;
  - (3) Stopping in compliance with directions of a police officer or other emergency or safety official;
  - (4) Stopping due to illness or incapacity of driver; or
  - (5) Parking in designated parking or rest areas.

(K.S.A. 8-1524)

**Ref.:** Secs. 50, 51.

**Article 9. Turning and Starting and Signals**  
**On Stopping and Turning**

**Sec. 49. Turning.**

- (a) The driver of a vehicle intending to turn shall do so as follows:
  - (1) **Right Turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
  - (2) **Left Turns.** The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable a left turn at an intersection shall be made to the left of the center of the intersection, and any left turn shall be made so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
  
- (b) **Two-way left turn lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:
  - (1) A left turn shall not be made from any other lane;
  - (2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.
  
- (c) When official traffic-control devices are placed within or adjacent to intersections requiring and directing that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. (K.S.A. 8-1545)

**Sec. 50. Right, Left and U Turns at Intersections: Obedience To.**

- (a) The chief of police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place or cause to be placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or the signs may be removed when such turns are permitted.
- (b) Whenever authorized signs are erected or temporarily displayed on a movable standard indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(K.S.A. 8-2002)

**Ref.:** Secs. 48, 51.

**Sec. 51. U Turns; Where Prohibited.** The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, when posted, nor upon any other street unless such movement can be made in safety without interfering with other traffic. (K.S.A. 8-1546)

**Ref.:** Secs. 48, 50.

**Sec. 52. Turning on Curve or Crest of Grade Prohibited.** No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet. (K.S.A. 8-1546)

**Sec. 53. Starting Parked Vehicle.** No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. (K.S.A. 8-1547)

**Sec. 54. Turning Movements and Required Signals.**

- (a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

- (b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last 100 feet traveled by vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal, in the manner provided herein, to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (d) The signals required on vehicles by subsection (b) of Section 149 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (K.S.A. 8-1548)

**Sec. 55. Signals by Hand and Arm or Signal Lamps.** The driver of any motor vehicle or combination of vehicles which is required to be equipped with electric turn signal lamps by Section 149 shall give any required notice of intention to turn by means of electric turn signals meeting the requirements of subsection (b) of Section 161. The driver of any other motor vehicle or combination of vehicles shall give such notice by means of hand and arm signals, as provided in Section 56, or by such electric turn signals. (K.S.A. 8-1549)

**Sec. 56. Methods of Giving Signals.** All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (a) Left turn — hand and arm extended horizontally.
  - (b) Right turn — hand and arm extended upward.
  - (c) Stop or decrease of speed — hand and arm extended downward.
- (K.S.A. 8-1550)

## **Article 10. Right-of-Way**

### **Sec. 57. Vehicles Approaching or Entering Intersection.**

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (b) The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as hereinafter stated in this ordinance. (K.S.A. 8-1526)

**Sec. 58. Vehicle Turning Left.** The driver of a vehicle intending to turn to the left within an intersection or into any alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (K.S.A. 8-1527)

### **Sec. 59. Stop Signs and Yield Signs.**

- (a) Preferential right-of-way may be indicated by stop signs or yield signs.
- (b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk.
- (c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest

the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield the right-of-way. (K.S.A. 8-1528)

**Sec. 60. Vehicle Entering Roadway.** The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (K.S.A. 8-1529)

**Ref.:** Sec. 80.

**Sec. 61. Operation of Vehicles on Approach of Authorized Emergency Vehicles.**

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Section 174(d) and visual signals meeting the requirements of Section 160 of this ordinance or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall do the following unless otherwise directed by a police officer:
  - (1) Yield the right-of-way;
  - (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and
  - (3) Stop and remain in such position until the authorized emergency vehicle has passed.

- (b) The driver of a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals meeting the requirements of Section 160, or subsection (d) of Section 162, shall do either of the following:
  - (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized emergency vehicle; or
  - (2) If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- (c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (K.S.A. 8-1530)

**Ref.:** Sec. 10.

**Sec. 61.1. Passing When Near Stationary Authorized Emergency Vehicle.** The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of:

- (a) A stationary authorized emergency vehicle on a highway that consists of two lanes carrying traffic in opposite directions, when the authorized emergency vehicle is making use of visual signals meeting the requirements of Section 160, or subsection (d) of Section 162; or
- (b) A stationary authorized vehicle which is obviously and actually engaged in work on a highway that consists of two lanes carrying traffic in opposite directions, when such vehicle displays flashing lights meeting the requirements of Section 172. (K.S.A. 8-1520a)

## **Sec. 62. Highway Construction and Maintenance.**

- (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any road construction zone, indicated by official traffic-control devices.
- (b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle which is obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 172.
- (c) The driver of a motor vehicle upon approaching a stationary authorized vehicle which is obviously and actually engaged in work upon a highway, when such authorized vehicle is displaying flashing lights meeting the requirements of Section 172, shall do either of the following:
  - (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized vehicle; or
  - (2) If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather, and traffic conditions.
- (d) This section shall not operate to relieve the driver of an authorized vehicle from the duty to drive with due regard for the safety of all persons using the highway. (K.S.A. 8-1531)

## Article 11. Pedestrians

### **Sec. 63. Pedestrians; Obedience to Traffic-Control Devices and Traffic Regulations.**

- (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to such person, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 13 and 14.
- (c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this ordinance. (K.S.A. 8-1532)

### **Sec. 64. Pedestrians' Right-of-Way in Crosswalks; Control Signals.**

- (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian entering or crossing the roadway within a crosswalk.
- (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (c) Subsection (a) of this section shall not apply under the conditions stated in subsection (b) of Section 65.
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (K.S.A. 8-1533)

**Sec. 64.1. School Crossing Guard; Disobeying.** No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed school crossing guard invested by law with authority to direct, control, or regulate traffic. (K.S.A. 8-15,103)

## **Sec. 65. Crossing at Other Than Crosswalks; Jaywalking.**

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (K.S.A. 8-1534)

**Sec. 66. Drivers to Exercise Due Care.** Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person. (K.S.A. 8-1535)

**Sec. 67. Pedestrians to Use Right Half of Crosswalks.** Pedestrians shall move, whenever practicable upon the right half of crosswalks. (K.S.A. 8-1536)

## **Sec. 68. Pedestrians on Highways.**

- (a) Where a sidewalk is provided and its use is practicable it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in this article, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (K.S.A. 8-1537)

**Sec. 69. Pedestrians Soliciting Rides or Business.**

- (a) No person shall stand upon or along a street or highway for the purpose of soliciting a ride.
- (b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- (d) The soliciting of contributions under subsection (b) shall not be prohibited if such person or organization has first obtained a permit authorizing such soliciting from the city. (K.S.A. 8-1538)

**Sec. 70. Driving Through Safety Zone Prohibited.** No vehicle shall at any time be driven through or within a safety zone. (K.S.A. 8-1539)

**Sec. 71. Pedestrians Right-of-Way on Sidewalks.** The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. (K.S.A. 8-1540)

**Sec. 72. Pedestrians Yield to Authorized Emergency Vehicles.**

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

- (b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian. (K.S.A. 8-1541)

**Sec. 73. Blind Pedestrian Right-of-Way.** The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog. (K.S.A. 8-1542)

**Sec. 74. Pedestrian Under Influence of Alcohol or Drugs.** A pedestrian who is under the influence of alcohol or any drug to a degree which renders such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk. (K.S.A. 8-1543)

**Sec. 75. Bridge or Railroad Signals.**

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (K.S.A. 8-1544)

### **Article 12. Special Stops Required**

**Sec. 76. Obedience to Signal Indicating Approach of Train.**

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until such driver can do so safely. The foregoing requirements shall apply when:
  - (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;

- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;
- (3) A railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; or
- (4) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (K.S.A. 8-1551)

**Sec. 77. All Vehicles Must Stop at Certain Railroad Grade Crossings.** When the Secretary of Transportation, or governing body of this city with the approval of the commission, has designated a particularly dangerous highway-grade crossing of a railroad and erected a stop sign thereat, the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care. (K.S.A. 8-1552)

**Sec. 78. Certain Vehicles Must Stop at All Railroad Grade Crossings.**

- (a) Except as provided in subsection (b), the driver of any vehicle described in rules and regulations issued by the Secretary of Transportation in conjunction with the State Corporation Commission, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.

- (b) This section shall not apply at:
- (1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
  - (2) Any railroad grade crossing at which traffic is controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;
  - (3) Any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;
  - (4) Any industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;
  - (5) A railroad grade crossing used exclusively for industrial switching purposes, within a business district. (K.S.A. 8-1553)

### **Sec. 79. Moving Heavy Equipment at Railroad Grade Crossing.**

- (a) No person shall operate or move any crawler type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 or less miles per hour, or a vertical body or load clearance of less than one-half ( $\frac{1}{2}$ ) inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- (b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (c) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

- (d) No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under of the flagman. (K.S.A. 8-1554)

**Sec. 80. Emerging from Alley or Private Driveway or Building.** The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (K.S.A. 8-1555)

**Ref.:** Sec. 60.

**Sec. 81. Overtaking and Passing School Bus.**

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of Section 170, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.
- (b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of Section 170 of this ordinance, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:
  - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;
  - (2) In designated school bus loading areas where the bus is entirely off the roadway.

- (c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.
- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.
- (e) On a first conviction of a violation of subsection (a), the person shall be fined \$315. For a second conviction of a violation of subsection (a) within five years the person shall be fined \$750. For a third or subsequent violation of subsection (a) within five years the person shall be fined \$1,000.
- (f) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto. (K.S.A. 8-1556; K.S.A. 8-2118)

**Sec. 82. Overtaking and Passing Church Bus or Day Care Program Bus.**

- (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of Sec. 170, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.

- (b) If a church bus or day care program bus is equipped with visual signals permitted by subsection (c) of Sec. 171, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus driver shall not actuate said special visual signals:
  - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
  - (2) In designated loading areas where the bus is entirely off the roadway.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. (K.S.A. 8-1556a)

### **Article 13. Stopping, Standing and Parking**

#### **Sec. 83. Stopping, Standing or Parking Outside Business or Residence Districts.**

- (a) Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.
- (b) This section, Section 85 and Section 86 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. (K.S.A. 8-1569)

## **Sec. 84. Officers Authorized to Remove Vehicles.**

- (a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 83, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.
- (b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position, or under such circumstances as to obstruct the normal movement of traffic.
- (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
  - (1) Report has been made that such vehicle has been stolen or taken without the consent of its owner;
  - (2) The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
  - (3) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before the municipal judge without unnecessary delay. (K.S.A. 8-1570)

**Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places.** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a crosswalk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers; or
  - (11) At any place where official signs prohibit stopping.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway;
  - (2) Within 15 feet of a fire hydrant;
  - (3) Within 20 feet of a crosswalk at an intersection;
  - (4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
  - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted; or
  - (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
- (1) Within 50 feet of the nearest rail of a railroad crossing;
  - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)

## **Sec. 86. Stopping or Parking on Roadways.**

- (a) Except where angle parking is permitted by ordinance, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.
- (b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way road way shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (c) The governing body may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. (K.S.A. 8-1572)

## **Sec. 87. Accessible Parking.**

- (a) No person shall stop, stand or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability unless such vehicle bears a special license plate, permanent placard or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1,125, and amendments thereto, and is being operated by or used for the transportation of a person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability it shall be unlawful for any other person to park in such space.

- (b) When a motor vehicle which bears a special license plate or placard issued pursuant to K.S.A. 8-1,125, and amendments thereto, is being operated by or used for the transportation of a person with a disability, such motor vehicle:
- (1) May be parked in any parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability;
  - (2) May be parked for a period of time not to exceed 24 hours in any parking zone which is restricted as to the length of parking time permitted, except where stopping, standing or parking is prohibited to all vehicles, where parking is reserved for special types of vehicles or where parking would clearly present a traffic hazard; and
  - (3) Shall be exempt from any parking meter fees of the state or any city, county or other political subdivision.
- (c) Official identification devices issued to persons with a disability by any other state, district, or territory subject to the laws of the United States, or any foreign jurisdiction, shall be recognized as acceptable identification in the state of Kansas. Motor vehicles bearing a valid device from such a jurisdiction shall be accorded the parking privileges contained in subsection (b), except that if such person becomes a resident of the state of Kansas, such identification devices shall not be recognized as acceptable identification 60 days after such person becomes a resident of this state and such devices shall be deemed expired. Possession of an identification device deemed to have expired shall be subject to the provisions of subsection (a) of Section 87.1.
- (d) (1) Notwithstanding the provisions of K.S.A. 8-2003, and amendments thereto, each designated accessible parking space shall be clearly marked by vertically mounted signs bearing the international symbol of access.

- (2) All parking shall conform to Title II or Title III, as required by the Americans with disabilities act of 1990, 42 USCA 12101 *et seq.* and 28 CFR Parts 35 and 36.
  
- (e) (1) At no time, except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, shall a person:
  - (A) Stop, stand or park a vehicle in any parking space designated as accessible parking without displaying a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard. Placards shall be displayed in accordance with subsection (a) K.S.A. 8-1,125, and amendments thereto;
  - (B) Stop, stand or park a vehicle so that it blocks an access entrance;
  - (C) Stop, stand or park a vehicle so that it blocks a disabled parking stall;
  - (D) Stop, stand or park a vehicle so that it blocks an access aisle; or
  - (E) Stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space.
- (2) Each violation of subsection (e)(1) is punishable by a fine of not less than \$50 nor more than \$100.
- (3) The provisions of subsection (e)(1) shall be enforced by law enforcement officers on public and private property.
  
- (f) (1) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment.
- (2) Any person authorized to certify a person with a disability under subsection (a) of K.S.A. 8-1,125, and amendments thereto, who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or

temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment. (K.S.A. 8-1,125-8-1,130)

**Sec. 87.1. Accessible Parking; Revoked or Suspended Devices.**

- (a) Any person who has in such person's possession any accessible parking identification device which has expired or has been revoked or suspended shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300.
- (b) Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified in K.S.A. 8-1,126, and amendments thereto, which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300. (K.S.A. 8-1,130a)

**Ref.:** Sec. 198. Vehicle License; Illegal Tag.

**Sec. 88. Parking for Certain Purposes Prohibited.** No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

**Sec. 89. Stall Parking.** Where parking stalls or spaces are marked or designated on the pavement or curb, vehicles shall be parked or stopped within such stalls or spaces in the direction of the flow of traffic or at the angle indicated by the markings.

**Sec. 90. Blocking Traffic; Narrow Streets; Stopping; When.** No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals by a police officer. (K.S.A. 8-2002(a)(1))

**Sec. 91. Parking on Narrow Streets; Signs.** When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The chief of police is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

**Sec. 92. Parking in Alley.**

- (a) No person shall park any vehicle in any alley except for the purpose of loading or unloading.
- (b) No person shall park any vehicle in any alley for any time of greater duration than reasonably necessary for the expeditious loading or unloading of materials. (K.S.A. 8-2002(a)(1))

**Sec. 93. Parking Disabled and Other Vehicles.**

- (a) No person shall park or store any farm machinery, trailer or semitrailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer or semitrailer of any kind, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street.
- (b) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the city having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle. (K.S.A. 8-1102)

**Sec. 94. Parking Adjacent to Schools; Signs.** When official signs or markings are placed indicating no parking upon any street adjacent to any school property, no person shall park a vehicle in any such designated place. The chief of police is hereby authorized to erect signs indicating "No Parking" upon either or both sides of any street adjacent to any school property when such parking would unreasonably interfere with traffic or create a hazard to traffic in such places. (K.S.A. 8-2002(a)(1))

**Sec. 95. Stopping or Parking in Hazardous or Congested Places; Signs.** When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place. The chief of police is authorized to determine and designate by proper signs those places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. (K.S.A. 8-2002(a)(1))

**Sec. 96. Parking Prohibited at All Times in Designated Places.** When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "No Parking." (K.S.A. 8-1571)

**Sec. 97. Limited Time Parking Zones.** Whenever any appropriate sign shall be placed and maintained in any block by lawful authority of the city giving notice that the street or highway or city owned parking lot may be used for parking or standing vehicles for a limited time only, it shall be unlawful for any person to fail or refuse to comply with such sign. (K.S.A. 8-2002(a)(1))

**Sec. 98. Commercial and Delivery Vehicles: Loading and Unloading; Blocking Traffic; Removal of Vehicle; Duty of Police Department.** Subject to any provision prohibiting parking at all times or during specified hours, vehicles used for the transportation of merchandise or materials may stand or be parked at the curb to take on or discharge loads on any street marked for parallel parking: Provided, that such vehicles may be backed into any curb at such times and places when and where the same may not interfere with or become a hazard to vehicular traffic on such street within the block: Provided further, that traffic may be temporarily blocked by any such vehicle backed into any curb to load or unload when the same may be necessary during such times as loading or unloading shall be undertaken in an expeditious manner without any delay, upon prior notice to and under the direction and supervision of the Police Department: Provided further, that the driver or some person in charge of such vehicle shall constantly be present or available to remove

such vehicle in an emergency and the vehicle shall be removed immediately upon the same being loaded or unloaded as the case may be. The chief of police may place suitable warning signs to direct or control traffic during the time any street may be blocked or traffic restricted from its normal flow or course. (K.S.A. 8-2002(a)(1))

**Sec. 99. Loading, Unloading or Special Zones.** Whenever any appropriate sign shall be placed or marked along any street or highway by lawful authority of the city giving notice of any special use of the roadway adjacent thereto for the loading or unloading of merchandise or passengers or the standing of taxicabs, buses or for other authorized purposes, it shall be unlawful for any person to refuse or fail to comply with such sign. (K.S.A. 8-2002(a)(1))

**Sec. 100. Citation on Illegally Parked Vehicles.** Whenever any motor vehicle without driver is found parked, standing or stopped in violation of this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation. (K.S.A. 8-2112)

**Sec. 101. Failure to Comply with Traffic Citation Attached to Parked Vehicle.** If a violator of restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the court, shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (K.S.A. 8-2113)

**Sec. 102. Presumption in Reference to Illegal Parking.**

- (a) In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

- (b) The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 100 and 101 has been followed. (K.S.A. 8-2114)

#### **Article 14. Miscellaneous Rules**

**Sec. 103. Using Headphones in Vehicles.** No person shall operate any motor vehicle on the streets, alleys, or roadways of the city while wearing headphones which in any way interfere with hearing of traffic noise, or warning devices or signals.

**Sec. 104. Inattentive Driving.** Every driver whose vehicle, because of his or her driving error or negligent inattention, collides with another vehicle, a person or fixed object, shall be guilty of inattentive driving and in violation of this section.

**Sec. 105. Allowing Use of Motor Vehicle in Violation of K.S.A. 8-1014.**

- (a) It shall be unlawful for the owner of a motor vehicle to allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014, and amendments thereto.
- (b) Violation of this section is punishable by a fine of not less than \$500 nor more than \$1,000. In addition to the fine imposed upon a person convicted of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment, and storage fees or other immobilization costs. Prior to ordering the impoundment or immobilization of any such motor vehicle, the court shall consider the factors established in subsection (g) of K.S.A. 8-1567, and amendments thereto. Any personal property in a vehicle impounded or immobilized pursuant to this section may be retrieved prior to or during the period of such impoundment or immobilization. (K.S.A. 8-1022)

## **Sec. 105.1. Criminal Penalties for Violation of Size and Weight Laws; Exceptions.**

- (a) It shall be unlawful for any person to drive or move, or for the owner or lessee to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in article 19 of chapter 8 of Kansas Statutes Annotated or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this article.
- (b) Any person violating any of the provisions of article 19 of chapter 8 of the Kansas Statutes Annotated, except for the provisions of K.S.A. 8-1908 and 8-1909, and amendments thereto, shall, upon conviction thereof, be fined in an amount not to exceed \$500.
- (c) Any person violating any of the provisions of K.S.A. 8-1908 or 8-1909, and amendments thereto, shall, upon a first conviction thereof, pay a fine from one, but not both of the schedules listed in subsection (c) of K.S.A. 8-2118, and amendments thereto.
- (d) Except as otherwise specifically provided in this act, the provisions of article 19 of chapter 8 of Kansas Statutes Annotated governing size, weight and load shall not apply to fire apparatus, road machinery, farm tractors or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a currently valid special permit issued in accordance with K.S.A. 8-1911, and amendments thereto.
- (e) Except on highways designated as part of the national system of interstate defense highways, the gross weight limitation prescribed by article 19 of chapter 8 of Kansas Statutes Annotated on any axle or tandem, triple or quad axles shall not apply to: (1) Trucks specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations when loaded with garbage, refuse or waste; or (2) trucks mounted with a fertilizer spreader used or manufactured principally to spread animal dung, except that this paragraph (2) shall not apply to truck tractors so equipped. Except that such

trucks under this subsection shall not exceed 60,000 pounds for three axles or 40,000 pounds for two axles, regardless of width spacing between axles.

- (f) As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction, and a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to a conviction. (K.S.A. 8-1901)

## **Sec. 105.2. Width of Vehicles and Loads thereon.**

- (a) The total outside width of any vehicle or the load thereon shall not exceed 8 ½ feet, except as otherwise provided in this section.
- (b) A farm tractor or a fertilizer dispensing machine shall not be permitted to travel on any highway which is a part of the national system of interstate and defense highways. Whenever a farm tractor or implement of husbandry, and any load on any such vehicle, exceeds the width limitations prescribed by this section to the extent that the width of such vehicle, including any load thereon, exceeds the width of that portion of a roadway on which such vehicle is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic, the width of such vehicle exceeds more than ½ the width of such roadway, the driver shall move such vehicle as soon as possible as far to the right side of the highway as is practicable and safe upon the approach of any oncoming or following vehicle and upon approaching the crest of a hill.
- (c) The secretary shall adopt rules and regulations consistent with federal requirements designating safety and other devices which may extend out on either side of the vehicle.
- (d) (1) A vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national network of highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto, or under paragraph (2) of this subsection.

- (2) A farm vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto. As used in this paragraph "farm vehicle" means a truck or truck tractor registered under K.S.A. 8-143, and amendments thereto, as a farm truck or truck tractor. Such farm truck or truck tractor may be used in combination with any type of trailer or semitrailer.
- (3) Any such vehicles under paragraphs (1) or (2) so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. Any vehicle loaded with bales of hay as authorized by the exception in this subsection, with the load extending beyond 8 ½ feet, shall have attached thereto a sign which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1 2/5 inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load does not exceed the legal width. Each vehicle shall be equipped with red flags on all four corners of the oversized load.
- (e) The secretary of transportation shall adopt rules and regulations authorizing vehicles to be loaded with two combine headers which exceed the legal width, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (i) of K.S.A. 8-1911, and amendments thereto, and vehicles so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise.
- (f) A motor home or travel trailer may exceed 102 inches, if such excess width is attributable to an appurtenance, except that no appurtenance may extend further than the rear-view mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

For the purposes of this subsection the term “appurtenance” shall include:

- (1) An awning and its support hardware; and
- (2) any appendage that is intended to be an integral part of a motor home or travel trailer coach and that is installed by the manufacturer or dealer.

The term “appurtenance” shall not include any item that is temporarily affixed or attached to the exterior of a motor home or travel trailer by the owner of such motor home or travel trailer for the purposes of transporting such item from one location to another.

(K.S.A. 8-1902)

**Sec. 105.3. Loads on Passenger Vehicles Extending to Either Side.** No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six (6) inches beyond the right side thereof. (K.S.A. 8-1903)

**Sec. 105.4. Projecting Loads to the Front and Rear.**

- (a) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with a bumper.
- (b) Any vehicle or combination of vehicles transporting passenger vehicles or other motor vehicles may carry a load which extends no more than four feet beyond the front and six feet beyond the rear of the transporting vehicle or combination of vehicles.

(K.S.A. 8-1905)

**Sec. 106. Transportation of Alcoholic Beverage.**

- (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is:
  - (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

- (2) (A) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
  - (B) If a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
  - (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
- (b) Violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.
  - (c) Except as provided in subsection (e) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.
  - (d) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
  - (e) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to

carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (f) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.

- (g) The court shall report to the division every conviction of a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
  
- (h) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
  - (1) **Conviction** includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that K.S.A. 8-1599, as amended, prohibits;
  - (2) Only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
  - (3) It is irrelevant whether an offense occurred before or after conviction for a previous offense. (K.S.A. 8-1599)

**{Editor's Note:** K.S.A. 8-1599 was not amended in 2021 HB 2137 when amendments were made in Section 32 to K.S.A. 41-2653 to allow the removal by patrons of alcoholic liquor or cereal malt beverages from clubs or drinking establishments. Any opened containers must be securely resealed by licensee or the licensee's employee and placed in a tamper-proof, transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened. Section 32 also allows the removal of one or more containers of beer, domestic beer and cereal malt beverages that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers: (1) Contain between 32 and 64 fluid ounces; (2) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and (3) are not sold or removed from the premises after 11:00 p.m.}

**Sec. 107. Unattended Motor Vehicle; Ignition; Key and Brakes.**

- (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
- (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle. (K.S.A. 8-1573)

**Sec. 108. Obstruction of Driver's View or Driving Mechanism.**

- (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle. (K.S.A. 8-1576)

**Sec. 109. Coasting.**

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. (K.S.A. 8-1580)

**Sec. 109.1. Motorized Skateboards.** It shall be unlawful for any person to operate a motorized skateboard on any street, road or highway in this city.

**Sec. 110. Following Fire Apparatus Prohibited.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm. (K.S.A. 8-1581)

**Sec. 111. Crossing Fire Hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private road, or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (K.S.A. 8-1582)

**Sec. 112. Putting Glass, Etc. on Highway Prohibited.**

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (K.S.A. 8-1583)

**Sec. 112.1. Littering from a Motor Vehicle.**

- (a) No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver or the vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act.
- (b) "Litter" means rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass. (K.S.A. 8-15,102)

**Sec. 113. Stop When Traffic Obstructed.** No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (K.S.A. 8-1584)

**Sec. 114. Snowmobile Operation Limited.** No person shall operate a snowmobile on any controlled-access highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the governing body. (K.S.A. 8-1585)

**Sec. 114.1. Unlawful Operation of All-Terrain Vehicle.**

- (a) Except as provided in subsection (b), (c) or (d) it shall be unlawful for any person to operate an all-terrain vehicle:
  - (1) On any interstate highway, federal highway or state highway; or
  - (2) Within the corporate limits of any city unless authorized by such city.
- (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.
- (d) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:

- (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restriction of the operator's license;
  - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
  - (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
  - (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- (e) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,100)

**{Editor's Note:** If a city authorizes the operation of all-terrain vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

#### **Sec. 114.2. Unlawful Operation of a Micro Utility Truck.**

- (a) It shall be unlawful for any person to operate a micro utility truck:
- (1) On any interstate highway, federal highway, or state highway; or
  - (2) On any public highway or street within the corporate limits of any city unless authorized by such city.
- (b) No micro utility truck shall be operated on any public highway or street, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.
- (c) The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a federal or state highway. (K.S.A. 8-15,106)

**Sec. 114.3. Unlawful Operation of Low-Speed Vehicle.**

- (a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.
- (b) The provisions of subsection (a), shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour. (K.S.A. 8-15,101)

**Sec. 114.4. Unlawful Operation of a Golf Cart.**

- (a) It shall be unlawful for any person to operate a golf cart:
  - (1) On any interstate highway, federal highway, or state highway;
  - (2) On any public highway or street within the corporate limits of any city unless authorized by such city; or
  - (3) On any street or highway with a posted speed limit greater than 30 miles per hour.
- (b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.
- (c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with:
  - (1) Lights as required for motorcycles by Sections 183 through Section 188 of this ordinance; and
  - (2) A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto. (K.S.A. 8-15,108)

**Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.**

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
  - (1) On any interstate highway, federal highway, or state highway; or
  - (2) Within the corporate limits of any city unless authorized by such city.

- (b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
  - (1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
  - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
  - (3) The operator of the work-site utility vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
  - (4) The purpose of the trip using the work-site utility vehicle must be for agricultural purposes.
- (d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)

**{Editor's Note:** If a city authorizes the operation of work-site utility vehicles within the city limits, only those operators meeting all the requirements of subsection (d) can be authorized to operate on a federal or state highway located within city limits.}

### **Sec. 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older.**

- (a) It shall be unlawful for any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion.

(c) This section shall not apply to:

- (1) An employee under the age of 14 years engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or
- (2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.  
(K.S.A. 8-1578a)

**Ref.:** For Persons Under 14 Years of Age see Sec. 182.2.

**Sec. 116. Driving Upon Sidewalk.** No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (K.S.A. 8-1575)

**Sec. 117. Limitations on Backing.**

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.  
(K.S.A. 8-1574)

**Sec. 118. Driving Through or On Private Property to Avoid Traffic Control Devices.** No person shall drive through the property of a gasoline service station or the service entrance of any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

**Sec. 119. Parades and Processions.** No parade of persons or vehicles, excepting the military forces of the United States, the military forces of the State of Kansas, or the forces of the city police and fire departments, shall occupy, march or proceed along any highway until the chief of police or designee shall have been notified by the person or persons in charge thereof and until the chief shall have made provision for such purpose together with a police escort if he or she deems such escort necessary. (K.S.A. 8-2002(a)(3))

**Sec. 120. Driving through Procession.** It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion provided such vehicles are conspicuously so designated. This section shall not apply at intersections where traffic is controlled by traffic-control devices or police officers. (K.S.A. 8-2002(a)(3))

**Sec. 121. Military Forces.** The military forces of the United States and the State of Kansas, while on any authorized duty involving controlled movement of military convoys, critical supplies or equipment, or during any national or state emergency, shall not be restricted by traffic regulations, and shall have the right-of-way on any street or highway through which they may pass against all except carriers of the United States mail and other emergency vehicles. (K.S.A. 48-252a)

**Sec. 122. Street Barriers.** Whenever any street or alley or part thereof is closed for repair, rebuilding, construction or reconstruction and suitable warning signs and barricades, which so advise the public, are erected at all intersections of the closed street or alley with all other streets and alleys, it shall be unlawful for any person or operator without authority from the proper official to:

- (a) Destroy or remove any barricade, warning sign, light or torch used to close the street or alley or warn the public of the closing.
- (b) Drive on that portion of the street or alley that is closed: Provided, however, that nothing in this section shall be construed as prohibiting the regular authorities of the city, state or federal government from having free access to the work at all times. (K.S.A. 8-2002)

**Sec. 123. Opening and Closing Vehicle Doors.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (K.S.A. 8-1577)

**Sec. 124. Riding in House Trailer or Mobile or Manufactured Home Prohibited.** No person or persons shall occupy a house trailer, manufactured home, as defined in subsection (a) of K.S.A. 58-4202, or mobile home, as defined in subsection (b) of K.S.A. 58-4202 while it is being moved upon a public street or highway. (K.S.A. 8-1578)

**Sec. 125. Driving Across Lawns, Sidewalks, Yards, Crops, Etc.** It shall be unlawful for any person to drive a motor vehicle upon, across or onto the lawn, sidewalk, yard, farmland, crops or fences or other real or personal property of another person, intentionally damaging the same. (K.S.A. 8-1348)

**Note:** State statute also provides for district court action for damages and suspension of vehicle registration.

**Sec. 126. Removal of Traffic Hazards.**

- (a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.
- (b) When the governing body determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.
- (c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of \$10 and every day said owner shall fail to remove it shall be a separate and distinct offense. (K.S.A. 8-2011)

**Sec. 126.1. Obstructing License Plates.** It shall be unlawful for any person to attach and display on any vehicle a license plate, as required under article 1 of chapter 8 of the Kansas Statutes Annotated, which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity. (K.S.A. 8-15,110)

## Section 126.1.1 Display of License Plate.

- (a) The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection (b), a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle,
- (b) The following classes of vehicles shall attach a license plate in the location or locations specifically stated:
  - (1) The license plate issued for a truck tractor shall be attached to the front of the truck tractor;
  - (2) a model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;
  - (3) a personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;
  - (4) the license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and
  - (5) the license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.
- (c) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate,. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (d) During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles. (K.S.A. 8-133)

## Sec. 126.2. Use of Wireless Communication Devices.

- (a) Except as provided in subsections (b) and (c), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.
  
- (b) The provisions of subsection (a) shall not apply to:
  - (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officers or emergency service personnel's employment;
  - (2) A motor vehicle stopped off the regular traveled portion of the roadway;
  - (3) A person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
  - (4) A person who receives an emergency, traffic or weather alert message; or
  - (5) A person receiving a message related to the operation or navigation of the motor vehicle.
  
- (c) The provisions of subsection (a) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
  - (1) Report current or ongoing illegal activity to law enforcement;
  - (2) Prevent imminent injury to a person or property; or
  - (3) Relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle. (K.S.A. 8-15,111)

**Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles**

**Sec. 127. Effect of Regulations.**

- (a) Violation of any provision of Sections 128 to 133, inclusive, is a traffic infraction.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of Sections 128 to 133, inclusive.
- (c) The provisions of Sections 128 to 133, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (K.S.A. 8-1586)

**Sec. 128. Traffic Laws Apply to Persons Riding Bicycles.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as otherwise provided in Sections 127 to 133, inclusive, of this article and except as to those provisions of this ordinance which by their nature can have no application. (K.S.A. 8-1587)

**Sec. 129. Riding on Bicycles; Seats; Riders Limited.**

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (K.S.A. 8-1588)

**Sec. 130. Clinging to Vehicles.** No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same, himself or herself to any vehicle upon a roadway. (K.S.A. 8-1589)

## **Sec. 131. Riding on Roadways and Bicycle Paths.**

- (a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:
  - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - (2) Preparing for a left turn at an intersection or into a private road or driveway; or
  - (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right hand edge of the roadway.
- (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (K.S.A. 8-1590)

**Sec. 132. Carrying Articles.** No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars. (K.S.A. 8-1591)

## **Sec. 133. Lamps and Other Equipment on Bicycles.**

- (a) Every bicycle when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and either: (1) A red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; (2) a lamp on the rear that shall emit a red light visible from a distance of 500 feet to the rear; or (3) the operator of such bicycle shall be wearing a device that emits a red or amber light that shall be visible from a distance of 500 feet to the rear.

- (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) No person shall sell a pedal for use on a bicycle, unless such pedal is equipped with a reflector which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of 200 feet, and no person shall sell a new bicycle, unless it is equipped with pedals meeting the requirements of this subsection. (K.S.A. 8-1592)

**Sec. 134. Application of Sec. 127 to Sec. 133 to Motorize Bicycles.** The provisions of Sections 127 to 133, inclusive, shall be applicable to motorized bicycles, and every person operating a motorized bicycle shall be subject to the provisions thereof. (K.S.A. 8-1592a)

**Sec. 135. Electric-Assisted Bicycles, Traffic Law Application.**

- (a) Except as specifically provided, an electric-assisted bicycle or a rider of an electric-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric-assisted bicycle is a vehicle to the same extent as a bicycle.
- (b) An electric-assisted bicycle or a person riding an electric-assisted bicycle shall not be required to maintain: (1) Vehicle liability insurance coverage; (2) a driver's license; (3) registration in accordance with article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; (4) a certificate of title; or (5) a license plate. An electric-assisted bicycle shall not be considered a motor vehicle.
- (c) On and after January 1, 2023, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle and shall be printed in Arial font in at least nine-point type.
- (d) A person shall not tamper with or modify an electric-assisted bicycle in a manner that changes the motor-powered speed capability or engagement of an electric-assisted bicycle, unless the label indicating the classification required in subsection (c) is replaced after modification.

(e) An electric-assisted bicycle shall comply with the equipment and manufacturing requirements adopted by the United States consumer product safety commission, 16 C.F.R. part 1512.

- (f) (1) An electric-assisted bicycle may be ridden in places where bicycles are allowed, including, but not limited to, streets, highways, roadways, bicycle lanes, bicycle or multi-use paths, trails or trail networks.
- (2) Subsection (f) (1) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading

(g) No person under 16 years of age may operate a class 3 electric-assisted bicycle. A person under 16 years of age may ride as a passenger on a class 3 electric-assisted bicycle that is designed to accommodate passengers.

(K.S.A. 8-1592b)

**{Editor's Note:** This section mirrors state law, but under K.S.A. 8-1592b(f)(2) a city may adopt an ordinance further restricting and governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks, sidewalk areas, bicycle or multi-use paths, or trail or trail networks.}

### **Sec. 135.1. Electric-Assisted Scooters, Traffic Law Application.**

- (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.
- (b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles, Sections 127 to 133, inclusive, shall be applicable to electric-assisted scooters.
- (c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.
- (d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.  
(K.S.A. 8-15,113)

**Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted.** No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets. (K.S.A. 8-2002(a)(21))

**Ref.:** Sec. 20. Play Streets.

### **Article 16. Special Rules for Motorcycles**

**Sec. 137. Traffic Laws Apply to Persons Operating Motorcycles.** Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as provided in Section 138 to 142, inclusive, and except as to those provisions of this ordinance which by their nature can have no application. (K.S.A. 8-1593)

#### **Sec. 138. Riding on Motorcycles.**

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle, unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle. This subsection shall not apply to any person riding within an autocycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents such person from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.  
(K.S.A. 8-1594)

**Sec. 139. Operating Motorcycles on Roadways Laned for Traffic.**

- (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (K.S.A. 8-1595)

**Sec. 140. Clinging to Other Vehicles.** No person riding upon a motorcycle shall attach himself, herself or the motorcycle to any other vehicle on a roadway. (K.S.A. 8-1596)

**Sec. 141. Motorcycle Seat and Footrests.** A motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with a seat and footrests for such passenger. (K.S.A. 8-1597)

**Sec. 142. Equipment for Motorcycle Operator or Rider.**

- (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle unless wearing a helmet which complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.
- (b) No person shall allow or permit any person under the age of 18 years to:
  - (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or

- (2) Operate a motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).
- (c) (1) No person shall operate a motorcycle unless he or she is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.
- (2) No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.
- (d) This section shall not apply to persons riding within an enclosed cab, an autocycle, or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster. (K.S.A. 8-1598)

**Ref.:** Motorcycle Equipment, Article 18.

### **Article 17. Lights, Brakes, Horns and Other Equipment**

#### **Sec. 143. Scope and Effect of Regulations.**

- (a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of any section of this article, or for any person to do any act forbidden or fail to perform any act required by any provision of any section of this article.
- (b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.
- (c) The provisions of this article with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as specifically made applicable in this article.

- (d) The provisions of this article with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as specifically made applicable by law.
- (e) A low-speed vehicle which is in compliance with the equipment requirements in 49 C.F.R. 571.500 shall be deemed to be in compliance with the provisions of this ordinance. (K.S.A. 8-1701)

**Sec. 144. When Lighted Lamps Required; Visibility Distance and Mounted Height of Lamps.**

- (a) Every vehicle, except as provided in subsection (b), upon a highway within this state, at all times shall display lighted head and other lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles:
  - (1) From sunset to sunrise;
  - (2) When due to insufficient light or unfavorable atmospheric conditions, including smoke or fog, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; or
  - (3) When windshield wipers are in continuous use as a result of rain, sleet, or snow.

Stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices.

- (b) Motorcycles, motor-driven cycles and motorized bicycles manufactured after January 1, 1978, shall display lighted head and taillights at all times that such vehicles are operated on any highway.
- (c) Law enforcement officers shall issue a warning citation to anyone violating subsection (a)(3). (K.S.A. 8-1703)

**Sec. 145. Visibility Distance and Mounted Height of Lamps.**

- (a) Whenever any requirement is declared in this article as to the distance from which certain lamps and devices shall render objects visible or within such lamps or devices shall be visible, said provisions shall apply, during the times stated in Section 144 in respect to a vehicle without load upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

- (b) Whenever any requirement is declared in this article as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (K.S.A. 8-1704)

**Ref.:** Vehicles Parked at Night, see Sec. 157.

### **Sec. 146. Head Lamps on Motor Vehicles.**

- (a) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.
- (b) Every head lamp upon every motor vehicle manufactured or assembled after July 1, 1959, shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in subsection (b) of Section 145. (K.S.A. 8-1705)

### **Sec. 147. Tail Lamps.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in Section 144, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 15 inches.
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted. (K.S.A. 8-1706)

## **Sec. 148. Reflectors.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section: provided, that vehicles of the types mentioned in Section 151 shall be equipped with reflectors meeting the requirements of subsection (a) of Section 153 and subsection (a) of Section 154.
- (b) Every such reflector shall be mounted on the vehicle at a height not less than 15 inches nor more than 60 inches measured as set forth in subsection (b) of Section 145 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of head lamps. (K.S.A. 8-1707)

## **Sec. 149. Stop Lamps and Turn Signals.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of subsection (a) of Section 161, except that passenger cars manufactured or assembled prior to January 1, 1953, shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in subsection (a) of Section 161.
- (b) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of subsection (b) of Section 161, except that passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953 and vehicles registered under K.S.A. 8-194, need not be equipped with electric turn signal lamps. (K.S.A. 8-1708)

**Sec. 150. Application of Succeeding Sections.** Sections 151 to 155, inclusive, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck-tractors, motor homes, motor vehicles with mounted truck-campers, and trailers, semitrailers and pole trailers, respectively, when

operated upon any highway, and said vehicle shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 144. For purposes of the sections enumerated above, a truck-camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle. (K.S.A. 8-1709)

**Sec. 151. Additional Equipment Required on Certain Vehicles.** In addition to other equipment required by this ordinance, the following vehicles shall be equipped as herein stated.

- (a) Buses, trucks, motor homes, and motor vehicles with mounted truck-camper, 80 inches or more overall width:
  - (1) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
  - (4) On each side, two reflectors, one at or near the front and one at or near the rear.
  
- (b) Trailers and semitrailers 80 inches or more in overall width, except boat trailers and house trailers for which special permits are required for movement:
  - (1) On the front, two clearance lamps, one at each side.
  - (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
  
- (c) Trailers and semitrailers, except boat trailers and house trailers for which special permits are required pursuant to K.S.A. 8-1911, and amendments thereto, for movement of such house trailers upon the highways of this state:

On each side, two reflectors, one at or near the front and one at or near the rear.

(d) Truck-tractors: On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).

(e) Trailers, semitrailers and pole trailers 30 feet or more in overall length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(f) Pole trailers:

(1) On each side, one amber marker lamp at or near the front of the load.

(2) One amber reflector at or near the front of the load.

(3) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(g) Whenever required or permitted by this article, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical center line: provided, that where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

(h) Boat trailers 80 inches or more in overall width:

(1) On each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp.

(2) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(3) On each side, two reflectors, one at or near the front and one at or near the rear. (K.S.A. 8-1710)

**Ref.:** Secs. 153, 154.

## **Sec. 151.1. Air-conditioning Equipment.**

- (a) The term “air-conditioning equipment” as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver’s or passenger compartment of any motor vehicle.
- (b) Air-conditioning equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public, and shall not contain any refrigerant which is toxic to persons or which is flammable.
- (c) The secretary of transportation may adopt and enforce safety requirements, rules or regulations and specifications consistent with the requirements of this section applicable to such equipment, which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.
- (d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.
- (e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section. (K.S.A. 8-1747)

## **Sec. 152. Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Backup Lamps and Reflectors.**

- (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
- (b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. (K.S.A. 8-1711)

## **Sec. 153. Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.**

- (a) Reflectors when required by Section 151 shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet the other reflector requirements of this article.
- (b) Clearance lamps, so far as is practicable, shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle, except that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both. (K.S.A. 8-1712)

**Ref.:** Sec. 151.

## **Sec. 154. Visibility of Reflectors, Clearance Lamps, and Marker Lamps.**

- (a) Every reflector upon any vehicle referred to in Section 151 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

- (b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear, respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted. (K.S.A. 8-1713)

**Sec. 155. Obstructed Lights Not Required.** Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp except tail lamps which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, need not be lighted, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicles required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (K.S.A. 8-1714)

**Sec. 156. Lamps or Flags on Projecting Loads.** Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in K.S.A. 8-1703, two (2) red lamps visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors visible at night from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one (1) red lamp visible from a distance of at least five hundred (500) feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section. (K.S.A. 8-1715)

**Sec. 157. Lamps on Parked Vehicles.**

- (a) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of said lamp

or lamps always shall be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

- (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).
- (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (K.S.A. 8-1716)

#### **Sec. 158. Lamps on Other Vehicles and Equipment.**

- (a) Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection (c) of Section 143, not specifically required by the provisions of other sections in this article to be equipped with lamps or other lighting devices, shall be equipped, at all times specified in Section 144, with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.
- (b) Every animal-drawn vehicle shall be equipped at all times with a slow-moving vehicle emblem complying with subsection (g) of K.S.A. 8-1717. (K.S.A. 8-1718)

**Sec. 158.1 Lights, Lamps and Reflectors on Farm Tractors; Slow-moving Vehicle and Slow-moving Vehicle Emblem Defined; Requirements for Slow-moving Vehicles; Unlawful Acts; Exception.**

- (a) Every farm tractor manufactured or assembled after January 1, 1975, shall be equipped with vehicular hazard warning lights of a type described in K.S.A. 8-1722, and amendments thereto, visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.
- (b) Every farm tractor manufactured or assembled after January 1, 1975, shall at all times, and every other such motor vehicle shall at all times mentioned in K.S.A. 8-1703, and amendments thereto, be equipped with lamps and reflectors as follows:
  - (1) At least two head lamps meeting the requirements of K.S.A. 8-1724, 8-1726 or 8-1727, and amendments thereto.
  - (2) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable.
  - (3) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- (c) On every combination of farm tractor and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required in subsections (a) and (b), and the towed unit shall be equipped at all times mentioned in K.S.A. 8-1703, and amendments thereto, with lamps and reflectors as follows:
  - (1) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear, mounted as far to the left of the center of the towed unit as practicable, and at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

- (2) If the towed unit of such combination extends more than four feet to the left of the center line of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.
  - (3) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (a).
- (d) The two red reflectors required in the preceding subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (c).
- (e) As used in this section:
- (1) "Slow-moving vehicle" means any vehicle, farm tractor, implement of husbandry, equipment or piece of machinery designed for use at speeds of less than 25 miles per hour, or which is normally moved at speeds of less than 25 miles per hour, and includes all road construction or maintenance machinery, except when such machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway.
  - (2) "Slow-moving vehicle emblem" means a triangular-shaped emblem of substantial construction having equal sides of 14 inches and an altitude of 12 inches, and such emblem shall be painted a fluorescent yellow-orange color and bordered with reflective red-colored strips having a minimum width of  $1\frac{3}{4}$  inches, with the vertices of the overall triangle truncated in such a manner that the remaining altitude shall be at least 14 inches.
- (f) The secretary of transportation shall approve slow-moving vehicle emblems which meet the requirements of this act and shall compile and publish a list of approved emblems and the manufacturers thereof.

- (g) A slow-moving vehicle emblem shall be mounted or affixed on the rear of the slow-moving vehicle in compliance with standard S276.2 of the American society of agricultural engineers, as such standard was revised in March 1968.
- (h) No person shall operate any slow-moving vehicle on any highway which is within the national system of interstate and defense highways, the state highway system or the state system of modern express highways and freeways, unless such vehicle is equipped with a properly mounted slow-moving vehicle emblem, which has been approved by the secretary of transportation, and which is maintained in a clean, fluorescent and reflective condition, or display a slow-moving vehicle emblem on any vehicle other than a slow-moving vehicle or display such emblem on a slow-moving vehicle which is being operated at a speed of 25 miles per hour or more, or to use such emblem in any manner other than authorized by this section.
- (i) Notwithstanding the provisions of this section, a low-speed vehicle shall not be required to display a slow-moving vehicle emblem. (K.S.A. 8-1717)

#### **Sec. 159. Spot Lamps and Auxiliary Lamps.**

- (a) **Spot Lamps.** Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp emitting a white light shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield or any windows, mirror or occupant of another vehicle in motion. The limitations of this subsection shall not apply to a police vehicle used as an authorized emergency vehicle.
- (b) **Fog Lamps.** Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in subsection (a)(2) of Section 164 of this ordinance.

- (c) **Auxiliary Passing Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary passing lamps.
- (d) **Auxiliary Driving Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary driving lamps. (K.S.A. 8-1719)

### **Sec. 160. Authorized Emergency Vehicles.**

- (a) Except as provided in subsection (b), every authorized emergency vehicle, in addition to any other equipment required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights or red and blue lights in combination. All lights required or authorized by this subsection shall have sufficient intensity to be visible at 500 feet in normal sunlight. Every authorized emergency vehicle may, but need not, be equipped with head lamps which alternatively flash or simultaneously flash.
- (b) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with:
  - (1) Head lamps which alternately flash or simultaneously flash;
  - (2) Flashing lights specified in subsection (a), but any flashing lights, used on a police vehicle, other than the flashing lights specified in Section 162, rotating or oscillating lights or alternately flashing head lamps or simultaneously flashing head lamps, shall be red in color; or

- (3) Rotating or oscillating lights, which may display a flashing red light or alternate flashes of red and blue lights in combination.
- (c) A person, partnership, association, corporation, municipality or public official shall not operate, or cause to be operated upon a public highway, road or street within this city, a motor vehicle with a red light, siren or both unless the vehicle has been designated as an authorized emergency vehicle pursuant to K.S.A. 8-2010, and amendments thereto. (K.S.A. 8-1720; K.S.A. 8-2010b)

**Sec. 160.1. Wreckers, Tow Trucks or Car Carriers; Operation of Emergency Lights; When.**

- (a) Wreckers, tow trucks or car carriers designated as authorized emergency vehicles under subsection (c) of K.S.A. 8-2010, and amendments thereto, shall operate such lights authorized under K.S.A. 8-1720, and amendments thereto, only when such wreckers, tow trucks or car carriers are stationary and providing wrecker or towing service at the scene of a vehicle accident or providing emergency service on the side of a highway.
- (b) The provisions of this section shall be part of and supplemental to the uniform act regulating traffic on highways. (K.S.A. 8-2010c)

**Sec. 161. Signal Lamps and Signal Devices.**

- (a) Any vehicle may be equipped and when required under this ordinance shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 300 feet to the rear in normal sunlight, and which shall be actuated upon application of the service or foot brake, and which may, but need not, be incorporated with one or more other rear lamps.
- (b) Any vehicle may be equipped and when required under this ordinance shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable

and, when signaling, shall emit amber light: Provided, that on any vehicle manufactured prior to July 1, 1973, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. (K.S.A. 8-1721)

## **Sec. 162. Vehicular Hazard Warning Lights.**

- (a) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.
- (b) Every bus, truck, truck-tractor, trailer, semi-trailer or pole trailer 80 inches or more in overall width or 30 feet or more in overall length shall be equipped with lamps meeting the requirements of this section.
- (c) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing amber lights. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than 500 feet in normal sunlight.
- (d) Any police vehicle, when used as an authorized emergency vehicle, may be equipped with warning lamps mounted as widely spaced laterally as practicable, either inside such vehicle, in front of the rear window or on the roof of such vehicle, and capable of displaying two alternately flashing amber lights to the rear of such vehicle. Such warning lamps may be used in lieu of or in combination with any other vehicular hazard warning signal lamps used to display such warning to the rear and shall be visible from a distance of not less than 500 feet in normal sunlight.

- (e) Every truck designed and used for collection and disposal of domestic or commercial waste or trash shall be equipped as provided in subsection (c) and shall operate such lamps when collecting or transporting waste or trash and traveling 15 miles per hour or less. (K.S.A. 8-1722)

**Sec. 162.1. Display of Vehicular Hazard Warning Signal Lamps and Warning Devices by Certain Stopped or Disabled Vehicles.**

- (a) Whenever any truck, bus, truck-tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver immediately shall actuate vehicular hazard warning signal lamps meeting the requirements of K.S.A. 8-1722. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections (b) to (h) are in place.
- (b) Whenever any vehicle of a type referred to in subsection (a) is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices, except as provided in subsection (c):
  - (1) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
  - (2) As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three (3) liquid-burning flares, or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the roadway in the following order:
    - (i) One (1) approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
    - (ii) One (1) approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

- (iii) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.
- (c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.
- (d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows: One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.
- (e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in subsection (b), (c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
- (f) The warning devices described in subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

- (g) Whenever any vehicle described in this section is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by K.S.A. 8-1703, the driver of the vehicle shall display two (2) red flags as follows:
- (1) If traffic on the roadway moves in two (2) directions, one (1) flag shall be placed approximately one hundred (100) feet to the rear and one (1) flag approximately one hundred (100) feet in advance of the vehicle in the center of the lane occupied by such vehicle.
  - (2) Upon a one-way roadway, one (1) flag shall be placed approximately one hundred (100) feet and one (1) flag approximately two hundred (200) feet to the rear of the vehicle in the center of the lane occupied by such vehicle.
- (h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of K.S.A. 8-1744 applicable thereto.

(K.S.A. 8-1745)

### **Sec. 163. Additional Lighting Equipment.**

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with one or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- (d) Any vehicle 80 inches or more in overall width, if not otherwise required by Section 151, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare.

and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subsection (g) of Section 151.

- (e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.
- (f) Any motor vehicle may be equipped with ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the bulb or lighting fixture be visible. **Ground effect lighting** means lights placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.
- (g) Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle. (K.S.A. 8-1723)

#### **Sec. 164. Multiple-Beam Road-Lighting Equipment.**

- (a) Except as hereinafter provided, the head lamps, or the auxiliary driving lamps or the auxiliary passing lamp or combination thereof, on motor vehicles other than motorcycles shall be so arranged that the driver may select at will between distribution of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
  - (1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading.
  - (2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

- (b) Every new motor vehicle registered in this state which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. (K.S.A. 8-1724)

### **Sec. 165. Use of Multiple-beam Road-lighting Equipment.**

When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in Section 144 of this ordinance the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (a)(2) of Section 164 or subsection (b) of Section 187, shall be dimmed to avoid glare at all times, regardless of road contour and loading.
- (b) When the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in subsection (a)(1) of Section 164 or subsection (b) of Section 187.
- (c) The requirements in subsections (a) and (b) shall not apply to:
  - (1) Authorized emergency vehicles displaying alternately flashing or simultaneously flashing head lamps as provided in Section 160; or
  - (2) School buses displaying alternately flashing or simultaneously flashing head lamps as provided in Section 170. (K.S.A. 8-1725)

**Sec. 166. Single-beam Road-lighting Equipment Permitted on Certain Vehicles.** Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors, regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified, if the single distribution of light complies with the following requirements and limitations:

- (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light at a distance of 25 feet ahead shall project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (K.S.A. 8-1726)

**Sec. 167. Alternate Road-lighting Equipment on Certain Vehicles; Limitations on Speed.** Any motor vehicle may be operated under the conditions specified in Sec. 144 when equipped with two lighted lamps upon the front thereof capable of revealing persons and vehicles 100 feet ahead in lieu of lamps required in Sec. 164 or Sec. 166: Provided, that at no time shall it be operated at a speed in excess of 25 miles per hour. (K.S.A. 8-1727)

**Sec. 168. Number of Driving Lamps Required or Permitted.**

- (a) At all times specified in Section 144 of this ordinance, at least two lighted head lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked, subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (K.S.A. 8-1728)

## **Sec. 169. Special Restrictions on Lamps.**

- (a) During the time specified in Section 144, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, and school bus warning lamps, that project a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- (b) Except as required or permitted in Sections 160, 169.1 and 170, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.
- (c) Flashing lights are prohibited except as authorized or required in Sections 158,1, 160, 161, 162, 163, 170, 171, and 172.
- (d) The flashing lights described in Sections 160, 170, and 171 shall not be used on any vehicle other than a school bus, church bus or day program bus, as defined in Section 171, or an authorized emergency vehicle.
- (e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. (K.S.A. 8-1729)

## **Sec. 169.1. Transportation Network Lighting Device.**

- (a) A driver for a transportation network company, who is logged on to the transportation network company's digital network, may equip the vehicle with a lighting device capable of displaying light visible from directly in front of the center of the vehicle. Such lighting device may display:
  - (1) Steady light; and
  - (2) Light of any color, except red.

The words and phrase used in this section have the meanings respectively ascribed thereto in Section 1 and K.S.A. 8-2702, and amendments thereto, unless a different meaning is plainly required by the context. (K.S.A. 8-1762).

## **Sec. 170. School Buses.**

- (a) Every school bus, in addition to any other equipment and distinctive markings required by this act:
  - (1) Shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight; and
  - (2) Every new school bus put into initial service after July 1, 2007, shall be equipped with a white flashing strobe light mounted on the roof of such bus to afford optimum visibility.
- (b) Any school bus, in addition to the lights required by subsection (a), may be equipped with:
  - (1) Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated; or

- (2) Head lamps which alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.
- (c) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto. (K.S.A. 8-1730)

**Sec. 171. Lighting Equipment and Warning Devices on Church Buses and Day Care Program Buses.** Any church bus, or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with:

- (a) Signal lamps which conform to the requirements of Section 170, and rules and regulations adopted pursuant thereto; and
- (b) A stop signal arm which conforms to requirements therefor applicable to school buses which have been adopted by rules and regulations of the state board of education. (K.S.A. 8-1730a)

**Sec. 172. Highway Construction and Maintenance Vehicles.** It shall be unlawful to operate any snow removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the Secretary of Transportation. (K.S.A. 8-1731)

**Sec. 173. Brakes; Performance Requirements.**

- (a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop such vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface.
- (b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold such vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice or loose material.
- (c) When necessary for the safe operation of any vehicle or class of vehicles, the secretary of transportation may require additional braking systems. Every vehicle must comply with any additional requirements.

- (d) The provisions of this section shall not apply to vehicles registered pursuant to K.S.A. 8-166 *et seq.* and any amendments thereto. (K.S.A. 8-1734)

**Sec. 174. Horns and Warning Devices.**

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation shall give audible warning with his horn, but shall not otherwise use such horn when upon a highway.
- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.
- (c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.
- (d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the secretary of transportation, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.
- (e) Every truck specifically designed and equipped and used exclusively for garbage, refuse, or solid waste disposal operations shall be equipped with a whistle, bell, or other audible signal. Such whistle, bell, or other audible signal shall be used only when the driver of the truck is backing such truck. Notwithstanding the provisions of this section, a city may adopt an ordinance prohibiting the activation of such whistle, bell, or other audible signal during specific periods of time during the day. (K.S.A. 8-1738)

- (f) Every truck designed and used for collection and disposal of domestic or commercial waste or trash shall be equipped with vehicular hazard warning signal lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. Hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing amber lights. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than 500 feet in normal sunlight. (K.S.A. 8-1722)

**Sec. 175. Noise Prevention; Mufflers.**

- (a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle at all times shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation, and no person shall use a muffler cutout, bypass or similar device.
- (b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. (K.S.A. 8-1739)

**Sec. 175.1. Compression Release Engine Braking System.**

- (a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with Section 175.
- (b) As used in this section, "compression release engine braking system" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism. (K.S.A. 8-1761)

## **Sec. 176. Mirrors.**

- (a) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition. (K.S.A. 8-1740)

## **Sec. 177. Windshields Must Be Unobstructed and Equipped with Wipers; Eye Protection.**

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such vehicle which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.
- (b) No person shall drive any motor vehicle with a damaged front windshield or side or rear windows which substantially obstructs the driver's clear view of the highway or any intersecting highway.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (d) Every windshield wiper upon a motor vehicle shall be maintained in good working order. (K.S.A. 8-1741)

## **Sec. 178. Restrictions as to Tire Equipment.**

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:
  - (1) Farm machinery with tires having protuberances which will not injure the highway;
  - (2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
  - (3) Studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or
  - (4) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. To qualify under paragraph (3) or (4), such tires or studded traction equipment shall be approved by the secretary of transportation by adoption of rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.
- (d) The governing body may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this ordinance.
- (e) It is unlawful for any person to operate a motor vehicle or combination of vehicles having one or more tires in

an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:

- (1) Any part of the ply or cord exposed;
  - (2) Any bump, bulge or separation;
  - (3) A tread design depth of less than one-sixteenth (1/16) inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;
  - (4) A marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
  - (5) Tread or sidewall cracks, cuts or snags deep enough to expose the body cord;
  - (6) Been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or
  - (7) Such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck.
- (g) It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply:
- (1) To any truck registered for a gross weight of 20,000 pounds or less;
  - (2) To any vehicle or combination of vehicles operating with wide-base single tires, as defined in K.S.A. 8-1742b, and amendments thereto, on any hubs configured for a dual tire assembly;
  - (3) To any single axle with hubs configured for a dual tire assembly when such single axle does not exceed 9,000 pounds and is a part of a triple-axle combination; or
  - (4) In cases of emergency.
- (h) No person in the business of selling tires shall sell or offer for sale for highway use any tire which is in unsafe condition or which has tread depth of less than one-sixteenth (1/16) inch measured as specified in subsection (e). (K.S.A. 8-1742; K.S.A. 8-1742a)

## **Sec. 178.1. Wide-Base Single Tires.**

- (a) The following shall apply where wide-base single tires are used in the operation of any vehicle or combination of vehicles:
  - (1) The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width. The maximum load for a wide-base single tire on any other axle shall not exceed 575 pounds per inch of tire section width;
  - (2) No wide-base single tire shall exceed the load designated by the manufacturer; and
  - (3) The maximum tire inflation pressures shall be as designated by the manufacturer.
- (b) The provisions of paragraph (1) of subsection (a) shall apply to all wide-based single tires purchased after July 1, 1993.
- (c) Any conviction or forfeiture of bail or bond for any violation of this section shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto. (K.S.A. 8-1742b)

## **Sec. 179. Spilling Loads on Highways Prohibited.**

- (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:
  - (1) This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and
  - (2) (A) Subsections (a) and (c) shall not apply to:
    - (i) trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position; or
    - (ii) trucks, trailers or semitrailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage or from a place of storage to a place of use. The provisions of this clause shall not apply to trucks, trailers or semitrailers hauling:

- (a) Hay bales; or
- (b) other packaged or bundled forage commodities.
- (iii) trucks, trailers or semitrailers when hauling cotton bales transported by the producer intrastate from the place of production or storage to a market, place of storage or place of use if:
  - (a) cotton bales are fully loaded from front to back on such truck, trailer or semitrailer in a single layer;
  - (b) the truck, trailer, or semitrailer is equipped with cradles; and
  - (c) the truck, trailer or semitrailer is equipped with stakes, side boards or side posts that are not less than 12 inches high.
- (B) Paragraph (2)(A)(i) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.
- (b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.
- (c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (K.S.A. 8-1906)

**Sec. 180. Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch.**

- (a) When one vehicle is towing another, the drawbar, tow bar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two such vehicles, there shall be provided an adequate safety hitch.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

- (c) Motor vehicles in transit may be transported in combination by means of tow bar, saddle-mount or full-mount mechanisms, utilizing the motive power of one of the motor vehicles in such combination, except that not more than two vehicles in any such combination of motor vehicles in transit may be connected by means of a tow bar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the secretary of transportation, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A. 8-1904, and amendments thereto.
- (d) Except as otherwise provided in subsection (c), not more than three vehicles, including the towing vehicle, in any combination of vehicles may be connected by means of a tow bar mechanism, and if the three such vehicles are connected by tow bar mechanisms, the tow bar mechanism between the towing vehicle and the first towed vehicle shall be equipped with an anti-sway mechanism. In addition, the second towed vehicle of every combination of vehicles so connected shall be equipped with service brakes acting on the wheels of at least one axle, and which are of a type approved by the secretary of transportation and of such character as to be applied automatically and promptly. (K.S.A. 8-1907)

### **Sec. 181. One-Way Glass and Sun Screening Devices.**

- (a) No motor vehicle required to be registered in this state and that is operated on the highways of this city shall be equipped with one-way glass or any sun screening device, as defined in Section 1, and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:
  - (1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;
  - (2) A sun screening device when used in conjunction with the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

- (3) The total light transmission shall not be less than 35% when a sun screening device is used in conjunction with other existing sun screening devices.
- (b) Subsection (a) (3) shall not apply to a window of a law enforcement motor vehicle.
  - (c) The provisions of subsection (a) shall not apply to the installation, affixation or application of a clear, colorless and transparent material that may be installed, affixed or applied to the windshields, side wings, side windows or rear windows of a motor vehicle if the following conditions are met:
    - (1) The material has a minimum visible light transmittance of 78%;
    - (2) The window glazing with the material applied meets all requirements of federal motor vehicle safety standard no. 205, including the specified minimum light transmittance of 70% and the abrasion resistance of AS-14 glazing, as specified in that federal standard;
    - (3) The material is designed and manufactured to enhance the ability of the existing window glass to block the sun's harmful ultraviolet A or B rays;
    - (4) The driver or occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist that:
      - (A) Identifies with reasonable specificity the driver or occupant of the vehicle; and
      - (B) States that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with the material is necessary to safeguard the health of the driver or occupant of the vehicle; and
      - (C) If the material described in this subsection tears or bubbles, or is otherwise worn to prohibit clear vision, it shall be removed or replaced.
- (d) Any driver who is issued a citation for failure to possess a signed statement pursuant to subsection (c)(4) shall have 60 days to either produce in court a signed statement or remove the material described in subsection (c). If such driver produces the signed statement or submits proof to the satisfaction of the court that the material described in subsection (c) has been removed, then the court shall dismiss the citation.

- (e) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by law.
- (f) No motor vehicle required to be registered in this state that is operated on the highways of this city shall be equipped with head lamps that are covered with any sun screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.
- (g) Any person violating the provisions of (a) or (f) of this section shall be in violation of this ordinance and punished as provided in Section 201.
- (h) Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of this section, upon conviction, shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment. (K.S.A. 8-1749a; K.S.A. 8-1749c)

### **Sec. 182. Child Passenger Safety Restraining System.**

- (a) Every driver who transports a child under the age of 14 years in a passenger car or an autocycle on a highway shall provide for the protection of such child by properly using:
  - (1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;
  - (2) For a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or
  - (3) For a child 8 years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

- (b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.
- (c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).
- (d) It shall be unlawful for any driver to violate the provisions of subsection (a) and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car or autocycle at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- (e) The \$60 fine provided for in subsection (d) shall be waived if the driver convicted of violating subsection (a) (1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.
- (f) No driver charged with violating the provisions of this section shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.
- (g) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

- (h) As used in this section **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds. (K.S.A. 8-1343a & 8-1345)

### **Sec. 182.1. Seat Belts.**

- (a) Except as provided in subsection (b):
- (1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and
  - (2) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.
- (b) This section does not apply to:
- (1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
  - (2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or
  - (3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

- (c) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a backseat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a backseat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.
- (d)
  - (1) Persons convicted of violating subsection (a)(1) shall be guilty of a traffic infraction and fined \$30 and no court costs; and
  - (2) Persons convicted of violating subsection (a)(2) shall be guilty of a traffic infraction and fined \$60 and no court costs.
- (e) As used in this section, **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle. (K.S.A. 8-2502 - 8-2504; K.S.A. 8-2116)

#### **Sec. 182.1.2. Safety Belts and Shoulder Harnesses.**

- (a) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two (2) lap-type safety belt assemblies for use in the front seating positions.
- (b) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.
- (c) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two (2) shoulder harness-type safety belt assemblies for use in the front seating positions.
- (d) The secretary of transportation shall except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (a) to (c) when compliance would be impractical.

- (e) No person shall distribute, have for sale, offer for sale or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications approved by the secretary of transportation. (K.S.A. 8-1749)

**Sec. 182.2. Unlawful Riding on Vehicles; Persons Under Age 14.**

- (a) It shall be unlawful for any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion.
- (c) This section shall not apply to:
  - (1) An employee under the age of 14 years engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or
  - (2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.
- (d) The provisions of subsections (a) and (b) shall apply only when a vehicle is being operated within the corporate limits of the city. (K.S.A. 8-1578a)

**Ref.:** For Persons 14 Years of Age and Older see Sec. 115.

**Article 18. Equipment on Motorcycles  
and Motor-Driven Cycles**

**Sec. 183. Head Lamps.**

- (a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this article.
- (b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in subsection (b) of Section 145.
- (c) Any headlamp, required by this section, may be wired with a headlamp modulation system provided the headlamp modulation system complies with federal standards established by 49 C.F.R. § 571.108. (K.S.A. 8-1801)

**Ref.:** Sec. 35.

**Sec. 184. Tail Lamps.**

- (a) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than 72 nor less than 15 inches.
- (b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. (K.S.A. 8-1802)

**Sec. 185. Reflectors.** Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of subsection (b) of Section 140. (K.S.A. 8-1803)

## **Sec. 186. Stop Lamps.**

- (a) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of subsection (a) of Section 161.
- (b) Every motorcycle manufactured after January 1, 1973, shall be equipped with electric turn signals meeting the requirements of subsection (b) of Section 161. Motor-driven cycles may, but need not, be equipped with electric turn signals.
- (c) In addition to the lamps otherwise permitted by this article, a motorcycle may be equipped with lamps on the sides thereof, visible from the side of the motorcycle but not from the front or the rear thereof, which lamps, together with mountings or receptacles, shall be set into depressions or recesses in the body or wheel of the motorcycle and shall not protrude beyond or outside the body or the wheel of the motorcycle. The light source may emit only white, amber or red light without glare. (K.S.A. 8-1804)

**Sec. 187. Multiple-beam Road-lighting Equipment.** Every motorcycle, other than a motor-driven cycle, shall be equipped with multiple-beam road-lighting equipment. Such equipment shall:

- (a) Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected; and
- (b) Reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading, none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (K.S.A. 8-1805)

**Sec. 188. Lighting Equipment for Motor-Driven Cycles.** The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

- (a) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the

motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.

- (b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of Section 187.
- (c) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes. (K.S.A. 8-1806)

**Ref.:** Sec. 35.

**Sec. 189. Brake Equipment Required.** Every motorcycle and motor-driven cycle shall comply with the provisions of subsection (a) of Section 173, except that the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes: provided, that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article. (K.S.A. 8-1807)

**Sec. 190. Performance Ability of Brakes.** Upon application of the service brake, every motorcycle and motor-driven cycle, at all times and under all conditions of loading, shall be capable of stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for stopping distance shall be made on a dry smooth, hard and substantially level surface, not to exceed 1% grade, that is free from loose material. (K.S.A. 8-1808)

**Sec. 190.1. Approval of Braking Systems on Motor-driven Cycles; Suspension or Revocation of Registration; Prohibited.**

- (a) The secretary of transportation is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove the braking system on any such vehicle which it finds will not comply with the performance ability standard set forth in K.S.A. 8-1808, or which in the opinion of the secretary is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.
- (b) The director may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the secretary of transportation determines that the braking system thereon does not comply with the provisions of this section.
- (c) No person shall operate on any highway any vehicle referred to in this section in the event the secretary of transportation has disapproved the braking system upon such vehicle. (K.S.A. 8-1809)

**Sec. 191. Other Equipment.**

- (a) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of Section 174 on horns and warning devices, Section 175 on noise prevention and mufflers, Section 176 on mirrors and Section 178 on tires.
- (b) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations contained in this article, and unless otherwise specifically made applicable, motorcycles and motor-driven cycles shall not be subject to the requirements and limitations imposed elsewhere in this ordinance with respect to equipment on vehicles. (K.S.A. 8-1810)

## **Article 19. Driver's License and Vehicle Tags**

### **Sec. 192. Driver's License.**

- (a) No person, except those expressly exempted, shall drive any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license.
- (b) Any person operating in this city a motor vehicle, shall be the holder of a driver's license that is classified for the operation of such motor vehicle, and any person operating in this city a motorcycle that is registered in the state of Kansas shall be the holder of a class M driver's license.
- (c) No person shall drive any motorized bicycle upon a highway of this state unless such person: (1) Has a valid driver's license, that entitles the licensee to drive a motor vehicle in any class or classes; (2) is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license, which shall clearly indicate that such license is valid only for the operation of motorized bicycles; or (3) has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of K.S.A. 8-1568(b), and amendments thereto, in the last five years and has made application to the division for issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue such person a class C license, which shall clearly indicate that such license is valid only for the operation of motorized bicycles. As used in this subsection, "motorized bicycle" shall have the meaning ascribed to it in K.S.A. 8-126, and amendments thereto.
- (d) Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. (K.S.A. 8-235)

### **Sec. 193. Driver's License in Possession.**

- (a) Every licensee shall have such person's driver's license in such person's immediate possession at all times when operating a motor vehicle. However, no person charged with violating this subsection shall be convicted if such person produces in court or the office of the arresting officer a driver's license theretofore issued to such person and valid at the time of arrest.
- (b) Every licensee operating a motor vehicle shall promptly deliver such person's driver's license upon demand of any law enforcement officer when the license is in such person's immediate possession at the time of the demand. (K.S.A. 8-244)

### **Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty.**

- (a) (1) Except as provided in subsections (a)(3), (a)(4), and (b), any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a and amendments thereto, shall upon a first conviction be punished by imprisonment for not more than six months or fined not to exceed \$1,000, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section such person shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. In addition to any other criminal penalties provided by law, any person convicted of a violation of this section shall be subject to a fine of not less than \$100.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- (3) Except as provided in subsection (a)(4) or (b), every person convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for any violation other than a violation of K.S.A. 8-2110, and amendments thereto, or any ordinance of any city, resolution of

any county or a law of another state that prohibits the acts prohibited by those statutes other than K.S.A. 8-2110, and amendments thereto, shall be sentenced to at least five days of confinement and, upon a second conviction shall not be eligible for parole until completion of five days of confinement.

- (4) Except as provided in subsection (b), if a person:
- (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, or any ordinance of any city, resolution of any county or a law of another state that prohibits the acts prohibited by those statutes; and
  - (B) Is or has been also convicted of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, or any ordinance of any city, resolution of any county or law of another state, that prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days of confinement, and any fine imposed on such person shall be in addition to such a term of confinement.
- (b) (1) A person on a third or subsequent conviction of this section shall be sentenced to not less than 90 days of confinement and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:
- (A) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
  - (B) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

- (C) Was convicted of vehicular homicide, K.S.A. 21- 3405, prior to its repeal or K.S.A. 21- 5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal or involuntary manslaughter as defined in K.S.A. 21- 5405(a)(3) and (a) (5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
  - (D) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.
- (2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days of confinement. The 90 days of confinement mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours of confinement and only if such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours of confinement.
- (c) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, **conviction** includes a conviction of a violation of any ordinance of any city, resolution of any county or a law of any state that is in substantial conformity with this section. (K.S.A. 8-262)

### **Sec. 195. Driving in Violation of Restrictions.**

- (a) No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit imposed pursuant to any statute.
- (b) Except as provided in subsection (c):
  - (1) Any person guilty of violating this section, upon the first conviction, shall be fined not to exceed \$250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.

- (2) Any person guilty of violating this section, upon a second or subsequent conviction, shall be fined not to exceed \$500, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.
- (c) Any person guilty of violating this section, for violating restrictions on a driver's license or permit imposed pursuant to K.S.A. 8-237, 8-296, 8-2,100, or 8-2,101, and amendments thereto:
  - (1) Upon first conviction, the court shall suspend such person's privilege to operate a motor vehicle for 30 days;
  - (2) Upon a second conviction, the court shall suspend such person's privilege to operate a motor vehicle for 90 days; and
  - (3) Upon a third or subsequent conviction, the court shall suspend such person's privilege to operate a motor vehicle for one year.
- (d) Nothing in this section shall limit the court in imposing penalties, conditions or restrictions authorized by any other ordinance arising from the same occurrence in addition to penalties and suspensions imposed under this section. (K.S.A. 8-291)

**Ref.:** Procedure for Imposing Restrictions, K.S.A. 8-292.

**Sec. 195.1. Operation of a Motor Vehicle When a Habitual Violator.** Except as allowed under subsection (d)(4) of K.S.A. 8-235, and amendments thereto, operation of a motor vehicle in this state when one's driving privileges are revoked pursuant to K.S.A. 8-286, and amendments thereto shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. The person found guilty of a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500. The person convicted shall not be eligible for release on probation, suspension, or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. (K.S.A. 8-287)

**Sec. 196. Unauthorized Operator.** No person shall authorize or knowingly permit a motor vehicle owned by him or her or under such person's control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license. (K.S.A. 8-264)

**Sec. 197. Unauthorized Minors.** No person shall cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor person is not authorized under the laws of Kansas to drive a vehicle. (K.S.A. 8-263)

**Sec. 198. Vehicle License; Illegal Tag.**

(a) It shall be unlawful for any person to:

- (1) Operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135 and 8-198, and amendments thereto. A violation of this subsection (1) by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under K.S.A. 8-128(b) and amendments thereto, shall constitute a violation punishable by a fine of not less than \$500. A person shall not be charged with a violation of this subsection (1) for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 8-143m and 8-1,152, and amendments thereto, up to and including the 10th day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10th day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.

- (2) Display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an ordinance violation punishable by a fine of not less than \$100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection (2). This subsection (2) shall not apply to the possession of:
  - (A) Model year license plates displayed on antique vehicles as allowed under K.S.A. 8-172, and amendments thereto; or
  - (B) Distinctive license plates allowed under K.S.A. 8-1,147, and amendments thereto.
- (3) Lend to, or knowingly permit the use by, one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- (4) Remove, conceal, alter, mark or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the city as required by law so as to be plainly legible.
- (5) Carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.

- (b) Any person violating subsections (1), (2) or (3) shall be punished by a fine not exceeding \$2,500, or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment. Any person violating subsections (4) or (5) shall be punished as provided in section 201(d) of this ordinance. (K.S.A. 8-142; K.S.A. 8-149)

### **Sec. 199. Unlawful Use of License.**

- (a) It shall be unlawful for any person, for any purpose, to:
  - (1) Display or cause or permit to be displayed or have in possession any fictitious or fraudulently altered driver's license.

- (2) Lend any driver's license to any other person or knowingly permit the use thereof by another.
  - (3) Display or represent as the person's own, any driver's license not issued to the person.
  - (4) Fail or refuse to surrender to any police officer upon lawful demand any driver's license which has been suspended, revoked or canceled.
  - (5) Permit any unlawful use of driver's license issued to the person.
  - (6) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.
  - (7) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law.
  - (8) Display or cause or permit to be displayed any canceled, revoked or suspended driver's license.
- (b) Violation of paragraphs (1) or (8) of subsection (a) is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. Violation of paragraphs (2), (3), (4), (5), (6) or (7) of subsection (a) is punishable by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment.
- (c) It shall be unlawful for any person to:
- (1) Lend any driver's license to, or knowingly permit the use of, any driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor.
  - (2) Lend any driver's license to, or knowingly permit the use of, any driver's license by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.
  - (3) Display, or cause to be displayed, or have in possession any fictitious or fraudulently altered driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

- (d) (1) Upon a first conviction of a violation of any provision of subsection (c) a person shall be sentenced to not less than 100 hours of public service and fined not less than \$200 nor more than \$500.
- (2) On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment.
- (e) The provisions of this section shall apply to any driver's license, whether issued under the laws of this state or issued under the laws of another state or jurisdiction.  
(K.S.A. 8-260)

### **Sec. 200. Motor Vehicle Liability Insurance.**

- (a) Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle: (1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104 (f); (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school; (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or (4) is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*
- (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
- (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.

- (d) (1) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall transmit a copy of the insurance verification form prescribed by the secretary of revenue with the copy of the citation transmitted to the court.
- (2) No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.
- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such

evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.

- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one year, or both such fine and imprisonment. (K.S.A. 40-3104)

## **Article 20. Penalties Generally**

### **Sec. 201. Penalties.**

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) The judge of the Municipal Court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by K.S.A. 8-2503, and amendments thereto, or K.S.A. 8-2118 and amendments thereto. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.

- (c) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding \$500.
- (d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 21-6602; K.S.A. 21-6611)

**Sec. 201.1. Failure to Comply with a Traffic Citation.**

- (a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:
  - (1) Appear before the municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or
  - (2) Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.
- (b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing, or stopping, the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The municipal court may charge

an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

- (2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges.
- (B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:
  - (i) The suspended license that expired was issued by the division of vehicles;
  - (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b) (1) and;
  - (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.
- (C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have

been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (i) In going to or returning from the person's place of employment or schooling;
  - (ii) in the course of the person's employment;
  - (iii) in going to or returning from an appointment with a health care provider or during a medical emergency;
  - (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.
- (c) On and after July 1, 2018, except as provided in subsection (d), when the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees

to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.

- (d) The municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor.
- (e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- (2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of

the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

- (f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025 the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.
- (g) This section shall expire at 11:59 p.m. on December 31, 2024.(K.S.A. 8-2110)

### **Sec. 201.2. Failure to Comply with a Traffic Citation.**

- (a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:
  - (1) Appear before the municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or
  - (2) Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.
- (b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for any violations provided in subparagraph (C), the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay fines, court costs and any penalties as ordered by the court within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges unless such person is eligible

for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B). The municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the municipal court shall electronically notify the division of vehicles unless the municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of substantial compliance with the terms of the traffic citation has been furnished to the informing court unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall notify the violator that the person's driving privileges are restricted pursuant to subparagraph (B). When the court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the restriction, suspension or suspension action.

- (B) (i) When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (a) In going to or returning from the person's place of employment or schooling;
  - (b) in the course of the person's employment;
  - (c) in going to or returning from an appointment with a healthcare provider or during a medical emergency;
  - (d) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;
  - (e) in going to or returning from dropping off or picking up one or more children from school or child care;
  - (f) in going to or returning from purchasing groceries or fuel for their vehicle; and
  - (g) in going to or returning from any religious worship service held by a religious organization.
- (ii) A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:
- (a) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;
  - (b) the person enters into an agreement with the court regarding the person's failure to comply; or
  - (c) the rescission of the restricted driving privileges by the division of vehicles.

- (iii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:
    - (a) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or
    - (b) operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.
  - (iv) A person operating a motor vehicle in violation of restrictions provided in clause (i) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.
- (C) (i) Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21- 5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto. **See Editor's Note at the end of section for Corresponding STO Sections.**
- (ii) The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that resulted from the prior violation of this section.

- (2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).
- (B) (i) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:
- (a) The remainder of the period of time that such person's driving privileges are revoked; or
  - (b) Three years from the date when the restricted driving privileges were approved.
- (ii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of a violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation.
- (iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty

of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto

- (C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, A person shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:
- (i) The suspended license that expired was issued by the division of vehicles;
  - (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b) (1) and;
  - (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.
- (D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles or until the terms of the traffic citation have been substantially complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the division of vehicles until the court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such substantial compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:
- (i) In going to or returning from the person's place of employment or schooling;

- (ii) in the course of the person's employment;
  - (iii) in going to or returning from an appointment with a health care provider or during a medical emergency;
  - (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.
  - (v) in going to or returning from dropping off or picking up one or more children from school or child care;
  - (vi) in going to or returning from purchasing groceries or fuel of their vehicle; and
  - (vii) in going to or returning from any religious worship service held by a religious organization.
- (c) Except as provided in subsection (d), when the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.
- (d) The municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the

State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor.

- (e)
  - (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
  - (2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
  - (3) The clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.
- (f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025 the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.
- (g)
  - (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:

- (a) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and
    - (b) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.
  - (2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.
- (h)
- (1) Any conviction for a failure to comply pursuant to this section shall not be considered by the municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction is more than five years old.
  - (2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.
  - (3) The provisions of this subsection shall be construed and applied retroactively.
    - (i) As used in this section, “substantial compliance” or “substantially complied” means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order. (K.S.A. 8-2110, as amended)

**{Editors Note:** The following STO sections correspond with a violation listed in (C): Sections 18, 63, 65, 67, 68, 69, 74, 83, 85, 86, 107, 124, 115, 182.2, 112, 114, 127, 129, 130, 131, 132, 133, 112.1, 114.4, and 135.1.}

**Sec. 202. Parties to a Violation.** Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense. (K.S.A. 8-2101)

**Sec. 203. Offenses by Persons Owning or Controlling Vehicles.** It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this ordinance. (K.S.A. 8-2102)

**Sec. 204. Fines Doubled in Road Construction and School Zones.**

- (a) Fines listed in the schedule of fines, as established by the municipal court judge, shall be doubled if a person is convicted of an ordinance traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone.
- (b) Fines listed in the schedule of fines, as established by the municipal court judge relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto. (K.S.A. 8-2118)

### **Article 21. Severability**

**Sec. 205. Severability.** If any provision of this code is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the code and the applicability thereof to other persons and circumstances shall not be affected thereby.

## APPENDIX A

### Statutes Affecting or Limiting Powers of Cities

K.S.A. 8-136, 8-198, 66-1109.

**Wrecker or Tow Trucks, Licensing.**

K.S.A. 8-235.

**Licenses Required; City License, When.** Provides that cities may require licenses of persons driving taxicabs or municipally franchised transit systems.

K.S.A. 8-253.

**Duty of Municipal Court to Report Convictions; Forms to Be Used; Conviction Defined; Notice of Disposition of Appeals.**

K.S.A. 8-254, 8-288, 8-1567.

**Drivers' Licenses; Restrictions and Suspensions; Penalties for Violation.**

K.S.A. 8-284 *et seq.*

**Habitual Traffic Violator.**

K.S.A. 8-1102.

**Abandoned Vehicles; Removal, Storage; Notice; Sale at Auction.**

K.S.A. 8-1338.

**Speed Limits—Change from Statutory Limits.** City may on basis of engineering and traffic investigation decrease speed limit at intersections, increase limit within an urban district not to exceed 55 m.p.h., decrease limit outside an urban district and in school zones within an urban district but not to less than 20 m.p.h. and declare maximum speed for arterial streets.

K.S.A. 8-1525.

**Restrictions on Use of Controlled Access Facilities.** Cities may by ordinance prohibit the use of such facilities by class or kind of traffic found to be incompatible with normal and safe flow of traffic.

K.S.A. 8-1911.

**Permits for Excess Size and Weight.** City may in its discretion upon proper application issue permit to operate or move vehicle over city streets of a size or weight exceeding maximum specified in state act. State connecting link not included.

K.S.A. 8-1912.

**Use of Street or Bridge—City Authority to Restrict.** City authorized by ordinance to prohibit operation of vehicles or impose restrictions as to weight of vehicles upon designated street for not to exceed 90 days. City may by ordinance prohibit operation of trucks or other commercial vehicles or limit weight on designated streets (except connecting link unless approved alternate route provided). City may fix limit on weight of vehicles which may use bridges.

K.S.A. 8-1914.

**Issuance of Special Permits for Operation of Vehicles from Kansas Turnpike Authority Toll Booths and Motor-freight Truck Terminals.** The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction may issue permits authorized under the provisions of K.S.A. 8-1911, and amendments thereto, for the operation of combinations of vehicles operating on a route designated by the secretary or local authority between a Kansas turnpike authority toll booth and a motor-freight truck terminal located within a ten-mile radius of any such toll booth, except at the northeastern end of the turnpike at which location a twenty-mile radius shall apply.

K.S.A. 8-2001.

**Provisions of Traffic Act Uniform.** Provides that no city shall enact or enforce any rule or regulation in conflict with provisions of the State Act.

K.S.A. 8-2002.

**Powers of Cities Generally.** Section lists a number of specific areas in which cities may regulate traffic and vehicles.

K.S.A. 8-2005.

**Traffic Control Devices—Placing and Maintenance.** Provides for the placing and maintenance of traffic control devices on city streets. Approval of secretary of transportation required upon highway connecting links.

K.S.A. 8-2006.

**Restrictions on Pedestrian Crossings.** Local authorities, by ordinance or resolution, and the secretary of transportation, by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

K.S.A. 8-2007.

**Same; Unmarked Crosswalks.** The secretary of transportation and local authorities in their respective jurisdictions, after an engineering and traffic investigation, may designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right-of-way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place.

K.S.A. 8-2115.

**Duty to Report Conviction or Forfeiture of Bail or Appearance Bond; Forms To Be Used.**

K.S.A. 8-2117.

**Prosecution of Certain Juvenile Traffic Offenses; Disposition.**

K.S.A. 8-2118.

**Traffic Infractions.**

K.S.A. 72-9101 *et seq.*

**Regulation of Traffic on School Grounds.**

## APPENDIX B

### Ordinance Traffic Infractions

The following sections of the Standard Traffic Ordinance (STO) are classified as Ordinance Traffic Infractions by state law (K.S.A. 8-2118). The fine for violation of these sections must be established by the municipal judge in a schedule of fines. (K.S.A. 12-4305) The sections of the STO shown prohibit the same offense prohibited by state statute. The description of offense is for reference only and is not a legal description.

<u>STO</u> <u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
6.1	8-1531a	Failure to comply with restrictions in road construction zone
12	8-1507	Disobeying traffic control device
13	8-1508	Violating traffic control signal
14	8-1509	Violating pedestrian control signals
15	8-1510	Violating flashing traffic signals
16	8-1511	Violating lane-control signal
17	8-1512	Unauthorized sign, signal, marking or device
26.1	8-15,107	Failure to Remove Vehicles in Accidents
32	8-1557	Unsafe speed for prevailing conditions
33	8-1558	to exceeding maximum speed limit; or
	8-1559	establishing speed limits in road construction zones; or
	8-1560	speeding in posted zone
33.1	8-1563	Speeding in certain vehicles or on posted bridge
34	8-1561	Impeding normal traffic by slow speed
35	8-1562	Speeding on motor-driven cycle
38	8-1514	Driving on left side of roadway
38.1	8-1579	Improper driving in defiles, canyons, or on grades
39	8-1515	Failure to keep right to pass oncoming vehicle
40	8-1516	Improper passing; increasing speed when passed
40.1	8-15,112	Passing a stationary waste collection vehicle
40.2	8-15,114	Passing a stationary authorized utility or telecommunication vehicle
41	8-1517	Improper passing on right
42	8-1518	Passing on left with insufficient clearance

<u>STO</u>		
<u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
43	8-1519	Driving on left side where curve, grade, intersection railroad crossing, or obstructed view
44	8-1520	Driving on left in no passing zone
45	8-1521	Driving wrong direction on one-way road
46	8-1522	Improper driving on laned roadway
47	8-1523	Following too close
48	8-1524	Improper crossover on divided highway
49	8-1545	Improper turn or approach
51	8-1546	Improper "U" turn
53	8-1547	Unsafe starting of stopped vehicle
54	8-1548	Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully
55	8-1549	Improper method of giving notice of intention to turn
56	8-1550	Improper hand signal
57	8-1526	Failure to yield right-of-way at uncontrolled intersection
58	8-1527	Failure to yield to approaching vehicle when turning left
59	8-1528	Failure to yield at stop or yield sign
60	8-1529	Failure to yield from private road or driveway
61	8-1530	Failure to yield to emergency vehicle
61.1	8-1520a	Unlawful passing of stopped emergency vehicle
62	8-1531	Failure to yield to pedestrian or vehicle working on roadway
62	8-1531	Failure to comply with restrictions in road construction zone
63	8-1532	Disobeying pedestrian traffic control device
64	8-1533	Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk
64.1	8-15,103	School crossing guard; disobeying
65	8-1534	Improper pedestrian crossing
66	8-1535	Failure to exercise due care in regard to pedestrian
67	8-1536	Improper pedestrian movement in crosswalk
68	8-1537	Improper use of roadway by pedestrian
69	8-1538	Soliciting ride or business on roadway

<b><u>STO</u></b>		
<b><u>Section</u></b>	<b><u>Statute</u></b>	<b><u>Description of Offense</u></b>
70	8-1539	Driving through safety zone
71	8-1540	Failure to yield to pedestrian on sidewalk
72	8-1541	Failure of pedestrian to yield to emergency vehicle
73	8-1542	Failure to yield to blind pedestrian
75	8-1544	Pedestrian disobeying bridge or railroad signal
76	8-1551	Failure to stop or obey railroad crossing signal
77	8-1552	Failure to stop at railroad crossing stop sign
78	8-1553	Certain hazardous vehicles failure to stop at railroad crossing
79	8-1554	Improper moving of heavy equipment at railroad crossing
80	8-1555	Vehicle emerging from alley, private roadway, building or driveway
81	8-1556	Improper passing of school bus; improper use of school bus signals
82	8-1556a	Improper passing of church or day-care bus; improper use of signals
83	8-1569	Improper stopping, standing or parking on roadway
85	8-1571	Parking, standing or stopping in prohibited area
86	8-1572	Improper parking
107	8-1573	Unattended vehicle
108	8-1576	Driving with view or driving mechanism obstructed
109	8-1580	Coasting
110	8-1581	Following fire apparatus too closely
111	8-1582	Driving over fire hose
112	8-1583	Putting glass, etc., on highway
112.1	8-15,102	Littering from a Motor Vehicle
113	8-1584	Driving into intersection, crosswalk, or crossing without sufficient space on other side
114	8-1585	Improper operation of snowmobile on highway
114.1	8-15,100	Unlawful operation of all-terrain vehicle
114.2	8-15,106	Unlawful operation of a micro utility truck
114.3	8-15,101	Unlawful operation of low-speed vehicle
114.4	8-15,108	Unlawful operation of golf cart
114.5	8-15,109	Unlawful operation of work-site utility vehicle

<b><u>STO</u></b>		
<b><u>Section</u></b>	<b><u>Statute</u></b>	<b><u>Description of Offense</u></b>
116	8-1575	Driving on sidewalk
117	8-1574	Improper backing
123	8-1577	Unsafe opening of vehicle door
124	8-1578	Riding in house trailer or mobile or manufactured home
126.1	8-15,110	Unlawful obstructing of license plate
126.2	8-15,111	Unlawful use of wireless communication devices
127	8-1586	Parental responsibility of child riding bicycle
129	8-1588	Not riding on bicycle seat; too many persons on bicycle
130	8-1589	Clinging to other vehicle
131	8-1590	Improper riding of bicycle on roadway
132	8-1591	Carrying articles on bicycle; one hand on handlebars
133	8-1592	Improper bicycle lamps, brakes or reflectors
135.1	8-15,113	Unlawful operation of electric-assisted scooter
138	8-1594	Improper operation of motorcycle; seats; passengers, bundles
139	8-1595	Improper operation of motorcycle on laned roadway
140	8-1596	Motorcycle clinging to other vehicle
141	8-1597	Improper motorcycle handlebars or passenger equipment
142	8-1598	Motorcycle helmet and eye protection requirements
143	8-1701	Equipment offenses that are not misdemeanors
144	8-1703	Driving without lights when needed
146	8-1705	Defective headlamps
147	8-1706	Defective tail lamp
148	8-1707	Defective reflector
149	8-1708	Improper stop lamp or turn signal
151	8-1710	Improper lighting equipment on certain vehicles
151.1	8-1747	Improper air-conditioning equipment
152	8-1711	Improper lamp color on certain vehicles
153	8-1712	Improper mounting of reflectors and lamps on certain vehicles
154	8-1713	Improper visibility of reflectors and lamps on certain vehicles
156	8-1715	No lamp or flag on projecting load
157	8-1716	Improper lamps on parked vehicle

<u>STO</u>		
<u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
158	8-1718	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles
158.1	8-1717	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles
159	8-1719	Unlawful use of spot, fog, or auxiliary lamp
160	8-1720	Improper lamps or lights on emergency vehicle
161	8-1721	Improper stop or turn signal
162	8-1722	Improper vehicular hazard warning lamp
162.1	8-1745	Improper use of vehicular hazard warning lamps and devices
163	8-1723	Unauthorized additional lighting equipment
164	8-1724	Improper multiple-beam lights
165	8-1725	Failure to dim headlights
166	8-1726	Improper single-beam headlights
167	8-1727	Improper speed with alternate lighting
168	8-1728	Improper number of driving lamps
169	8-1729	Unauthorized lights and signals
170	8-1730	Improper school bus lighting equipment and warning devices
171	8-1730a	Unauthorized lights and devices on church or day-care bus
172	8-1731	Improper lights on highway construction or maintenance vehicles
173	8-1734	Defective brakes
174	8-1738	Defective or improper use of horn or warning device
175	8-1739	Defective muffler
175.1	8-1761	Improper compression release engine braking system
176	8-1740	Defective mirror
177	8-1741	Defective wipers; obstructed windshield or windows
178	8-1742	Improper tires
178.1	8-1742b	Improper wide-based single tires
182.1.2	8-1749	Improper safety belt or shoulder harness
182.2	8-1578a	Unlawful riding on vehicles; persons under age 14
183	8-1801	Defective motorcycle headlamps

<b><u>STO</u></b>		
<b><u>Section</u></b>	<b><u>Statute</u></b>	<b><u>Description of Offense</u></b>
184	8-1802	Defective motorcycle tail lamp
185	8-1803	Defective motorcycle reflector
186	8-1804	Defective motorcycle stop lamps and turn signals
187	8-1805	Defective multiple-beam lighting
188	8-1806	Improper road-lighting equipment on motor-driven cycles
189	8-1807	Defective motorcycle or motor-driven cycle brakes
190	8-1808	Improper performance ability of brakes
190.1	8-1809	Operating motorcycle with disapproved braking system
191	8-1810	Defective horn, muffler, mirrors or tires

# INDEX

## To Standard Traffic Ordinance for Kansas Cities

(Figures refer to section numbers)

### A

ABANDONED VEHICLES .....	93
ACCESSIBLE PARKING .....	87
ACCESSIBLE PARKING; REVOKED OR SUSPENDED DEVICES.....	87.1,198
ACCIDENTS	
Aid To Be Rendered by Driver.....	25
Driver Involved, Stop or Return.....	23
False Reports, Penalty.....	28
Information Given by Driver .....	25
Insurance .....	25
Place of Accident.....	22
Unattended Vehicle or Other Property .....	26
ADVERTISING, COMMERCIAL.....	17
ALCOHOLIC BEVERAGE, DEFINED.....	1
ALCOHOL CONCENTRATION, DEFINED.....	1
ALCOHOLIC LIQUOR	
Transporting .....	106
ALLEYS	
Defined.....	1
Emerging from, Stop .....	80
Parking in .....	92
ALLOWING USE OF MOTOR VEHICLE IN VIOLATION OF K.S.A. 8-1014.....	105
ALL-TERRAIN VEHICLE Defined .....	1
Unlawful Operation.....	114.1
ANIMALS, RIDERS OR DRIVERS OBEY REGULATIONS .....	7
ARTERIAL STREET, DEFINED.....	1
AUTHORIZED EMERGENCY VEHICLE, DEFINED .....	1
AUTOCYCLE, DEFINED... ..	1

### B

BACKING, LIMITATIONS OF .....	117
BICYCLES	
Brake Required .....	133
Carrying Articles Prohibited.....	132

Clinging to Vehicles.....	130
Defined.....	1
Lamps On.....	133
Motorized .....	134
Parental Responsibility.....	127
Passing .....	131
Paths, Use of.....	131
Permanent Seat Required.....	129
Riders Limited .....	129
Riders Obey Regulations .....	128
Riding Abreast Prohibited.....	131
Right Side of Street, Ride Near.....	131
BLIND, RIGHT OF WAY .....	73
BRAKES	
Equipment Required .....	173
Performance Ability .....	173
BRAKES SET ON GRADE.....	107
BREATH TEST; PRELIMINARY .....	30.2
BRIDGE, PARKING ON .....	85
BRIDGE SIGNAL.....	75
BUILDING, EMERGING FROM, STOP.....	80
BUS, DEFINED .....	1
BUS ZONES.....	99
BUSINESS DISTRICT, DEFINED .....	1

## C

CANS, THROWING ON HIGHWAY .....	112
CAR TAG REQUIRED .....	198
CARAVANS .....	47
CEREAL MALT BEVERAGES	
Transporting .....	106
CHIEF OF POLICE	
Crosswalk Designation.....	19
Defined.....	1
Hazardous or Congested Places, Signs .....	95
Intersections, Turn Determination .....	50
Narrow Streets, “No Parking” Signs .....	91
Parades and Processions, Notified of.....	119
Play Streets, Declaring.....	20
Regulations by .....	3
School Zone, “No Parking” Signs.....	94
Traffic Lanes, Designation .....	21
CHILD RESTRAINTS .....	182
CHURCH BUS Defined .....	1
Lighting and Warning Devices .....	171
Overtaking and Passing.....	82

CITATION, PARKING .....	100
CITY, DEFINED .....	1
CLINGING TO MOVING VEHICLE .....	130
COASTING .....	109
COMMERCIAL ADVERTISING .....	17
COMMERCIAL DRIVER'S LICENSES; DIVERSION	
AGREEMENTS NOT ALLOWED .....	30.5
COMMERCIAL MOTOR VEHICLE, DEFINED .....	1
COMMERCIAL MOTOR VEHICLE, DRIVING	
UNDER THE INFLUENCE .....	30.1
COMPLAINT, REQUIREMENT ON SPEED .....	36
COMPRESSION RELEASE ENGINE BRAKING	
SYSTEM .....	175.1
CONTROLLED-ACCESS HIGHWAY,	
DEFINED .....	1
CROSSWALK	
Defined .....	1
Designation .....	19
Standing Vehicle on, Prohibited .....	85
CURVES, TURNS ON .....	52

## D

DAY CARE PROGRAM BUS	
Defined .....	1
Lighting Equipment, etc .....	171
DAY CARE PROGRAMS, DEFINED .....	1
DEFINITIONS .....	1
DEPARTMENT OF MOTOR VEHICLE, DEFINED .....	1
DIRECTOR, DEFINED .....	1
DISABLED VEHICLES .....	93
DISPLAY OF LICENSE PLATE .....	126.1
DIVIDED HIGHWAY, DEFINED .....	1
DIVISION, DEFINED .....	1
DOORS, OPENING AND CLOSING .....	123
DRAG RACING	
Defined .....	1
Prohibited .....	37
DRAWBAR	
Connections .....	180
Defined .....	1
DRIVEAWAY-TOWAWAY OPERATION, DEFINED .....	1
DRIVERS	
Defined .....	1
Emergency Vehicle Duties .....	10
License Required .....	192,193
View Unobstructed .....	108
DRIVER'S LICENSE	

Defined.....	1
In Possession.....	193
Required.....	192
Restrictions, Violation.....	195
Suspended, Canceled or Revoked .....	194
<b>DRIVEWAYS</b>	
Emerging from, Stop .....	80
Parking in, Prohibited.....	85
<b>DRIVING RULES</b>	
Buses, Distance Between .....	47
Caravans.....	47
Center Lines.....	43
Coasting.....	109
Curves, Turns on.....	52
Divided Highways.....	48
Emergency Vehicles, Approach of .....	61
Emerging from Alley or Private Driveway or Building .....	80
Following Too Closely .....	47
Funeral Processions .....	47
Grades, Turns on .....	52
Intersections, Right-of-Way at.....	57
Laned Roadways .....	46
Left Turns .....	13,49,56,58
Left turn on red.....	13
License Plates, Obstructing .....	126.1
Motorcades .....	47
Meeting .....	39
No Passing Zones.....	44
One-Way Roadways .....	45
Overtaking on Left.....	40,42
Overtaking on Right .....	41
Overtaking School Bus.....	81
Parked Vehicle, Starting.....	53
Passing a stationary waste collection vehicle .....	40.1
Right-of-Way at Intersections.....	57
Right Side of Roadway, Exceptions .....	38
Right Turns.....	49,50,56
Rotary Traffic Islands .....	45
Safety Zone, Not to Drive Through .....	70
Signals for Stopping.....	54
Signals for Turns .....	54,55
Starting Parked Vehicle.....	53
Stop Intersection, Entering.....	59
Temporary Turn Sign.....	49
Trucks, Distance Between .....	47
Turn Intersections, Chief of Police .....	50
Turns at Intersections.....	49,50,58
Turns, Signals Required.....	55,56

U Turns, Where Prohibited.....	50
Vehicles Proceeding in Opposite Directions .....	39
Yield Intersections, Entering .....	59
DRIVING WITH CANCELED, SUSPENDED OR REVOKED LICENSE.....	194
DRIVING WITHOUT LICENSE .....	192,193
DRUGS, DRIVING UNDER INFLUENCE OF .....	30,30.1
DRUNKEN DRIVING.....	30,30.1
DUI; REVOCATION OF LICENSE OR CONDITIONS ON DRIVING .....	30,30.1

## E

ELECTRIC-ASSISTED BICYCLE .....	1, 135
ELECTRIC-ASSISTED SCOOTER.....	1, 135.1
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, DEFINED .....	1
ELECTRIC VEHICLE, DEFINED.....	1
ELECTRONIC CERTIFICATE OF TITLE, DEFINED.....	1
EMERGENCY REGULATIONS.....	3
EMERGENCY VEHICLES	
Authorized .....	160
Duty of Driver .....	10
Operation of Others on Approach of .....	61
Pedestrian, yield.....	72
Pursuit of Law Violator .....	10
Responding to Emergency Call.....	10
Responding to Fire Alarm.....	10
Signals Given by .....	61
Signals, Giving .....	10
Sirens, Whistles, Bells.....	174
Speed Limits, Exceeding.....	10
Stop Signs, Disregarding .....	10
Traffic-Control Device, Disregarding .....	10
EMPLOYEES OF GOVERNMENTS TO OBEY .....	9
ESSENTIAL PARTS, DEFINED .....	1
EXCAVATION IN STREET, PARKING NEAR.....	85
EXHIBITION OF SPEED	
Defined.....	1
Prohibited .....	37
EXPERIMENTAL REGULATIONS.....	3

## F

FAILURE TO COMPLY.....	201.1
FARM MACHINERY ON PARKING.....	93
FARM TRACTOR, DEFINED .....	1
FARM TRAILER, DEFINED.....	1

FINES DOUBLED IN ROAD CONSTRUCTION ZONES ....	204
FIRE ALARM, RESPONDING TO .....	10
FIRE APPARATUS, FOLLOWING.....	110
FIRE HOSE, CROSSING.....	111
FIRE HYDRANT, PARKING NEAR .....	85
FIRE LANES.....	85
FLAGS ON PROJECTING LOADS .....	156
FLEEING OR ATTEMPTING TO ELUDE	
POLICE OFFICER .....	31
FOG LIGHTS.....	159
FRONT SEAT, NUMBER IN .....	108
FUNERAL PROCESSIONS .....	10.1
Driving through Procession .....	120

## G

GLASS	
Cleaning Up After Wreck.....	112
One Way Prohibited .....	181
Throwing on Highway.....	112
GOLF CART .....	1, 114.4
GOVERNING BODY, DEFINED .....	1
GRADES, TURNS ON.....	52
GREEN LIGHT .....	13
GROSS WEIGHT, DEFINED.....	1

## H

HABITUAL VIOLATOR; OPERATION OF A MOTOR	
MOTOR VEHICLE WHEN .....	195.1
HEADPHONES, WEARING .....	103
HIGHWAY CONSTRUCTION, RIGHT-OF-WAY.....	62
HIGHWAY, STREET OR, DEFINED .....	1
HOOD, BUMPER, ETC., RIDING ON .....	115
HORNS AND WARNING DEVICES .....	174
HOUSE TRAILER	
Defined.....	1
Riding in Prohibited .....	124

## I

IGNITION INTERLOCK DEVICE	
Defined.....	1
Tampering .....	30.3
IGNITION TO BE LOCKED .....	107
IMPLEMENT OF HUSBANDRY,	
DEFINED .....	1

IMPOUNDED MOTOR VEHICLE; DISPOSITION; WHEN .....	30.4
INATTENTIVE DRIVING .....	104
INSURANCE .....	25, 200
INTERSECTIONS	
Defined.....	1
Right-of-Way at .....	57
Stop, Entering .....	59
Stop or Yield.....	59
Stop When Obstructed.....	113
Turning Left.....	58
Yield, Entering.....	59
INTOXICATING LIQUOR, DRIVING UNDER THE INFLUENCE.....	30, 30.1

## J

JAYWALKING.....	65
JUNK VEHICLES .....	93

## K

“KEEP OUR HIGHWAYS CLEAN” .....	179
KEY NOT TO BE LEFT IN PARKED VEHICLE .....	107

## L

LAMPS (See also Lights)	
Auxiliary.....	159
Back-up.....	163
Bicycles .....	133
Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Backup Lamps and Reflectors .....	152
Cowl .....	163
Fender.....	163
Fog.....	159
Head Lamps.....	146
Heights of Head Lamps.....	146
Highway Maintenance and Service Equipment.....	172
Horse Drawn Vehicles.....	158
Identification on Commercial Vehicles .....	163
Mounted Height.....	145
Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.....	153

Multiple Beam .....	164,165
Obstructed Lights Not Required, When .....	155
Parked Vehicles, Lamps on.....	157
Passing Lamps.....	159
Projecting Loads, Lamps or Flags.....	156
Reflectors .....	148
Signal .....	161
Signal Devices .....	161
Special, Certain Vehicles .....	161
Special Restrictions.....	169
Spot Lamps.....	159
Tail Lamps .....	147
Visibility Distance .....	145
Visibility of Reflectors, Clearance	
Lamps and Marker Lamps .....	154
Vehicular Hazard Warning Lights .....	162
LANE-DIRECTION-CONTROL SIGNALS.....	16
LANED ROADWAY, DEFINED .....	1
LANED ROADWAYS, DRIVING ON.....	46
LANES FOR TRAFFIC .....	21
LAWNS, DRIVING ACROSS .....	125
LEFT TURN ON RED .....	13
LEFT TURNS .....	49, 58
LICENSE PLATE, OBSTRUCTING .....	126.1
LICENSE TO OPERATE A MOTOR VEHICLE	
Defined.....	1
In Possession.....	193
Restrictions, Violation.....	195
Suspended or Revoked.....	194
Unlawful Use .....	199
LIGHT TRANSMISSION, DEFINED .....	1
LIGHTS (See also Lamps)	
Additional Lighting Equipment.....	163
Authorized Emergency Vehicles .....	160
Auxiliary.....	159
Bicycles .....	133
Church Bus .....	171
Fog.....	159
Headlamps; When Required .....	146
Motor Driven Cycle.....	183
Motorcycles .....	183
Motorized Bicycles .....	134
Multiple Beam .....	164,165
Parked Vehicles .....	157
Projecting Loads .....	156
School Buses .....	170
Single Beam.....	166
Signal .....	161
Signal Devices .....	161

Special, Certain Vehicles .....	151
Spot Lights .....	159
Trash Trucks .....	162
Visibility of Reflectors, Etc.....	154
Warning Lights .....	162
LIQUOR, INTOXICATING, DRIVING	
UNDER INFLUENCE OF .....	30,30.1
LITTERING FROM A MOTOR VEHICLE.....	112.1
LOAD COVER REQUIRED .....	179
LOW POWER CYCLE, DEFINED .....	1
LOW-SPEED VEHICLE.....	1, 114.3
LUMINOUS REFLECTANTS, DEFINED .....	1

## M

MAIL, DEFINED .....	1
METAL TIRE, DEFINED .....	1
METAL TIRES PROHIBITED .....	178
MICRO UTILITY TRUCK.....	1, 114.2
MILITARY FORCES, EXEMPTIONS.....	121
MINORS .....	197
MIRRORS.....	176
MOTOR HOME, DEFINED.....	1
MOTOR VEHICLES, DEFINED.....	1
MOTORCADES.....	47
MOTORCYCLES	
Application of Traffic Laws .....	137
Brake Equipment.....	189
Brake Performance .....	190
Clinging to Vehicles.....	140
Crash Helmets or Headgear Required.....	142
Defined.....	1
Electric Turn Signals .....	186
Eye-protective device.....	142
Footrests .....	141
Head Lamps.....	183
Horn .....	191
Lane, Use of Full Width.....	139
Lights.....	183
Mirrors .....	176
Multiple Beam .....	164
Number in Single Lane.....	139
Passenger Seat.....	138
Passing Restrictions, Special.....	139
Permanent Seat Required.....	138, 141
Reflectors .....	185
Side Saddle Riding Prohibited .....	138
Stop Lamps .....	186

Tail Lamps .....	184
Tires .....	191
MOTOR-DRIVEN CYCLE, DEFINED.....	1
MOTORIZED BICYCLE	
Application of Traffic Laws .....	134
Defined.....	1
MOTORIZED SKATEBOARDS .....	109.1
MOTORIZED WHEELCHAIR, DEFINED.....	1
MUFFLERS .....	191

## N

NARROW WIDTH LANE, DEFINED.....	1
NOISE, PREVENTION .....	175
NONREFLECTIVE, DEFINED.....	1
NONRESIDENT, DEFINED .....	1
NONRESIDENT'S OPERATING PRIVILEGE, DEFINED .....	1
NO PASSING ZONES .....	44

## O

OBEDIENCE TO ORDINANCE REQUIRED.....	5
OBSTRUCTION OF DRIVER'S VIEW .....	108
OBSTRUCTION OF TRAFFIC .....	113
OFFICIAL TIME STANDARD, DEFINED.....	1
OFFICIAL TRAFFIC-CONTROL DEVICES, DEFINED .....	1
OFFICIAL TRAFFIC-CONTROL SIGNAL, DEFINED.....	1
OIL WELL SERVICING, OIL WELL CLEAN-OUT, OIL WELL .. DRILLING MACHINERY OR EQUIPMENT, DEFINED.....	1
ONE WAY GLASS .....	181
ONE WAY STREET, DRIVING ON .....	45
Left turn on red.....	13
OPEN CONTAINER .....	106
OPERATOR, UNAUTHORIZED .....	196
ORDINANCE, SCOPE OF .....	2
ORDINANCE TRAFFIC INFRACTION, DEFINED .....	1
OTHER COMPETENT EVIDENCE DEFINED.....	1
OWNER, DEFINED .....	1

## P

PARADES.....	119
PARK OR PARKING, DEFINED .....	1
PARKED VEHICLE, STARTING.....	53
PARKING (See also Standing and Stopping)	
Accessible Parking Space.....	87
Alley .....	92

Angle, When Permitted .....	86
Blocking Traffic.....	90
Brakes Set on Grade.....	107
Bridge.....	85
Citation .....	100
Commercial Vehicles.....	98
Controlled-Access, Highway Right-of-Way .....	48
Congested Places .....	95
Defined.....	1
Delivery Vehicles, Back to Curb in Parallel Zone, When .....	98
Disabled Vehicles.....	93
Displaying for Sale, Prohibited .....	88
Double, Prohibited.....	85
Driveway .....	85
Fire Lanes .....	85
Hazardous Places .....	95
Ignition To Be Locked, When .....	107
Illegally, Citation .....	100
Key Not To Be Left in Parked Vehicle .....	107
Lights on Parked Vehicles.....	157
Limited Time Parking.....	97
Narrow Streets .....	91
“No Parking” Signs.....	96
One Way Roadway .....	86
Open Door; Traffic Interference.....	123
Outside Business or Residence District.....	83
Parallel, Where Required .....	86
Passengers, Loading or Unloading.....	99
Presumption Owner of Vehicle Parked .....	102
Removal of Illegally Parked Vehicles .....	84
Sale, Display for .....	88
School Zones .....	94
Special Zones .....	99
Specified Places, Prohibited .....	85
Stalls, Required in.....	89
Time Parking .....	97
Vehicles on Parking.....	93
Warrant of Arrest for Failure to Comply with Citation .....	101
Washing, Greasing or Repairing, for.....	88
<b>PARTIES TO VIOLATION.....</b>	<b>202</b>
<b>PASSENGER VEHICLE, DEFINED .....</b>	<b>1</b>
<b>PASSENGERS, STOPPING TO UNLOAD.....</b>	<b>99</b>
<b>PASSING WHEN NEAR STATIONARY AUTHORIZED     EMERGENCY VEHICLE.....</b>	<b>61.1</b>
<b>PEDESTRIANS</b>	
Blind, Use of Canes or Dogs.....	73
Bridge or Railroad Signals .....	75
Control Signals.....	14

Crossing at Other Than Crosswalks .....	65
Crosswalks, Right-of-Way .....	64
Defined .....	1
“Don’t Walk” .....	14
Driver’s Care for .....	66
Emergency Vehicle, Yield to .....	72
Facing Yellow Light .....	13
Green or “Go” .....	13
Jaywalking .....	65
Obedience to Traffic Regulations .....	63
Red Light or Stop Sign .....	14
Right Half of Crosswalks, Use .....	67
Right of Way on Sidewalk .....	71
Sidewalks, When Provided .....	68
Soliciting Rides or Business .....	69
Subject to Traffic-Control Signals .....	63
Under Influence of Alcohol or Drugs .....	74
“Walk” .....	14
PENALTIES, GENERALLY .....	201
PERMITTING OTHERS TO DRIVE UNLAWFULLY .....	203
PERSON, DEFINED .....	1
PERSON WITH A DISABILITY, DEFINED .....	1
PLAY STREETS .....	20
PLAY VEHICLES .....	136
PNEUMATIC TIRE, DEFINED .....	1
POLE TRAILER, DEFINED .....	1
POLICE (See also Chief of Police)	
Authority of .....	4, 12
Directing Traffic When Control Device .....	4, 13
Directions .....	4
Fleeing or Attempting to Elude .....	31
Illegally Standing Vehicle, May Remove .....	84
Officer, Defined .....	1
Pursuit of Violator .....	10
To Be Obeyed .....	6
POLICE CHIEF (See Chief of Police)	
PRELIMINARY BREATH TEST .....	30.2
PRIVATE DRIVEWAY, EMERGING FROM .....	80
PRIVATE PROPERTY, DRIVING OVER	
TO AVOID STOP SIGN .....	118
PRIVATE ROAD, ENTERING FROM .....	80
PRIVATE ROAD OR DRIVEWAY, DEFINED .....	1
PROCESSIONS .....	119, 120
PUBLIC OFFICERS TO OBEY .....	9

## Q

## R

RACING ON HIGHWAY	
Defined.....	1
Prohibited.....	37
RAILROAD CROSSINGS	
Certain Vehicles Not to Change Gears.....	78
Certain Vehicles Stop at All.....	78
Flagman at, Obedience to.....	76
Heavy Equipment Crossing at.....	79
Signals, Obedience to.....	76
Stop at Certain.....	77
Where Police Officer or Control Signal.....	78
RAILROAD, DEFINED.....	1
RAILROAD SIGN OR SIGNAL, DEFINED.....	1
RAILROAD SIGNS, INTERFERENCE WITH.....	18
RAILROAD TRAIN, DEFINED.....	1
RAIN WIPER.....	177
REAR VIEW MIRROR.....	176
REAR WINDOW UNOBSTRUCTED.....	177
RECKLESS DRIVING.....	29
RECREATIONAL OFF-HIGHWAY VEHICLE, DEFINED.....	1
RECREATIONAL VEHICLE, DEFINED.....	1
RED, FLASHING LIGHT.....	15
RED LIGHT.....	13
RED SIGNAL, EMERGENCY VEHICLE	
DISREGARD WHEN.....	10
REFLECTORS.....	148
REGISTRATION, DEFINED.....	1
REGULATIONS, EMERGENCY, TEMPORARY AND	
EXPERIMENTAL.....	3
REMOVAL OF TRAFFIC HAZARDS.....	126
REMOVAL OF VEHICLES.....	84
REMOVAL OF VEHICLES FROM ROADWAY	
AFTER ACCIDENT.....	26.1
REPAIR OF VEHICLE, WHEN PARKING	
PROHIBITED.....	88
RESIDENCE DISTRICT, DEFINED.....	1
RESTRAINTS, CHILD.....	182
REVOCATION OF DRIVER'S LICENSE, DEFINED.....	1
RIGHT TURN ON RED LIGHT.....	13
RIGHT TURNS.....	13, 49, 50
RIGHT-OF-WAY, DEFINED.....	1
RIGHT-OF-WAY INTERSECTIONS.....	57
ROAD CONSTRUCTION ZONE.....	6.1
ROAD CONSTRUCTION ZONE, DEFINED.....	1
ROADWAY, DEFINED.....	1

ROLLER SKATING, ETC., PROHIBITED	
IN ROADWAYS .....	136
ROTARY ISLANDS, DRIVE TO RIGHT.....	45

## S

SAFETY HITCH	
Defined.....	1
Towed Vehicles .....	180
SAFETY ZONE	
Defined.....	1
Designation .....	19
Not To Drive Through .....	70
Parking Near .....	85
SAMPLES, DEFINED.....	1
SCHOOL BUS, DEFINED .....	1
SCHOOL BUS, OVERTAKING AND PASSING.....	81
SCHOOL BUS STOP AT RAILROAD CROSSING.....	78
SCHOOL CROSSING GUARD; DISOBEYING.....	64.1
SCHOOL ZONES .....	204
SCHOOL ZONES, PARKING .....	94
SEAT BELTS .....	182.1
SECRETARY, DEFINED.....	1
SECURITY AGREEMENT, DEFINED.....	1
SECURITY INTEREST, DEFINED.....	1
SELF-PROPELLED FARM IMPLEMENT, DEFINED.....	1
SEMITRAILER, DEFINED.....	1
SEVERABILITY .....	205
SIDEWALK, DEFINED .....	1
SIDEWALK, PARKING ON.....	85
SIDEWALKS NOT TO BE DRIVEN ON .....	116
SIDEWINGS UNOBSTRUCTED .....	177
SIGNAL DEVICES.....	161
SIGNAL LIGHTS .....	161
SIGNALS	
Bridges .....	75
Emergency Vehicles Must Give .....	10
Flashing.....	15
For Turns.....	54, 56
Improper Use .....	54
Methods of Giving .....	55, 56
Train .....	76
SIGNS	
Informational, Outside Highways .....	17
Interference with.....	18
Removal of Prohibited.....	18
State Highway Commission Manual & Specifications.....	11

Traffic, Must Be Up.....	12
Unauthorized.....	17
SIGNS AND SIGNALS (See Traffic-Control Devices)	
SLOW DRIVING.....	34
SNOW REMOVAL EQUIPMENT.....	172
SNOWMOBILE OPERATION.....	114
SOLICITING RIDES OR BUSINESS.....	69
SOLID RUBBER TIRE, DEFINED.....	1
SPEEDS	
Basic Rule.....	32
Business District, Speed in.....	33
Complaint, Summons, Warrants, Notice, Requirements.....	36
Decrease, Sudden.....	54
Emergency Vehicles, Exempt from, When.....	10
Maximum Speed.....	33
Minimum Speed.....	34
Motor-Driven Cycles.....	35
Parks, Speed in.....	33
Racing on Highway.....	37
Reasonable and Prudent.....	32
Reduced Speed at Intersections, Crossing, Railroads, Curves, Hills, Narrow or Winding Roadways.....	32
Residence District, Speed in.....	33
Slow Drivers.....	3
SPECIAL MOBILE EQUIPMENT, DEFINED.....	1
SPECIALY CONSTRUCTED VEHICLE, DEFINED.....	1
SPILLING MATERIAL ON ROADWAY.....	179
SPOT LIGHTS.....	159
STALL PARKING.....	89
STAND OR STANDING (See also Parking and Stopping)	
Angle, When Permitted.....	86
Blocking Traffic.....	90
Defined.....	1
Illegal Standing Vehicles, Removal by Officers.....	84
Narrow Streets.....	91
Outside Business or Residence District.....	83
Parallel, Where Required.....	86
Specified Places, Prohibited.....	85
STATE, DEFINED.....	1
STOP INTERSECTIONS, ENTERING.....	59
STOP LIGHTS REQUIRED.....	149
STOP OR STOPPING, DEFINED.....	1
STOP SIGN.....	59
STOP SIGNS, OBEDIENCE TO.....	59
STOPPING (See also Parking and Standing)	
Alley, Emerging From.....	80
Blocking Traffic.....	90

Building, Emerging from, Stop .....	80
Defined.....	1
Driveway, Emerging from, Stop.....	80
Outside Business or Residence District.....	83
Passengers, Stopping to Load or Unload .....	99
Signal Required.....	54
Specified Places, Prohibited .....	85
Stop Lamps.....	149
Stop Signs.....	59
Stop Signs, Obedience to .....	59
Yield Signs, Obedience to.....	59
STREET BARRIERS .....	122
STREET OR HIGHWAY, DEFINED .....	1
SUN SCREENING DEVICES	
Defined.....	1
Use.....	181
SUSPENSION OF A DRIVER'S LICENSE, DEFINED .....	1

## T

TAXICAB ZONES .....	99
TEMPORARY TRAFFIC DIRECTION .....	4
TEXTING .....	126.2
THROUGH HIGHWAY, DEFINED .....	1
TICKET; PARKING .....	100
TIME PARKING .....	97
TIRE CHAINS, WHEN MAY BE USED .....	178
TIRES .....	178
TOW BAR, DEFINED .....	1
TOXIC VAPORS, DEFINED .....	1
TRAFFIC CITATION .....	100, 201.1
TRAFFIC-CONTROL DEVICES	
Defined.....	1
Flashing.....	15
Interference With.....	18
Obedience to, Required .....	12
Presumptions of Validity .....	12
Signal Legends .....	13
Signs Must Be Displayed .....	12
State Highway Commission Manual and Specifications ...	11
Unauthorized.....	17
TRAFFIC-CONTROL SIGNAL, DEFINED.....	1
TRAFFIC CONTROL SIGNAL PREEMPTION DEVICE.....	13.1
TRAFFIC, DEFINED.....	1
TRAFFIC HAZARDS, REMOVAL .....	126
TRAFFIC INFRACTION, DEFINED.....	1
TRAFFIC LANES.....	21
TRAILER, DEFINED.....	1

TRAILERS, DRAWBAR CONNECTIONS .....	180
TRAILERS, WHILE FLAG REQUIRED, WHEN .....	180
TRANSPORTATION NETWORK LIGHTING DEVICE .....	169.1
TRAVEL TRAILER, DEFINED.....	1
TRUCK-CAMPER, DEFINED.....	1
TRUCK, DEFINED .....	1
TRUCK TRACTOR, DEFINED .....	1
TURN ON RED LIGHT .....	13
TURN SIGNALS .....	149
URNS .....	13, 49, 50, 58
URNS AT INTERSECTIONS .....	48, 49, 50, 56
URNS, SIGNALS REQUIRED.....	149, 161

## U

U TURNS, WHERE PROHIBITED .....	48, 50, 51
UNATTENDED MOTOR VEHICLES .....	93, 107
UNLAWFUL RIDING .....	115, 182.2
URBAN DISTRICT, DEFINED .....	1
UTILITY OR TELECOMMUNICATIONS VEHICLE, PASSING WHILE STATIONARY.....	40.2

## V

VEHICLES	
Defined.....	1
For Sale, When Parking Prohibited.....	88
License Tag Required.....	198
Storing on Parking.....	93
Unattended.....	107

## W

WASTE COLLECTION VEHICLE, DEFINED .....	1
WINDSHIELD WIPER .....	177
WINDSHIELDS.....	177
WIRELESS COMMUNICATION DEVICE;	
Defined.....	1
Use of.....	126.2
WORK-SITE UTILITY VEHICLE .....	1, 114.5
WRECKS, DEBRIS CLEANED FROM HIGHWAY .....	112
WRITTEN COMMUNICATION, Write, Send, Read;	
Defined.....	1

## X

## Y

YARDS, DRIVING ACROSS .....	125
YELLOW FLASHING LIGHT .....	15
YELLOW LIGHT .....	13
YIELD SIGNS, OBEDIENCE TO .....	59

## Z

## **CHANGES IN STANDARD TRAFFIC ORDINANCE FOR THE 51<sup>st</sup> EDITION**

The following sections were modified in 51<sup>st</sup> edition of the STO published in 2024.

**Section 201.1. Failure to Comply with a Traffic Citation.**

**Section 201.2. Failure to Comply with a Traffic Citation.**



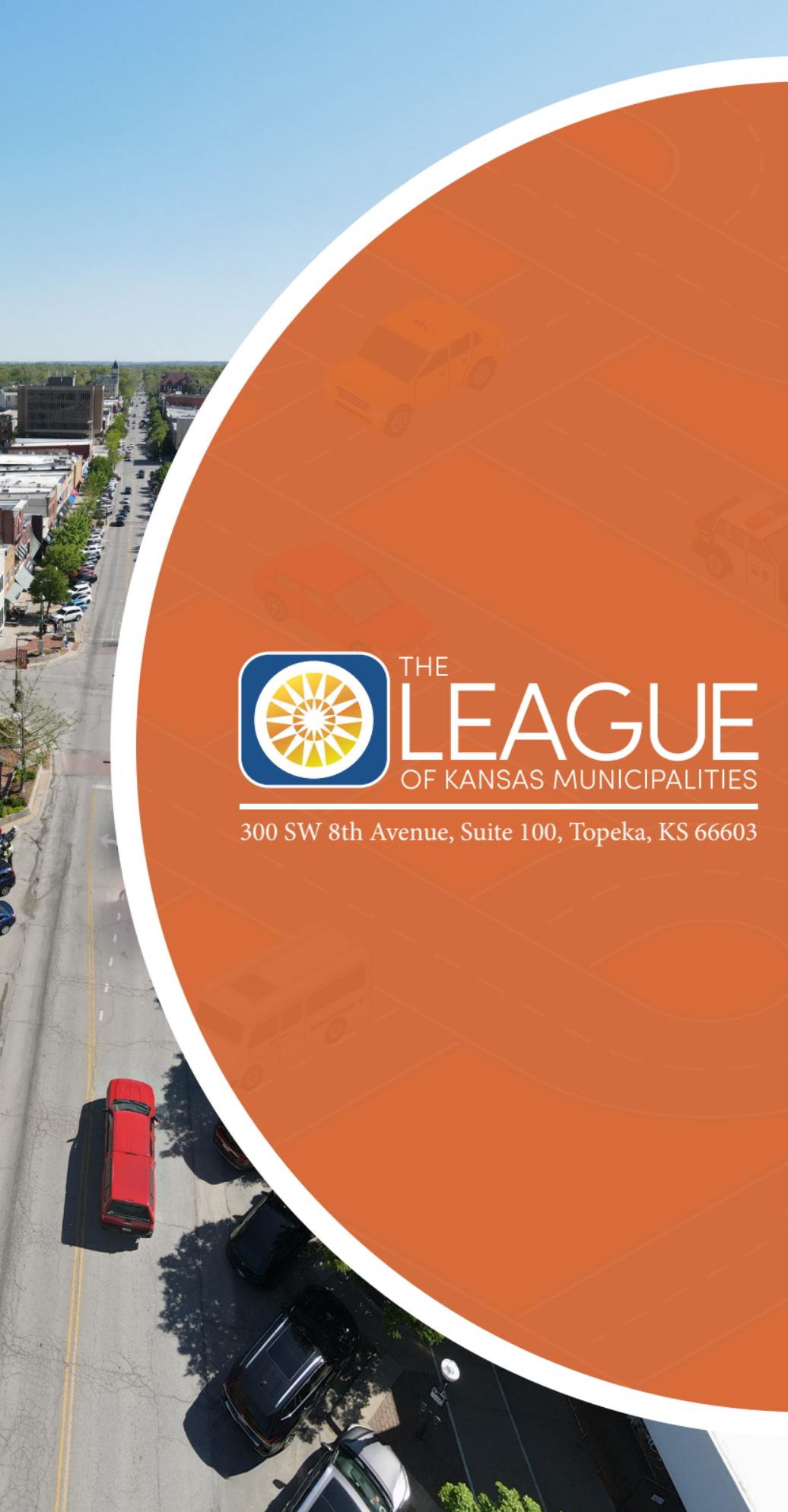
THE  
**LEAGUE**  
OF KANSAS MUNICIPALITIES

300 SW 8<sup>th</sup> Avenue, Suite 100

Topeka, KS 66603

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THE  
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300 SW 8th Avenue, Suite 100, Topeka, KS 66603



and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

**BUDGETARY IMPACT:**

One (1) Electronic Copy for Website posting - \$100

Hard Copies - \$9.00 per book

**SOURCE OF FUNDING:**

General Fund

**ATTACHMENTS:**

**Description**

Ordinance

Executive Summary Memo - K. Trussell (August 23, 2024)

2024 UPOC Electronic Version

1 (Published in the Topeka Metro News \_\_\_\_\_)  
2

3 ORDINANCE NO. \_\_\_\_\_  
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, concerning  
6 adoption of the 2024 edition of the Uniform Public Offense Code,  
7 amending § 9.05.080 of the Topeka Municipal Code and repealing  
8 original section.  
9

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

11 Section 1. That section 9.05.080, Uniform Public Offense Code, of The Code  
12 of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Uniform Public Offense Code.**

14 (a) Adoption. There is hereby incorporated by reference for the purpose of  
15 regulating public offenses within the corporate limits of the City of Topeka, Kansas, the  
16 Uniform Public Offense Code for Kansas Cities, ~~3940~~<sup>40</sup>th Edition (~~2023~~<sup>2024</sup>), prepared  
17 and published in book form by the League of Kansas Municipalities, Topeka, Kansas  
18 (hereinafter referred to as "UPOC"). One copy of said Uniform Public Offense Code  
19 shall be marked or stamped "Official Copy as adopted by Ordinance No. ~~20457~~ \_\_\_\_\_,"  
20 with all sections or portions thereof intended to be omitted or changed clearly marked to  
21 show any such omission or change and to which shall be attached a copy of said  
22 ordinance and filed with the City Clerk to be open to inspection and available to the  
23 public at all reasonable hours. The Uniform Public Offense Ordinance, as amended,  
24 shall also be posted on the City's website.

25 (b) Amendments.

26 (1) Section 10.6, relating to bows and arrows, is hereby amended by adding the  
27 following exception:

28 Exception: Operation of a bow and arrow is permitted in accordance with the

29 provisions set forth in TMC 6.05.110.

30 (2) Section 5.7, relating to selling, giving or furnishing cigarettes or tobacco  
31 products to a minor, is hereby deleted and the following language is substituted  
32 therefor:

33 (a) It shall be unlawful for any person to:

34 (1) Sell, furnish or distribute cigarettes, electronic cigarettes, tobacco products or  
35 liquid nicotine to any person under 21 years of age; or

36 (2) Buy any cigarettes, electronic cigarettes, tobacco products or liquid nicotine  
37 for any person under 21 years of age.

38 (b) It shall be a defense to a prosecution under this section if:

39 (1) The defendant is a licensed retail dealer, or employee thereof, or a person  
40 authorized by law to distribute samples;

41 (2) The defendant sold, furnished or distributed the cigarettes, electronic  
42 cigarettes, tobacco products, or liquid nicotine to the person under 21 years of age with  
43 reasonable cause to believe the person was of legal age to purchase or receive  
44 cigarettes, electronic cigarettes, tobacco products or liquid nicotine; and

45 (3) To purchase or receive the cigarettes, electronic cigarettes, tobacco products  
46 or liquid nicotine, the person under 21 years of age exhibited to the defendant a driver's  
47 license, Kansas non driver's identification card or other official or apparently official  
48 document containing a photograph of the person and purporting to establish that the  
49 person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco  
50 products or liquid nicotine.

51 (4) For purposes of this section the person who violates this section shall be the

52 individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes,  
53 tobacco products or liquid nicotine to any person under 21 years of age or the retail  
54 dealer who has actual knowledge of such selling, furnishing or distributing by such  
55 individual or both.

56 (c) It shall be a defense to a prosecution under this subsection if:

57 (1) The defendant engages in the lawful sale, furnishing or distribution of  
58 cigarettes, electronic cigarettes, tobacco products or liquid nicotine by mail; and

59 (2) The defendant sold, furnished or distributed the cigarettes, electronic  
60 cigarettes, tobacco products or liquid nicotine to the person by mail only after the person  
61 had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and  
62 amendments thereto, that the person was 21 or more years of age.

63 (d) The words and phrases in Section 5.7 shall have the same meanings as  
64 defined in K.S.A. 79-3301, and amendments thereto. "Liquid nicotine" shall mean the  
65 active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the  
66 induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into  
67 the human body. "Sale" shall mean any transfer of title or possession or both,  
68 exchange, barter, distribution or gift of cigarettes, electronic cigarettes, tobacco  
69 products or liquid nicotine with or without consideration.

70 (e) Violation of this section shall constitute a Class B violation punishable by a  
71 minimum fine of \$200.

72 (3) Sections 10.24 ("Smoking Prohibited"), 10.25 ("Smoking; Posting  
73 Premises"), 10.26 ("Smoking Prohibited; Penalties") are hereby omitted and deleted and  
74 the provisions set forth in Chapter 8.20 TMC shall be substituted therefor.

75 (4) Section 11.11 (“Cruelty to Animals”) is hereby omitted and deleted and the  
76 provisions set forth in TMC 6.05.100 shall be substituted therefor.

77 Section 2. That original § 9.05.080 of The Code of the City of Topeka, Kansas,  
78 is hereby specifically repealed.

79 Section 3. This ordinance shall take effect and be in force from and after its  
80 passage, approval and publication in the official City newspaper.

81 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,  
82 or portions thereof, which are in conflict with the provisions of this ordinance.

83 Section 5. Should any section, clause or phrase of this ordinance be declared  
84 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
85 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

86 PASSED AND APPROVED by the City Council on \_\_\_\_\_.

87  
88 CITY OF TOPEKA, KANSAS

89  
90  
91  
92  
93 \_\_\_\_\_  
94 Michael A. Padilla, Mayor

95 ATTEST:

96  
97  
98 \_\_\_\_\_  
99 Brenda Younger, City Clerk



# CITY OF TOPEKA

Legal Department, Prosecution Division  
215 SE 7<sup>th</sup> Street, Room 170  
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution  
Tel: (785) 368-3910  
[www.topeka.org](http://www.topeka.org)

## MEMORANDUM

To: Governing Body Members  
From: Kelly J. Trussell, Chief of Prosecution  
Re: 40<sup>th</sup> Edition (2024) of the Uniform Public Offense Code  
Date: August 23, 2024

The purpose of this memo is to explain the proposed adoption of the 2024 edition of the Uniform Public Offense Code (UPOC). The League of Kansas Municipalities has published the UPOC since 1980 and it is designed to provide a comprehensive public offense code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302. All citations refer to the Kansas Statutes in effect 7/1/2024, unless otherwise noted.

It is not necessary to publish the UPOC in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary. The incorporating ordinance may also change sections. It is advised that cities changing section with a statutory citation should exercise care to ensure the changes do not conflict with state law.

The UPOC, in large part, parallels the state criminal code. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to public offense in conflict with provisions of the UPOC and ordinances incorporating earlier editions of the UPOC should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 39<sup>th</sup> Edition (2023) of the UPOC, as previously adopted by the governing body. At this time, the 40<sup>th</sup> Edition (2024) of the UPOC is available. We are recommending adoption of the 40<sup>th</sup> Edition with certain deletions and/or changes.

The following relevant changes were made in the 40<sup>th</sup> edition of the UPOC:

**CHANGES TO THE  
UNIFORM PUBLIC OFFENSE CODE**

1. ***Section 9.1 Disorderly Conduct.*** In *City of Wichita v. Griffie*, 318 Kan. 510, 511 (2024), the Kansas Supreme Court determined that “. . . Wichita’s Municipal Code of Ordinances (W.M.O.) §5.24.010(c) criminalizing ‘noisy conduct tending to reasonably arouse alarm, anger or resentment in others’ [was] unconstitutionally overbroad under the First Amendment.” The same language the Kansas Supreme Court deemed unconstitutional in the W.M.O. was within this Section; therefore, it was removed.
  
2. ***Section 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols; Section 9.9.2 Possession of Drug Paraphernalia and Certain Drug Precursors; and Section 9.9.4 Unlawful Possession of Controlled Substances.*** These Sections were amended to add provisions from SB 41. The bill provides that a law enforcement officer shall not take an individual into custody for violations of Section 9.9.1; 9.9.2(a); and 9.9.4 when the individual seeks medical assistance for themselves or others because of the use of a controlled substance. Individuals are also immune from prosecution unless the quantity of controlled substances found is sufficient to create a rebuttable presumption that there is an intent to distribute. Immunity does not apply if medical assistance is sought during the execution of an arrest or search warrant, or if prosecution of the person is based on evidence from an independent source. The bill also provides that a person cannot initiate or maintain a legal action against a law enforcement officer or their employee because of the officer’s compliance or failure to comply with this Section. The bill also protects law enforcement officers from liability for arresting individuals who are later found to be immune from prosecution, unless the officer’s actions involve reckless or intentional misconduct.

We are recommending the passage of the ordinance adopting the 40<sup>th</sup> Edition with the following deletions and / or changes. These are all carry through changes from previous years.

1. Section 5.7 of the Uniform Public Offense Code, relating to selling, giving, or furnishing cigarettes or tobacco products to a minor, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 9.05.080(b)(2) shall be substituted therefor.

2. Section 10.6 of the Uniform Public Offense Code, relating to bows and arrows, is hereby amended by adding the exception set forth in TMC 6.05.110.
3. Sections 10.24 (Smoking Prohibited), 10.25 (Smoking; Posting Premises) and 10.26 (Smoking Prohibited; Penalties) of the Uniform Public Offense Code, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 8.20 shall be substituted therefor.
4. Section 11.11 of the Uniform Public Offense Code, relating to cruelty to animals, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 6.05.100 shall be substituted therefor.

An aerial photograph of a community center. At the top, there are several buildings, including a large white one and a smaller grey one. A parking lot with a few cars is visible. Below the buildings is a paved area with a green-roofed structure. In the center, there is a large, irregularly shaped swimming pool with a red umbrella on the deck. To the right of the pool is a rectangular pool with lane markers. At the bottom, there is a playground with colorful equipment. The entire scene is viewed from above, with a large green circular graphic overlay on the left side.

# 2024

# Uniform Public Offense Code

For Kansas Cities

**40th Edition**

Prepared and Published by  
The League of Kansas Municipalities  
300 SW 8th Avenue Suite 100, Topeka KS, 66603

Ordinance Incorporated by Reference  
Under the Provisions of K.S.A. 12-3009 through  
12-3012, and K.S.A. 12-3301 and 12-3302

by Ordinance No. \_\_\_\_\_

City of \_\_\_\_\_, Kansas

# 40<sup>th</sup> Edition

Uniform Public Offense Code  
For Kansas Cities

Published in 2024



## UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES

The League of Kansas Municipalities has published the *Uniform Public Offense Code* since 1980. The *Uniform Public Offense Code* is designed to provide a comprehensive public offense ordinance for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302. All citations refer to the Kansas Statutes in effect 7/1/2024 unless otherwise noted.

It is not necessary to publish the *Uniform Public Offense Code* in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary. The incorporating ordinance may also change sections. The League advises, however, that cities changing sections with a statutory citation should exercise care to ensure the changes do not conflict with state law.

The *Uniform Public Offense Code*, in large part, parallels the state criminal code. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to public offenses in conflict with provisions of the *Uniform Public Offense Code* and ordinances incorporating earlier editions of the *Uniform Public Offense Code* should be repealed by the incorporating ordinance.

There must be at least one official copy of the *Uniform Public Offense Code* on file with the city clerk. Enforcing officers should also have copies. The blanks on the first page should be filled in on all copies.

There are several blank pages at the end of this book. Newspaper clippings of the incorporating ordinance and subsequent ordinances on public offenses may be pasted on these pages. Extra copies of the newspaper should be procured, or reprints made so that copies may be pasted in all copies of the *Uniform Public Offense Code*.

A listing of changes made to the *Uniform Public Offense Code* for 2024 can be found on page 164 of this edition.



## Table of Contents

	Page
Article 1. General Provisions.....	6
Article 2. Anticipatory Offenses.....	26
Article 3. Offenses Against Persons.....	27
Article 4. Sex Offenses .....	42
Article 5. Offenses Affecting Children .....	44
Article 6. Offenses Against Property .....	53
Article 7. Offenses Affecting Governmental Functions .....	83
Article 7A. Crimes Affecting Public Trust.....	94
Article 8. Crimes Involving Violation of Personal Rights.....	97
Article 9. Offenses Against Public Peace.....	99
Article 10. Offenses Against Public Safety.....	114
Article 11. Offenses Against Public Morals .....	137
Article 12. Violations, Penalties.....	156
Article 13. Miscellaneous .....	157
Index.....	158
Changes in UPOC for 2024 40 <sup>th</sup> edition .....	164

## Article 1. General Provisions

**Sec. 1.1 Definitions.** The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

**Act.** Includes a failure or omission to take action. (K.S.A. 21-5111(a))

**Air Gun or Air Rifle.** Any device whether or not in the shape and form commonly associated with the terms pistol, sidearm, small arm, rifle, shotgun, or any other type of gun designed to forcibly expel from an opening therein any pellet or BB shot, and whether operating from and upon compressed air or mechanical or elastic spring work or otherwise.

**Airbag.** A motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system. (K.S.A. 8-15,115(c)(1))

**Alcohol Concentration.** The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath. (K.S.A. 8-1013(a))

**Alcohol Without Liquid Machine.** A device designed or marketed for the purpose of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes. (K.S.A. 21-6321(c))

**Alcoholic Liquor.** Alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage. (K.S.A 41-102(c))

**Animal.** Every living vertebrate except a human being. (K.S.A. 21-6411(a))

**Animal Shelter.** The same as such term is defined in K.S.A. 47-1701, and amendments thereto. (K.S.A. 21-6412(i)(1))

**Another.** A person or persons as defined in this code other than the person whose act is claimed to be an offense. (K.S.A. 21-5111(b))

**Auction Motor Vehicle Dealer.** Any person who for commission, money or other thing of value is engaged in an auction of motor vehicles except that the sales of such motor vehicles shall involve only motor vehicles owned by licensed motor vehicle dealers and sold to licensed motor vehicle dealers, except that any auction motor vehicle dealer, registered as such and lawfully operating prior to June 30, 1980, shall be deemed to be and have been properly licensed under this act from and after July 1, 1980. For the purposes of this subsection, an auction is a private sale of motor vehicles where any and all licensed motor vehicle dealers who choose to do so are permitted to attend and offer bids and the private sale of such motor vehicles is to the highest bidder. (K.S.A. 8-2401(bb))

**Audiovisual Recording Function.** The capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed. (K.S.A. 51-301(d)(1))

**Beer.** A beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content. (K.S.A. 41-102(e))

**Body Piercing.** Puncturing the skin of a person by aid of needles designed or used to puncture the skin for the purpose of inserting removable jewelry through the human body, except puncturing the external part of the human earlobe shall not be included in this definition. (K.S.A. 65-1940)

**Cannabidiol Treatment Preparation.** An oil containing cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)) and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of on more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory. (K.S.A. 65-6235(b)(1))

**Cardholder.** The person or entity to whom or for whose benefit a financial card is issued. (K.S.A. 21-5828(c)(2))

**Caterer.** An individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit. (K.S.A. 41-2601(c))

**Cereal Malt Beverage.** Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2% alcohol by weight. (K.S.A. 41-2701(a))

**Cigarette.** Any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco. (K.S.A. 79-3301(d))

**City or This City.** All land and water either within or outside the boundary of the city over which the city has either exclusive or concurrent jurisdiction, and the air space above such land and water.

**City or County Correctional Officer or Employee.** Any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility. (K.S.A. 21-5413(i)(4))

**Club.** Class A or Class B club. (K.S.A. 41-2601(g))

**Class A Club.** A premise that is owned or leased by a corporation, partnership, business trust or association and that is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them, as provided in K.S.A. 41-2637, and amendments thereto. (K.S.A. 41-2601(e))

**Class B Club.** A premise operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. (K.S.A. 41-2601(f))

**Conduct.** An act or series of acts, and the accompanying mental state. (K.S.A. 21-5111(c))

**Controlled Substance.** Any drug, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto. (K.S.A. 21-5701(a))

**Conviction.** A judgment of guilt entered upon a plea of guilt. (K.S.A. 21-5111(d))

**Cosmetic Tattooing.** The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin, by use of a needle, so as to form indelible marks for cosmetic or figurative purposes. (K.S.A. 65-1940(l))

**Counterfeit Supplemental Restraint System Component.** A replacement supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier. (K.S.A. 8-15,115(c)(2))

**Court Appointed Guardian.** One who is appointed by a court and has legal authority and duty to care for another person, especially because of the other's infancy, incapacity or disability. (K.S.A. 65-1940(n))

**Debilitating Medical Condition.** A medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas. (K.S.A. 65-6235(b)(2))

**Deception.** Knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not deception. (K.S.A. 21-5111(e))

**Deprive Permanently.**

- (a) Take from the owner the possession, use or benefit of property, without an intent to restore the same;
- (b) Retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
- (c) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner. (K.S.A. 21-5111(f))

**Distribute.** The actual or constructive transfer from one person to another of some item whether or not there is an agency relationship. **Distribute** includes, but is not limited to, sale, offer for sale, furnishing, buying for, delivering, giving, or any act that causes or is intended to cause some item to be transferred from one person to another. **Distribute** does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, or otherwise authorized by law. (K.S.A. 21-5111(g))

**Domestic Pet.** Any domesticated animal which is kept for pleasure rather than utility. (K.S.A. 21-6411(e))

**Drinking Establishment.** Premises that may be open to the general public, where alcoholic liquor or cereal malt beverage by the individual drink is sold. The term **Drinking establishment** includes a railway car. (K.S.A. 41-2601(h))

**Dwelling.** A building or portion thereof, a tent, a vehicle, or other enclosed space that is used or intended for use as a human habitation, home or residence. (K.S.A. 21-5111(k))

**Dwelling Unit.** A single-family residence, multiple-family residence and each living unit in a mixed-use building. (K.S.A. 31-161(a))

**Electronic Cigarette.** A battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems. (K.S.A. 79-3301(m))

**Equine.** A horse, pony, mule, jenny, donkey or hinny. (K.S.A. 21-6412(i)(2))

**Explosives.** Any chemical compound, mixture or device, of which the primary purpose is to function by explosion, and includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. (K.S.A. 21-6312(e))

**Farm Animal.** An animal raised on a farm or ranch and used or intended for use as food or fiber. (K.S.A. 21-6411(b))

**Federal Law Enforcement Officer.** A law enforcement officer employed by the United States federal government who, as part of such officer's duties, is permitted to make arrests and to be armed. (K.S.A. 21-5413(h)(11))

**Fighting Words.** Words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace. (K.S.A. 21-6203(c))

**Financial Card.** An identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions. (K.S.A. 21-5828(c)(1))

**Firearm.** Any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion. (K.S.A.21-5111(m))

**Fire Department.** A public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.

**Fish.** As a verb, means take, in any manner, any fish.

**Funeral.** The ceremonies, processions, and memorial services held in connection with the burial or cremation of a person. (K.S.A. 21-6106(c)(1))

**Furbearing Animal.** Any badger, beaver, bobcat, grey fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted skunk, striped skunk, swift fox or weasel. (K.S.A 32-701(e))

**Furharvest.**

- (a) Take, in any manner, any furbearing animal; or
  - (b) Trap or attempt to trap any coyote.
- (K.S.A. 32-701(f))

**Game Animal.** Any big game animal, wild turkey or small game animal. (K.S.A. 32-701(g))

**Gamecock.** A domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl. (K.S.A. 21-6417(e))

**Hard Cider.** Any alcoholic beverage that:

- (a) Contains less than 8.5% alcohol by volume;
- (b) has a carbonation level that does not exceed 6.4 grams per liter; and
- (c) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies. (K.S.A. 41-102(g))

**Hunt.**

- (a) Take, in any manner, any wildlife other than a fish, bullfrog, furbearing animal or coyote; or
- (b) Take, in any manner other than by trapping, any coyote. (K.S.A. 32-701(i))

**Intent to Defraud.** An intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property. (K.S.A. 21-5111(o))

**Juvenile Detention Facility Officer or Employee.** Any officer or employee of a juvenile detention facility as defined in K.S.A. 38-2302, and amendments thereto.

**Law Enforcement Officer.**

- (a) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses;
- (b) Any officer of the Kansas department of corrections or, for the purposes of Sec. 3.3 and amendments thereto, any employee of the Kansas department of corrections; or
- (c) Any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.

(K.S.A. 21-5111(p))

**Maliciously.** A state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse. (K.S.A. 21-6412(i)(3))

**Motion Picture Theater.** A movie theater, screening room or other venue when used primarily for the exhibition of a motion picture. (K.S.A. 51-301(d)(2))

**Motorboat.** Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion. (K.S.A. 32-1102(b))

**Motor Vehicle.** Every vehicle, other than a motorized bicycle, electric-assisted bicycle or a motorized wheelchair, that is self-propelled.

**Needle.** A sharp, pointed implement used for the purpose of tattooing, cosmetic tattooing or body piercing. The term **needle** does not include any implements or object altered to be used as needles. (K.S.A. 65-1940(o))

**Nonferrous Metal.** A metal that does not contain iron or steel. (K.S.A. 50-6,109(b)(5))

**Nonfunctional Airbag.** A replacement airbag that:

- (a) Was previously deployed or damaged;
- (b) Has an electric fault that is detected by the motor vehicle's diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

- (c) Includes a part or object, including a supplemental restraint system component, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or
- (d) Is prohibited from being sold or leased in accordance with 49 U.S.C. § 30120(j). ((K.S.A. 8-15,115(c)(3))

**Obtain.** To bring about a transfer of interest in or possession of property, whether to the offender or to another. (K.S.A 21-5111(q))

**Obtains or Exerts Control Over Property.** Includes but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property. (K.S.A. 21-5111(r))

**Ordinance Cigarette or Tobacco Infraction.** A violation of an ordinance that proscribes the same behavior as proscribed by subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto.

**Owner.** A person who has any interest in property. (K.S.A 21-5111(s))

**Paint Ball Gun.** Any device whether or not in the shape and form commonly associated with the terms pistol, sidearm, small arm, rifle, shotgun, or any other type of gun designed to forcibly expel from an opening therein any paint ball, and whether operating from and upon compressed air or mechanical or elastic springwork or otherwise.

**Person.** An individual, public or private corporation, government, partnership or unincorporated association. (K.S.A. 21-5111(t))

**Personal Property.** Goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property, real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed. (K.S.A. 21-5111(u))

**Police Dog.** Any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.

**Possession.** Knowingly having joint or exclusive control over an item or knowingly keeping some item in a place where the person has some measure of access and right of control. (K.S.A. 21-5111(v))

**Private Place.** A place where one may reasonably expect to be safe from uninvited intrusion or surveillance. (K.S.A. 21-6101(f))

**Property.** Anything of value, tangible or intangible, real or personal. (K.S.A. 21-5111(w))

**Prosecution.** All legal proceedings by which a person's liability for an offense is determined. (K.S.A. 21-5111(x))

**Public Demonstration.**

- (a) Any picketing or similar conduct; or
- (b) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral. (K.S.A. 21-6106(c)(2))

**Public Employee.** A person employed by or acting for the city for the purpose of exercising the city's respective power and performing their respective duties and who is not a "public officer." (K.S.A. 21-5111(z))

**Public Offense or Offense.** An act or omission defined by this code which, upon conviction, is punishable by fine, confinement or both fine and confinement.

**Public Officer.** Includes the following, whether elected or appointed.

- (a) An executive or administrative officer of the city;
- (b) A member of the governing body of the city;
- (c) A judicial officer, which shall include a judge, municipal judge, magistrate, juror, master or any other person appointed by a judge or court to hear or determine a cause of controversy;
- (d) A hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;
- (e) A law enforcement officer; and
- (f) Any other person exercising the functions of a public officer under color of right.

(K.S.A. 21-5111(aa))

**Railroad Property.** Includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company. (K.S.A. 21-5809(e))

**Real Property or Real Estate.** Every estate, interest and right in lands, tenements and hereditaments. (K.S.A. 21-5111(bb))

**Rebuilder.** A person who is engaged in the business of rebuilding salvage vehicles, as defined in K.S.A. 8-196, and amendments thereto, and selling such rebuilt salvage vehicles. (K.S.A. 8-2401(oo))

**Retail Dealer.** A person, other than a vending machine operator, in possession of cigarettes or electronic cigarettes for the purpose of sale to a consumer. (K.S.A. 79-3301(v))

**Runaway.** A child under 18 years of age who is voluntarily absent from:

- (a) The child's home without the consent of the child's parent or other custodian; or
- (b) A court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee.

(K.S.A. 21-5603(d))

**Sail Board.** A surfboard using for propulsion a free sail system comprising one or more swivel-mounted rigs (mast, sail and booms) supported in an upright position by the crew and the wind. (K.S.A. 32-1102(p))

**Sailboat.** Any vessel, other than a sail board, that is designed to be propelled by wind action upon a sail for navigation on the water. (K.S.A. 32-1102(s))

**Salvage Vehicle Dealer.** Any person engaged in the business of buying, selling or exchanging used vehicles and primarily engaged in the business of the distribution at wholesale or retail of used motor vehicle parts and includes establishments primarily engaged in dismantling motor vehicles for the purpose of selling parts. (K.S.A. 8-2401(y))

**Salvage Vehicle Pool.** Any person who as an agent for a third party is primarily engaged in the business of storing, displaying and offering for sale salvage vehicles. (K.S.A. 8-2401(hh))

**Sample.** Cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product. (K.S.A. 79-3301(x))

**School Employee.** Any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. (K.S.A. 21-5413(i)(5))

**Scrap Metal Recycler.** A person who engages in the business of shredding or otherwise processing nonrepairable vehicles or other scrap metal into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes. (K.S.A. 8-2401(mm))

**Sexual Intercourse.** Any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse. **Sexual Intercourse** does not include penetration of the female sex organ by a finger or object in the course of the performance of:

- (a) Generally recognized health care practices; or
- (b) A body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(K.S.A. 21-5501(a))

**Sexually Explicit Conduct.** Actual or simulated: Sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation and sado-masochistic abuse for the purpose of sexual stimulation. (K.S.A. 21-5611(g)(1))

**Smoke Detector.** A device or combination of devices which operate from a power supply in the dwelling unit or at the point of installation for the purpose of detecting visible or invisible particles of combustion. Such term shall include smoke detectors approved or listed for the purpose for which they are intended by an approved independent testing laboratory. (K.S.A. 31-161(b))

## **Smoking; Definitions.**

- (a) **Access Point** means the area within a 10 foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (d) of section 10.24.
- (b) **Bar** means any indoor area that is operated and licensed for the sale and service of alcoholic beverages, including alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverages as defined in K.S.A. 41-2701, and amendments thereto, for on premises consumption.
- (c) **Employee** means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services for a nonprofit entity.
- (d) **Employer** means any person, partnership, corporation, association or organization, including municipal or nonprofit entities, which employs one or more individual persons.
- (e) **Enclosed Area** means all space between a floor and ceiling which is enclosed on all sides by solid walls, windows or doorways which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid or similar structures. For purposes of this section, the following shall not be considered an enclosed area:
  - (1) Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and which are completely open to the elements and weather at all times; and
  - (2) Rooms or areas, enclosed by walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and which comprise an area that is at least 30% of the total perimeter wall area of such room or area.
- (f) **Food Service Establishment** means any place in which food is served or is prepared for sale or service on the premises. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

- (g) **Gaming Floor** means the area of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, where patrons engage in Class III gaming. The gaming floor shall not include any areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, records, food service, lodging or entertainment, except that the gaming floor may include a bar where alcoholic beverages are served so long as the bar is located entirely within the area where Class III gaming is conducted.
- (h) **Medical Care Facility** means a physician's office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425, and amendments thereto.
- (i) **Outdoor Recreational Facility** means a hunting, fishing, shooting or golf club, business or enterprise operated primarily for the benefit of its owners, members and their guests and not normally open to the general public.
- (j) **Place of Employment** means any enclosed area under the control of a public or private employer, including, but not limited to, work areas, auditoriums, elevators, private offices, employee lounges and restrooms, conference and meeting rooms, classrooms, employee cafeterias, stairwells and hallways, that is used by employees during the course of employment. For purposes of this section, a private residence shall not be considered a place of employment unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.
- (k) **Private Club** means an outdoor recreational facility operated primarily for the use of its owners, members and their guests that in its ordinary course of business is not open to the general public for which use of its facilities has substantial dues or membership fee requirements for its members.
- (l) **Public Building** means any building owned or operated by:
- (1) The state, including any branch, department, agency, bureau, commission, authority or other instrumentality thereof;
  - (2) Any county, city, township, other political subdivision, including any commission, authority, agency or instrumentality thereof; or
  - (3) Any other separate corporate instrumentality or unit of the state or any municipality.

- (m) **Public Meeting** means any meeting open to the public pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other law of this state.
  - (n) **Public Place** means any enclosed areas open to the public or used by the general public including, but not limited to: Banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. For purposes of this section, a private residence shall not be considered a public place unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.
  - (o) **Smoking** means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.
  - (p) **Tobacco Shop** means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and which derives not less than 65% of its gross receipts from the sale of tobacco.
  - (q) **Substantial Dues or Membership Fee Requirements** means initiation costs, dues or fees proportional to the cost of membership in similarly situated outdoor recreational facilities that are not considered nominal and implemented to otherwise avoid or evade restrictions of a statewide ban on smoking.
- (K.S.A. 21-6109)

**Sodomy.** Oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal. **Sodomy** does not include penetration of the anal opening by a finger or object in the course of the performance of:

- (a) Generally recognized health care practices; or
- (b) A body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(K.S.A. 21-5501(b))

**Solicit or Solicitation.** To command, authorize, urge, incite, request or advise another to commit an offense. (K.S.A. 21-5111(cc))

**State of Nudity.** Any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered. (K.S.A. 21-5611(g)(2))

**State or This State.** Means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction or the air space above such land and water. (K.S.A. 21-5111(dd))

**State Correctional Officer or Employee.** Any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution. (K.S.A. 21-5413(i)(2))

**Spirits.** Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (K.S.A. 41-102(jj))

**Spouse.** A lawful husband or wife, unless the couple is living apart in separate residences or either spouse has filed an action for annulment, separate maintenance or divorce or for relief under the protection from abuse act. (K.S.A. 21-5501(c))

**Stolen Property.** Property over which control has been obtained by theft. (K.S.A. 21-5111(ee))

**Supplemental Restraint System.** A passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems as described in 49 C.F.R. § 571.208. A supplemental restraint system includes:

- (a) Each airbag installed in accordance with the motor vehicle manufacturer's design; and
- (b) All components required to ensure that an airbag operates as designed in the event of a crash and in accordance with the federal motor vehicle safety standards for the specific make, model and year of the motor vehicle. (K.S.A. 8-15,115(c)(4))

**Tattooing.** The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments by use of a needle into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes. (K.S.A. 65-1940(i))

**Telecommunications Device.** Includes telephones, cellular telephones, telefacsimile machines and any other electronic device which makes use of an electronic communication service, as defined in K.S.A. 22-2514, and amendments thereto. (K.S.A. 21-6206(d))

**Telefacsimile Communication.** The use of electronic equipment to send or transmit a copy of a document via telephone line.

**Temporary Permit.** Means the same as defined by K.S.A. 41-2601, and amendments thereto. (K.S.A. 41-102(II))

**Threat.** A communicated intent to inflict physical or other harm on any person or on property. (K.S.A. 21-5111(ff))

**Throwing Star.** Any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape, manufactured for use as a weapon for throwing. (K.S.A. 21-6301(m)(4))

**Tobacco Products.** Cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes. (K.S.A. 79-3301(bb))

**Toxic Vapors.** The following substances or products containing such substances:

- (a) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (b) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
- (c) Acetone;
- (d) Benzene;
- (e) Carbon tetrachloride;
- (f) Cyclohexane;

- (g) Freons, including freon 11, freon 12, and other halogenated hydrocarbons;
  - (h) Hexane;
  - (i) Methyl ethyl ketone;
  - (j) Methyl isobutyl ketone;
  - (k) Naptha;
  - (l) Perchloroethylene;
  - (m) Toluene;
  - (n) Trichloroethane; or
  - (o) Xylene.
- (K.S.A. 21-5712(e))

**Transmission.** Any form of communication, including, but not limited to, physical transmission of paper and electronic transmission that creates a record that may be retained and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Transmission also includes a request to receive a transmission of a visual depiction; (K.S.A. 21-5611(g)(3))

**Unlawful Sexual Act.** Any lewd and lascivious behavior or sexual battery as defined in this code. (K.S.A. 21-5501(d))

**Vehicle Crusher.** Any person, other than a vehicle recycler or a scrap metal recycler, who engages in the business of flattening, crushing or otherwise processing nonrepairable vehicles for recycling. Vehicle crushers include, but are not limited to, persons who use fixed or mobile equipment to flatten or crush nonrepairable vehicles for a vehicle recycler or a scrap metal recycler. (K.S.A. 8-2401(kk))

**Vehicle Dealer.** Any person who:

- (a) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in vehicles; or
- (b) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in motor vehicles as an auction motor vehicle dealer as defined in Sec. 1.1; but does not include:
  - (1) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court, or any bank, trustee or lending company or institution which is subject to state or federal regulations as such, with regard to its disposition of repossessed vehicles;

- (2) Public officers while performing their official duties;
- (3) Employees of persons enumerated subparagraphs (1) and (2), when engaged in the specific performance of their duties as such employees;
- (4) Auctioneers conducting auctions for persons enumerated in subparagraphs (1), (2), or (3); or
- (5) Auctioneers who, while engaged in conducting an auction of tangible person property for others, offer for sale:
  - (A) Vehicles which have been used primarily in a farm or business operation by the owner offering the vehicle for sale, including all vehicles which qualified for a farm vehicle tag at the time of sale except vehicles owned by a business engaged primarily in the business of leasing or renting passenger cars;
  - (B) Vehicles which meet the statutory definition of antique vehicles; or
  - (C) Vehicles for no more than four principals or households per auction. All sales of vehicles exempted pursuant to subparagraphs (5), except truck, truck tractors, pole trailers, trailers and semitrailers as defined by K.S.A. 8-126, and amendments thereto, shall be registered in Kansas prior to the sale. (K.S.A. 8-2401(a))

**Vehicle Recycler.** A person who engages in the business of acquiring, dismantling, removing parts from or destroying nonrepairable vehicles for the primary purpose of reselling the vehicle parts. (K.S.A. 8-2401(II))

**Vessel.** Any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water. (K.S.A. 32-1102(a))

**Visual Depiction.** Any photograph, film, video picture, digital or computer-generated image or picture made or produced by electronic, mechanical or other means. (K.S.A. 21-5611(g)(4))

**Wildlife.**

- (a) Wildlife means any member of the animal kingdom, including, without limitation, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg or offspring thereof, or the dead body or parts thereof.
- (b) Wildlife does not include agricultural livestock, including, but not limited to, cattle, swine, sheep, goats, horses, mules and other equines, and poultry, including, but not limited to, domestic chickens, turkeys and guinea fowl. (K.S.A. 32-701(u))

**Wine.** Any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. Wine includes hard cider and any other product that is commonly known as a subset of wine. (K.S.A. 41-102(mm))

**Written Instrument.** Any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, tokens, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification that is capable of being used to the advantage or disadvantage of some person. (K.S.A. 21-5111(gg))

**Sec. 1.2 Liability for Offenses of Another.**

- (a) A person is criminally responsible for an offense committed by another if such person, acting with the mental culpability required for the commission thereof, advises, hires, counsels or procures the other to commit the offense or intentionally aids the other in committing the conduct constituting the offense.
- (b) A person liable under subsection (a) is also liable for any other offense committed in pursuance of the intended offense if reasonably foreseeable by such person as a probable consequence of committing or attempting to commit the crime intended.
- (c) A person liable under this section may be charged with and convicted of the offense although the person alleged to have directly committed the act constituting the offense.

- (1) Lacked criminal or legal capacity;
- (2) Has not been convicted;
- (3) Has been acquitted; or
- (4) Has been convicted of some other degree of the offense or of some other offense based on the same act. (K.S.A. 21-5210)

### **Sec. 1.3. Corporations: Criminal Responsibility; Individual Liability.**

#### **(a) Corporations; Criminal Responsibility.**

- (1) A corporation is criminally responsible for acts committed by its agents when acting within the scope of their authority.
- (2) Agent means any director, officer, servant, employee or other person who is authorized to act on behalf of the corporation.

#### **(b) Individual Liability for Corporate Offenses.**

- (1) An individual who performs public offenses, or causes such acts to be performed, in the name of or on behalf of a corporation is legally responsible to the same extent as if such acts were in the person's own name or on the person's own behalf.
- (2) An individual who has been convicted of an offense based on conduct performed by such individual for and on behalf of a corporation is subject to punishment as an individual upon conviction of such offense, although a lesser or different punishment is authorized for the corporation. (K.S.A. 21-5211;5212)

## **Article 2. Anticipatory Offenses**

### **Sec. 2.1. Attempt.**

- (a) An attempt is any overt act toward the perpetration of an offense done by a person who intends to commit such offense but fails in the perpetration thereof or is prevented or intercepted in executing such offense.
- (b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed, or the means employed or the act itself were such that the commission of the offense was not possible.

- (c) An attempt to commit a Class A violation is a Class B violation.
- (d) An attempt to commit a Class B or C violation is a Class C violation. (K.S.A. 21-5301)

## **Sec. 2.2. Conspiracy.**

- (a) A conspiracy is an agreement with another person to commit an offense or to assist in committing an offense. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.
- (b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.
- (c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.
- (d) A conspiracy to commit a violation is a Class C violation. (K.S.A. 21-5302)

## **Article 3. Offenses Against Persons**

### **Sec. 3.1. Battery.**

- (a) Battery is:
  - (1) Knowingly or recklessly causing bodily harm to another person; or
  - (2) Knowingly causing physical contact with another person when done in a rude, insulting or angry manner.
- (b) Battery is a Class B violation. (K.S.A. 21-5413)

### **Sec. 3.1.1. Domestic Battery.**

- (a) Domestic battery is:
  - (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or
  - (2) Knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.
  
- (b)
  - (1) Upon a first conviction of a violation of domestic battery, an offender shall be guilty of a Class B violation and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program;
  - (2) If, within five years immediately preceding commission of the crime, an offender is convicted of a violation of domestic battery a second time, the offender shall be guilty of a Class A violation and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such offender has served 48 consecutive hours' imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive days' imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court or department of corrections; and

- (c) In determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense under this section, a court shall consider information presented to the court relating to any current or prior protective order issued against such person.
- (d) As used in this section:
- (1) **Dating relationship** means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship, if applicable;
  - (2) **Family or household member** means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. **Family or household member** also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
  - (3) **Protective Order** means:
    - (A) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;
    - (B) A protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265;
    - (C) A restraining order issued pursuant to K.S.A. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;
    - (D) An order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case or upon appeal that orders the person to refrain from having any direct or indirect contact with a family or household member;

- (E) An order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or
  - (F) A protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.
- (e) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:
- (1) **Conviction** includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;
  - (2) **Conviction** includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;
  - (3) Only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first or second offender, whichever is applicable; and
  - (4) It is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (f) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any five-year period. (K.S.A. 21-5414)

### **Sec. 3.2. Battery Against a Law Enforcement Officer.**

- (a) Battery against a law enforcement officer is a battery, as defined in Section 3.1(a)(2) of this article, committed against a:

- (1) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;
- (2) Uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;
- (3) Uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;
- (4) Judge, while such judge is engaged in the performance of such judge's duty;
- (5) Attorney, while such attorney is engaged in the performance of such attorney's duty; or
- (6) Community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty.

(b) As used in this section:

- (1) **Judge** means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
- (2) **Attorney** means a (A) City attorney, assistant city attorney, city prosecutor, assistant city prosecutor, county attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated and amendments thereto;
- (3) **Community Corrections Officer** means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs;

(4) **Court Services Officer** means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.

(c) Battery against a law enforcement officer is a Class A violation. (K.S.A. 21-5413)

### **Sec. 3.2.1. Sexual Battery.**

(a) Sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.

(b) Sexual battery is a Class A violation. (K.S.A. 21-5505)

{**Editor's note:** In *City of Shawnee v. Adem*, 314 Kan. 12 (2021), the Kansas Supreme Court held the Kansas Offender Registration Acts applies to any person convicted of sexual battery under Sec. 3.2.1. of the UPOC.}

### **Sec. 3.2.2. Battery Against a School Employee.**

(a) Battery against a school employee is a battery, as defined in Section 3.1, committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(b) Battery against a school employee is a Class A violation. (K.S.A. 21-5413)

### **Sec. 3.2.3. Battery Against a Health Care Provider.**

(a) Battery against a healthcare provider is a battery as defined in Section 3.1 committed against a healthcare provider while such provider is engaged in the performance of such provider's duty.

- (b) Battery against a healthcare provider is a Class A person violation. (K.S.A. 21-5413)
- (c) As used in this section, healthcare provider means an individual who is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state.

**Sec. 3.3. Assault and Assault of a Law Enforcement Officer.**

- (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm.
- (b) Assault of a law enforcement officer is assault, as defined in subsection (a), committed against:
  - (1) A uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty;
  - (2) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or
  - (3) A uniformed or properly identified federal law enforcement officer as defined in K.S.A. 21-5413, and amendments thereto, while such officer is engaged in the performance of such officer's duty.
- (c) Assault is a Class C violation.
- (d) Assault of a law enforcement officer is a Class A violation. (K.S.A. 21-5412)

**Sec. 3.4. Unlawful Interference with an Emergency Medical Services Attendant.**

- (a) Unlawful interference with an emergency medical service provider is knowingly:
  - (1) Interfering with any emergency medical service provider while engaged in the performance of such emergency medical service provider's duties; or
  - (2) Obstructing, interfering with or impeding the efforts of any emergency medical service provider to reach the location of an emergency.

- (b) Unlawful interference with an emergency medical service provider is a Class B person violation.
- (c) As used in this section, “emergency medical service provider” means the same as in K.S.A. 65-6112, and amendments thereto.
- (d) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for assault or battery (K.S.A. 21-6326)

### **Sec. 3.5. Unlawful Interference with Firefighter.**

- (a) Unlawful interference with a firefighter is knowingly:
  - (1) Interfering with any firefighter while engaged in the performance of such firefighter’s duties; or
  - (2) Obstructing, interfering with or impeding the efforts of any firefighter to reach the location of a fire or other emergency.
- (b) Unlawful interference with a firefighter is a Class B person violation.
- (c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery. (K.S.A. 21-6325)

### **Sec. 3.6. Unlawful Restraint.**

- (a) Unlawful restraint is knowingly and without legal authority restraining another person so as to interfere substantially with such person’s liberty.
- (b) This section shall not apply to acts done in the performance of duty by any law enforcement officer of the state of Kansas or any political subdivision thereof.
- (c) Any merchant, or a merchant’s agent or employee, who has probable cause to believe that a person has actual possession of and has wrongfully taken, or is about to wrongfully take merchandise from a mercantile establishment, may detain such person on the premises or in the immediate vicinity thereof, in a reasonable manner and for a reasonable period of time for the purpose of investigating the circumstances of such possession. Such reasonable detention shall not constitute an arrest nor unlawful restraint.

- (d) Unlawful restraint is a Class A violation. (K.S.A. 21-5411)

**Sec. 3.7. Mistreatment of a Confined Person.**

- (a) Mistreatment of a confined person is knowingly abusing, neglecting or ill-treating any person, who is detained or confined by any law enforcement officer or by any person in charge of or employed by the owner or operator of any correctional institution.
- (b) Mistreatment of a confined person is a Class A violation. (K.S.A. 21-5416)

**Sec. 3.7.1. Interference with Custody of a Committed Person.**

- (a) Interference with custody of a committed person is knowingly taking or enticing any committed person away from the control of such person' s lawful custodian without privilege to do so.
- (b) Interference with custody of a committed person is a class A nonperson violation.
- (c) As used in this section, "committed person" means any person committed other than by criminal process to any institution or other custodian by a court, officer or agency authorized by law to make such commitment. (K.S.A. 21-5410)

**Sec. 3.8. Violation of Protection from Abuse Order.**

- (a) If a person enters or remains on premises or property violating an order issued pursuant to K.S.A. 60-3107(a)(2), and amendments thereto, such violation shall constitute criminal trespass and violation of a protective order.
- (b) If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to K.S.A. 60-3107(a)(1), and amendments thereto, such violation may constitute assault, battery, domestic battery and violation of a protective order. (K.S.A. 60-3107)

### **Sec. 3.8.1. Violation of a Protective Order.**

- (a) Violation of a protective order is knowingly violating:
  - (1) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;
  - (2) A protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. Section 2265, and amendments thereto;
  - (3) A restraining order issued pursuant to K.S.A. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;
  - (4) An order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, post release supervision or at any other time during the criminal case that orders the person to refrain from having any direct or indirect contact with another person;
  - (5) An order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person;
  - (6) A protection from stalking or sexual assault order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.
- (b) Order includes any order issued by a municipal or district court.
- (c) No protective order, as set forth in this section, shall be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in any civil or criminal proceeding, from contacting the protected party for a legitimate purpose within the scope of the civil or criminal proceeding. The attorney, or person acting on the attorney's behalf, shall be identified in any such contact. (K.S.A. 21-5924)
- (d) Violation of a protective order is a Class A violation. (K.S.A. 21-5924)

### **Sec. 3.9. Criminal False Communication.**

- (a) Criminal false communication is:
  - (1) Communicating to any person, by any means, information that the person communicating such information knows to be false will tend to:
    - (A) Expose another living person to public hatred, contempt or ridicule;
    - (B) Deprive such person of the benefits of public confidence and social acceptance; or
    - (C) Degrade and vilify the memory of one who is dead and to scandalize or provoke surviving relatives and friends; or
  - (2) Recklessly making, circulating or causing to be circulated any false report, statement or rumor with intent to injure the financial standing or reputation of any bank, financial or business institution or the financial standing of any individual in this state.
- (b) In all prosecutions under this section the truth of the information communicated shall be admitted as evidence. It shall be a defense to a charge of criminal false communication if it is found that such matter was true.
- (c) Criminal false communication is a Class A violation. (K.S.A. 21-6103)

### **Sec. 3.10. Hazing.**

- (a) Hazing is recklessly coercing, demanding or encouraging another person to perform, as a condition of membership in a social or fraternal organization, any act which could reasonably be expected to result in great bodily harm, disfigurement or death or which is done in a manner whereby great bodily harm, disfigurement or death could be inflicted.
- (b) Hazing is a Class B nonperson violation. (K.S.A. 21-5418)

### **Sec. 3.11. Unlawful Administration of a Substance.**

- (a) Unlawful administration of a substance is the administration of a substance to another person without consent with the intent to impair such other person's physical or mental ability to appraise or control such person's conduct.
- (b) As used in this section, **administration of a substance** means any method of causing the ingestion by another person of a controlled substance, including gamma hydroxybutyric acid or any controlled substance analog, as defined in K.S.A. 65-4101, and amendments thereto, of gamma hydroxybutyric acid, including gamma butyrolactone; butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with CAS No. 96-48-0; 1,4 butanediol; butanediol; butane-1,4-diol; 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene glycol, tetramethylene glycol; tetramethylene 1,4-diol.
- (c) This section shall not prohibit administration of any substance described in subsection (b) for lawful medical or therapeutic treatment. (K.S.A. 21-5425)
- (d) Unlawful administration of a substance is a Class A violation. (K.S.A. 21-5425)

### **Sec. 3.12. Breach of Privacy.**

- (a) Breach of privacy is knowingly and without lawful authority:
  - (1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;
  - (2) Divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting such message;

- (3) Entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;
  - (4) Installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein; or
  - (5) Installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication.
- (b) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.
- (c) The provisions of this section shall not apply to: (1) an operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility; (2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person; (3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto; and (4) a local exchange carrier or telecommunications carrier as defined in K.S. A. 66-1,187, and amendments thereto.
- (d) Breach of privacy, as defined in this section, is a Class A violation. (K.S.A 21-6101)

### Sec. 3.13. Stalking.

- (a) Stalking is:
- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
  - (2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family.
- (b) For the purposes of this section, a person served with a protective order as defined by K.S.A. 21-3843, prior to its repeal or K.S.A. 21-5924, and amendments thereto, or a person who engaged in acts which would constitute stalking, after having been advised by a law enforcement officer, that such person's actions were in violation of this section, shall be presumed to have acted knowingly as to any like future act targeted at the specific person or persons named in the order or as advised by the officer.
- (c) In a criminal proceeding under this section, a person claiming an exemption, exception, or exclusion has the burden of going forward with evidence of the claim.
- (d) The present incarceration of a person alleged to be violating this section shall not be a bar to prosecution under this section.
- (e) As used in this section:
- (1) **Course of Conduct** means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof:

- (A) Threatening the safety of the targeted person or a member of such person's immediate family;
  - (B) Following, approaching, or confronting the targeted person or a member of such person's immediate family;
  - (C) Appearing in close proximity to, or entering the targeted person's residence, place of employment, school, or other place where such person can be found, or the residence, place of employment, or school of a member of such person's immediate family;
  - (D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family;
  - (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person;
  - (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family;
  - (G) Utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns; and
  - (H) Any act of communication.
- (2) **Communication** means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer.
- (3) **Computer** means a programmable, electronic device capable of accepting and processing data.
- (4) **Conviction** includes being convicted of a violation of this section or being convicted of a law of another state which prohibits the acts that this section prohibits.
- (5) **Immediate Family**
- (A) Father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person;
  - (B) any person residing in the household of the targeted person; or

- (C) any person involved in an intimate relationship with the targeted person.
- (f) Upon a first conviction, stalking as described in subsection (a) is a Class A violation. Subsequent violations are considered felonies under state law and will be referred to the appropriate prosecuting authority. (K.S.A. 21-5427)

## **Article 4. Sex Offenses**

### **Sec. 4.1. Lewd, Lascivious Behavior.**

- (a) Lewd and lascivious behavior is:
  - (1) Publicly engaging in otherwise lawful sexual intercourse or sodomy with knowledge or reasonable anticipation that the participants are being viewed by others; or
  - (2) Publicly exposing a sex organ or exposing a sex organ in the presence of a person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.
- (b) Lewd and lascivious behavior if committed in the presence of a person 16 or more years of age is a Class B violation. (K.S.A. 21-5513)

### **Sec. 4.2. Reserved for Future Use.**

### **Sec. 4.3. Selling Sexual Relations.**

- (a) Selling Sexual Relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:
  - (1) Sexual intercourse;
  - (2) Sodomy; or
  - (3) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.
- (b) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated

human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto.

- (c) Selling Sexual Relations is a Class B violation. (K.S.A. 21-6419)

#### **Sec. 4.4. Reserved for Future Use.**

#### **Sec. 4.5. Buying Sexual Relations.**

- (a) Buying sexual relations is knowingly:
  - (1) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or
  - (2) Hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.
- (b) Buying Sexual Relations is a Class A violation on conviction of a first offense. In addition to any other sentence imposed, a person convicted under this section shall be fined not less than \$1,200 nor more than \$2,500. One-half of each fine collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund and the remainder shall be remitted as otherwise provided by law. (K.S.A. 21-6421)

#### **Sec. 4.5.1. Unlawful use of a Communication Facility.**

- (a) It shall be unlawful for any person to knowingly or intentionally use any communication facility in committing, causing, or facilitating the commission of any violation under Section 4.5, or in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any violation under Section 4.5.

- (b) Violation of this section is a class A violation.
- (c) As used in this section, communication facility means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers and all other means of communication.
- (d) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subject to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto.
- (e) Each separate use of a communication facility may be charged as a separate offense under this section.  
(K.S.A. 21-6424)

## **Article 5. Offenses Affecting Children**

### **Sec. 5.1. Contributing to a Child's Misconduct or Deprivation.**

- (a) Contributing to a child's misconduct or deprivation is:
  - (1) Knowingly causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the revised Kansas code for care of children;
  - (2) Knowingly causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto;
  - (3) Failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has regarding a runaway, with intent to aid the runaway in avoiding detection or apprehension;
  - (4) Knowingly causing or encouraging a child to violate the terms or conditions of the child's probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-2361, and amendments thereto.

- (b) A person may be found guilty of contributing to a child's misconduct or deprivation even though no prosecution of the child whose misconduct or deprivation the defendant caused or encouraged has been commenced pursuant to the revised Kansas code for care of children, revised Kansas juvenile justice code or Kansas criminal code.
- (c) Contributing to a child's misconduct or deprivation is a Class A violation. (K.S.A. 21-5603)

**Sec. 5.1.2. Unlawful Possession of a Visual Depiction of a Child.**

- (a) Unlawful possession of a visual depiction of a child is knowingly possessing a visual depiction of a child 12 years of age or older but less than 16 years of age in a state of nudity, if committed by a person less than 19 years of age, and the possessor of such visual depiction received such visual depiction directly and exclusively from the child who is the subject of such visual depiction.
- (b) It shall be an affirmative defense to any prosecution under this section that the recipient of a visual depiction of a child in a state of nudity:
  - (1) Received such visual depiction without requesting, coercing or otherwise attempting to obtain such visual depiction;
  - (2) Did not transmit, exhibit or disseminate such visual depiction; and
  - (3) Made a good faith effort to erase, delete or otherwise destroy such visual depiction.
- (c) The provisions of this section shall not apply to possession of a visual depiction of a child in a state of nudity if the person possessing such visual depiction is the child who is the subject of such visual depiction.
- (d) The provisions of this section shall not apply to a visual depiction of a child engaged in sexually explicit conduct or a visual depiction that constitutes obscenity as defined in K.S.A. 21-6401(f)(1), and amendments thereto.
- (e) It shall not be unlawful for a person who is less than 19 years of age to possess a visual depiction of a child in a state of nudity who is 16 years of age or older.

- (f) Unlawful possession of a visual depiction of a child is a Class B person violation. (K.S.A. 21-5610)

**Sec. 5.1.3. Unlawful Transmission of a Visual Depiction of a Child.**

- (a) Unlawful transmission of a visual depiction of a child is knowingly transmitting a visual depiction of a child 12 or more years of age but less than 18 years of age in a state of nudity when the offender is less than 19 years of age.
- (b) It shall be a rebuttable presumption that an offender had the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm if the offender transmitted a visual depiction of a person other than such child in a state of nudity to more than one person.
- (c) The provisions of this section shall not apply to transmission of a visual depiction of a child in a state of nudity by the child who is the subject of such visual depiction.
- (d) The provisions of this section shall not apply to a visual depiction of a child engaged in sexually explicit conduct or a visual depiction that constitutes obscenity as defined in K.S.A. 21-6401(f)(1), and amendments thereto.
- (e) Upon a first conviction, unlawful transmission of a visual depiction of a child is a Class A person violation. (K.S.A. 21-5611)

**Sec. 5.2. Furnishing Alcoholic Liquor or Cereal Malt Beverage to a Minor.**

- (a) Furnishing alcoholic liquor or cereal malt beverage to a minor is recklessly, directly or indirectly, buying for or distributing any alcoholic liquor or cereal malt beverage to any minor.
- (b) This section shall not apply to wine intended for use and used by any church or religious organization for sacramental purposes.

- (c) It shall be a defense to a prosecution under this section if:
  - (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
  - (2) The defendant sold the alcoholic liquor or cereal malt beverage to the minor with reasonable cause to believe that the minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage; and
  - (3) To purchase the alcoholic liquor or cereal malt beverage, the person exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document, that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage.
  
- (d) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward when such furnishing is permitted and supervised by the child's or ward's parent or legal guardian.
  
- (e) As used in this section, **minor** means a person under 21 years of age.
  
- (f) Furnishing alcoholic liquor or cereal malt beverage to a minor is a Class B violation for which the minimum fine is \$200. (K.S.A. 21-5607)

### **Sec. 5.3. Unlawfully Hosting Minors Consuming Alcoholic Liquor or Cereal Malt Beverage.**

- (a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is recklessly permitting a person's residence or any land, building, structure or room owned, occupied, or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the unlawful possession or consumption therein of alcoholic liquor or cereal malt beverages by a minor.

- (b) As used in this section, **minor** means a person under 21 years of age.
- (c) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto.
- (d) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a Class A violation, for which the minimum fine is \$1,000. If the court sentences the offender to perform community or public service work as a condition of probation, as described in subsection (b)(10) of K.S.A. 21-6607, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.  
(K.S.A. 21-5608)

#### **Sec. 5.4. Endangering a Child.**

- (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered.
- (b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.
- (c) Endangering a child is a Class A violation.  
(K.S.A. 21-5601)

#### **Sec. 5.5. Watercraft; Lifesaving Devices Required.**

- (a) (1) No operator of any vessel may operate such vessel while any person 12 years of age or under is aboard or being towed by such vessel unless such person is either:
  - (A) Wearing a United States Coast guard-approved personal flotation device as prescribed in rules and regulations of the secretary of wildlife and parks; or

- (B) is below decks or in an enclosed cabin.
- (2) A life belt or ring shall not satisfy the requirement of this section.
  
- (b) As used in this section, **operator** means the person who operates or has charge of the navigation or use of a motorboat or a vessel.
  
- (c) Violation of this section shall constitute a Class C nonperson violation. (K.S.A. 32-1129)

**Sec. 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.**

It shall be unlawful for any person:

- (a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products; or
  
- (b) Who is under 21 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products.
  
- (c) Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be \$25. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian. (K.S.A. 79-3321;3322)

**Sec. 5.7. Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.**

- (a) It shall be unlawful for any person to:
  - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age; or
  - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
  
- (b) It shall be a defense to a prosecution under this section if:
  - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;

- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
  - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
  - (4) For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (c) It shall be a defense to a prosecution under this subsection if:
- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
  - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.
- (d) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.
- (e) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200. (K.S.A. 79-3302, 79-3321:79-3322)

**Sec. 5.8. Purchase, Consumption or Possession of Alcoholic Liquor or Cereal Malt Beverage by a Minor; 18-21.**

- (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704, and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.
- (b) In addition to any other penalty provided for a violation of this section:
  - (1) The court may order the offender to do either or both of the following:
    - (A) Perform 40 hours of public service; or
    - (B) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.
  - (2) Upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.
  - (3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver's license.
  - (4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.

- (c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.
- (d) (1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, if such person:
  - (A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and  
(ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance;
  - (B) (i) Initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;  
(ii) Provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;  
(iii) Remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and  
(iv) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or

- (C)
  - (i) Was the person who reasonably appeared to be in need of medical assistance as described in subsection (d)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and
  - (ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.
- (2) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or such officer's employer, based on the officer's compliance or failure to comply with this subsection.
- (e) Violation of this section by a person 18 or more years of age but less than 21 years of age is a Class C violation for which the minimum fine is \$200.  
(K.S.A. 41-727)

## **Article 6. Offenses Against Property**

### **Sec. 6.1. Theft.**

- (a) Theft is any of the following acts done with the intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services.
  - (1) Obtaining or exerting unauthorized control over property or services;
  - (2) Obtaining control over property or services by deception;
  - (3) Obtaining control over property or services by threat;
  - (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
  - (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.
- (b) Theft of property or services of the value of less than \$1,500 is a Class A violation.

(c) As used in this section:

- (1) **Regulated scrap metal** means the same as defined in K.S.A. 50-6,109, and amendments thereto;
- (2) **Remote service unit** means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and
- (3) **Value** means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.  
(K.S.A. 21-5801)

**{Editor's Note:** Under state law, theft of property or services of the value of less than \$1,500 is a Class A violation, unless any one of the following is present:

- (1) Property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;
- (2) Property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times;
- (3) Property that is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony; and
- (4) Property that is mail of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony. Violations under these facts are considered felony violations over which municipal court has no jurisdiction and should be referred to the appropriate prosecuting authority.}

## **Sec. 6.2. Intent; Permanently Deprive.**

- (a) In any prosecution under this article, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:
- (1) The giving of a false identification or fictitious name, address or place of employment at the time of buying, selling, leasing, trading, gathering, collecting, soliciting, procuring, receiving, dealing or otherwise obtaining or exerting control over the property.
  - (2) The failure of a person who leases or rents personal property and fails to return the same within 10 days after the date set forth in the lease or rental agreement for the return of the property, if notice is given to the person renting or leasing the property to return the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;
  - (3) Destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;
  - (4) Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;
  - (5) The failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;
  - (6) The failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying:

- (A) The time and place to return the vehicle; and
  - (B) That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into appropriate state and local computer system listing stolen motor vehicles;
- (7) Removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or
  - (8) Under the provisions of subsection (a)(5) of section 6.1 the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.
- (b) In any prosecution in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.
  - (c) In prosecution for theft as defined in Section 6.1, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

- (d) In prosecution for theft as defined in Section 6.1, and such theft is of regulated scrap metal as defined in K.S.A. 50-6,109, and amendments thereto, either in whole or in part, the failure to give information or the giving of false information to a scrap metal dealer pursuant to the requirements of the scrap metal theft reduction act, the transportation of regulated scrap metal outside the county from where it was obtained, the transportation of regulated scrap metal across state lines or the alteration of any regulated scrap metal prior to any transaction with a scrap metal dealer shall be prima facie evidence of intent to permanently deprive the owner of the regulated scrap metal of the possession, use or benefit thereof.
- (e) In a prosecution for theft as defined in Section 6.1, and such theft is of a motor vehicle as defined in Section 1.1, fleeing or attempting to elude a police officer as defined in K.S.A. 8-1568(a)(1)(B) or (b), and amendments thereto, shall be prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use or benefit thereof.
- (f) As used in this section:
- (1) **Notice** means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and
  - (2) **Tampering** includes, but is not limited to:
    - (A) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;
    - (B) Defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;
    - (C) Preventing any such meters from properly measuring or registering;

- (D) Knowingly taking, receiving, using or converting to such person's own use, or the use of another, (i) any electricity, water or natural gas that has not been measured; or (ii) any telephone or cable television service which has not been authorized; or
- (E) Causing, procuring, permitting, aiding or abetting any person to do any of the acts described in subparagraphs (A) through (D). (K.S.A. 21-5804)

### **Sec. 6.3. Theft of Property Lost, Mislaid or Delivered by Mistake.**

- (a) Theft of property lost, mislaid or delivered by mistake is obtaining control of property of another by a person who:
  - (1) Knows or learns the identity of the owner thereof;
  - (2) Fails to take reasonable measures to restore to the owner lost property, mislaid property or property delivered by a mistake; and
  - (3) Intends to permanently deprive the owner of the possession, use or benefit of the property.
- (b) As used in this section, **property delivered by mistake** includes, but is not limited to, a mistake as to the:
  - (1) Nature or amount of the property; or
  - (2) Identity of the recipient of the property.
- (c) Theft of property lost, mislaid or delivered by mistake of the value of less than \$1,000 is a Class A violation. (K.S.A. 21-5802)

### **Sec. 6.4. Reserved for Future Use.**

### **Sec. 6.5. Criminal Deprivation of Property.**

- (a) Criminal deprivation of property is obtaining or exerting unauthorized control over property, with intent to deprive the owner of temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property.
- (b) Penalties.

- (1) Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than \$100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year's imprisonment and fined not less than \$200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any person where such application would result in a manifest injustice.
  - (2) Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a person shall be sentenced to not less than 30 days imprisonment and fined not less than \$100, except that the provisions of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice. (K.S.A. 21-5803)
- (c) As used in this section, **motor vehicle** means the same as in K.S.A. 8-1437, and amendments thereto. (K.S.A. 21-5803)

### **Sec. 6.6. Criminal Damage to Property.**

- (a) Criminal damage to property is by means other than by fire or explosive:
  - (1) Knowingly damaging, destroying, defacing or substantially impairing the use of any property in which another has an interest without the consent of such other person; or
  - (2) Damaging, destroying, defacing or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.
- (b) Criminal damage to property is a Class B violation if the property damaged is of the value of less than \$1,000 or is of the value of \$1,000 or more and is damaged to the extent of less than \$1,000.

- (c) In determining the amount of damage to property, damages may include the cost of repair or replacement of the property that was damaged, the reasonable cost of the loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. (K.S.A. 21-5813)

### **Sec. 6.7. Criminal Trespass.**

- (a) Criminal trespass is entering or remaining upon or in any:
  - (1) Land, non-navigable body of water, structure, vehicle, aircraft or watercraft by a person who knows such person is not authorized or privileged to do so, and:
    - (A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person;
    - (B) Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or
    - (C) Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained.
  - (2) Public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.
- (b) (1) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments

- thereto, and such surveyor's authorized agents and employees who enter upon lands, waters, and other premises in the making of a survey; or
- (2) Railroad Property as defined in K.S.A. 21-5809, and amendments thereto, or nuclear generating facility as defined in K.S.A. 66-2302 and amendments thereto.
- (c) Criminal trespass is a Class B violation. Upon a conviction of a violation of subsection (a)(1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which shall be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
- (d) As used in this section:
- (1) Health care facility means any licensed medical care facility, certificated health maintenance organization, licensed mental health center or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients; and
  - (2) Health care provider means any person:
    - (A) Licensed to practice a branch of the healing arts;
    - (B) Licensed to practice psychology;
    - (C) Licensed to practice professional or practical nursing;
    - (D) Licensed to practice dentistry;
    - (E) Licensed to practice optometry;
    - (F) Licensed to practice pharmacy;
    - (G) Registered to practice podiatry;
    - (H) Licensed as a social worker; or
    - (I) Registered to practice physical therapy (K.S.A. 21-5808)

### **Sec. 6.7.1. Trespassing on Railroad Property.**

- (a) Trespassing on railroad property is:
- (1) Entering or remaining on railroad property, without consent of the owner or the owner's agent, knowing that it is railroad property; or
  - (2) Recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.
- (b) Subsection (a) shall not be construed to interfere with the lawful use of a public or private crossing.

- (c) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the railway labor act (45 U.S.C. § 151 et seq.) and other federal labor laws.
- (d) Trespassing on railroad property is a Class A nonperson violation. (K.S.A. 21-5809)

**Sec. 6.7.2. Trespassing on a Critical Infrastructure Facility.**

- (a) Trespassing on a critical infrastructure facility is, without consent of the owner or the owner's agent, knowingly entering or remaining in:
  - (1) A critical infrastructure facility; or
  - (2) any property containing a critical infrastructure facility, if such property is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or is clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization.
- (b) Trespassing on a critical infrastructure facility is a class A nonperson violation.
- (c) Nothing in this section shall be construed to prevent:
  - (1) An owner or operator of a critical infrastructure facility that has been damaged from pursuing any other remedy in law or equity; or
  - (2) a person who violates the provisions of this section from being prosecuted for, convicted of and punished for any other offense in article 58 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 66-2303, and amendments thereto
- (d) As used in this section "critical infrastructure facility" means any:
  - (1) Petroleum or alumina refinery;
  - (2) electric generation facility, substation, switching station, electrical control center, electric distribution or transmission lines, or associated equipment infrastructure;
  - (3) chemical, polymer or rubber manufacturing facility;

- (4) water supply diversion, production, treatment, storage or distribution facility and appurtenances, including, but not limited to, underground pipelines and a wastewater treatment plant or pump station;
- (5) natural gas compressor station;
- (6) liquid natural gas or propane terminal or storage facility;
- (7) facility that is used for wireline, broadband or wireless telecommunications or video services infrastructure, including backup power supplies and cable television headend;
- (8) port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility;
- (9) gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas, propane or natural gas liquids;
- (10) transmission facility used by a federally licensed radio or television station;
- (11) steelmaking facility that uses an electric arc furnace to make steel;
- (12) facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program, a facility operated by the office of laboratory services under the supervision of the secretary of health and environment pursuant to K.S.A. 75-5608, and amendments thereto, the national bio and agro-defense facility or the biosecurity research institute at Kansas state university;
- (13) dam that is regulated by the state as a hazard class B or C dam or by the federal government;
- (14) natural gas distribution utility facility or natural gas transmission facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, belowground or aboveground piping, a regular station or a natural gas storage facility;
- (15) crude oil, including y-grade or natural gas liquids, or refined products storage and distribution facility, including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, belowground or aboveground pipeline or piping and truck loading or offloading facility; or
- (16) portion of any belowground or aboveground oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or any other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders. (K.S.A. 21-5818)

## **Sec. 6.8. Criminal Littering.**

- (a) Criminal littering is recklessly depositing or causing to be deposited any object or substance into, upon or about:
  - (1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or
  - (2) Any private property without the consent of the owner or occupant of such property.
- (b) Criminal littering is an unclassified offense punishable:
  - (1) Upon a first conviction by a fine of not less than \$250 nor more than \$1,000;
  - (2) Upon a second conviction by a fine of not less than \$1,000 nor more than \$2,000; and
  - (3) Upon a third or subsequent conviction by a fine of not less than \$2,000 nor more than \$4,000.
- (c) The provisions of Standard Traffic Ordinance Section 112.1, Littering from a motor vehicle, are excepted from the application of this section.
- (d) In addition to the fines in subsection (b), a person convicted of littering shall be required to pick up litter for a time prescribed by and at a place within the jurisdiction of the court. (K.S.A. 21-5815)

## **Sec. 6.9. Tampering with a Landmark.**

- (a) Tampering with a landmark is doing any of the following acts with intent to fraudulently alter a boundary:
  - (1) Removing any monument of stone or other durable material, established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, or of the state, or any legal subdivision thereof;
  - (2) Defacing or altering marks upon any tree, post or other monument, made for the purpose of designating any point on such boundary;
  - (3) Cutting down or removing any tree, post or other monument upon which any such marks have been made for such purpose, with intent to destroy such marks;

- (4) Defacing or altering any inscription on any such marker or monument; or
  - (5) Altering, removing, damaging or destroying any public land survey corner or accessory without complying with the provisions of K.S.A. 58-2011.
- (b) Tampering with a landmark is a Class C violation.  
(K.S.A. 21-5816)

**Sec. 6.10. Tampering with a Traffic Signal.**

- (a) Tampering with a traffic signal is knowingly manipulating, altering, destroying or removing any light, sign, marker, railroad switching device, or other signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft.
- (b) A person who violates the provisions of the section may also be prosecuted for, convicted of, and punished for violating sections 6.1 (Theft) and 6.3 (Theft of Property Lost, Mislaid, or Delivered by Mistake).
- (c) Tampering with a traffic signal is a Class C violation.  
(K.S.A. 21-5817)

**Sec. 6.11. Unlawful Manufacture or Disposal of False Tokens.**

- (a) Unlawful manufacture or disposal of false tokens is manufacturing for sale, offering for sale or giving away any false token, slug, substance, false or spurious coin or other device intended or calculated to be placed or deposited in any automatic vending machine, coin-operated telephone, parking meter or other such receptacle with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of such automatic vending machine, coin-operated telephone, parking meter or other receptacle designed to receive coins or currency of the United States of America in connection with the sale, use or enjoyment of property or services.
- (b) The manufacture for sale, advertising, offering for sale or distribution of any such false token, slug, substance, false or spurious coin or other device shall be prima facie evidence of an intent to cheat or defraud within the meaning of this section.

- (c) Unlawful manufacture or disposal of false tokens is a Class B violation. (K.S.A. 21-5829)

**Sec. 6.12. Serial Numbers.**

- (a) It shall be unlawful for any person to willfully change, cover, alter, remove, obliterate or deface any serial number or other manufacturer's number or any identification letters, words, or numbers of any machine, apparatus, or article that carries a manufacturer's serial number or any other identification letters, words or numbers, with the intent to conceal the identify of such machine, apparatus, or article from the rightful owner thereof or from law enforcement personnel.
- (b) It shall be unlawful for any person to knowingly buy, sell, receive, barter, trade, dispose of or have in his or her possession any articles, devices, apparatuses, or machines from which the manufacturer's number or identification letters, words or numbers have been changed, covered, altered, removed, obliterated, defaced or destroyed with the intent to conceal the identity thereof from the rightful owner or from law enforcement personnel.
- (c) Possession of any of the a forenamed manufacturer's articles, devices, apparatuses or machines from which the manufacturer's serial number of other manufacturer's number or identification mark, or the name of the manufacturer or make or model, or any other identification letters, words or numbers have been changed, covered, altered, removed, obliterated, defaced, or destroyed shall be prima facie evidence that the possessor has changed, covered, altered, removed, obliterated, defaced, or destroyed the same with the intent to cancel, destroy or misrepresent the identity or type, or ownership of such machine, apparatus, or article.
- (d) Violation of this section is a Class C violation.

**Sec. 6.13. Withholding Possession of Public Property.**

- (a) It shall be unlawful for any person to unlawfully take possession of any property, real or personal belonging to the city, or to the possession of which the city shall be entitled or to commit any trespass thereon or to unlawfully withhold any property from the city. The

unlawful withholding of the possession of any property belonging to the city after demand therefor has been made under the direction of the governing body of the city shall be deemed a new and separate offense for each day the possession is withheld after such demand.

- (b) Withholding possession of public property is a Class C violation.

#### **Sec. 6.14. Unlawful Deposits in Sewers.**

- (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having a pH lower than 5.5 or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

- (b) Unlawful deposits in sewers is a Class C violation.

### Sec. 6.15. Damaging Sewers.

- (a) It shall be unlawful for any person willfully to injure or destroy, or attempt to injure or destroy any public sewer, or to molest any sewer or any part thereof by removing the cover of any flush tank, manhole or any part of the public sewer system of the city without authority.
- (b) Violation of this section is a Class C violation.

### Sec. 6.16. Giving a Worthless Check.

- (a) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check on any financial institution for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check that the maker or drawer has no deposit in or credits with the financial institution or has not sufficient funds in, or credits with, the financial institution for the payment of such check in full upon its presentation.
- (b) As used in this section:
  - (1) **Check** is any check, order or draft on a financial institution;
  - (2) **Financial institution** means any bank, credit union, savings and loan association or depository; and
  - (3) **Notice** includes oral or written notice to the person entitled thereto.
- (c) In any prosecution against the maker or drawer of a check, payment of which has been refused by the financial institution on account of insufficient funds, the making, drawing, issuing or delivering of such check shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, the financial institution:
  - (1) Unless the maker or drawer pays the holder thereof the amount due thereon and a service charge not exceeding \$30 for each check, within seven days after notice has been given to the maker or drawer that such check has not been

paid by the financial institution. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person's address as it appears on such check; or

- (2) If a postdated date is placed on the check without the knowledge or consent of the payee.
- (d) It shall not be a defense to a prosecution under this section that the check upon which such prosecution is based was:
- (1) Postdated, unless such check was presented for payment prior to the postdated date; or
  - (2) Given to a payee who had knowledge or had been informed, when the payee accepted such check that the maker did not have sufficient funds in the hands of the financial institution to pay such check upon presentation, unless such check was presented for payment prior to the date the maker informed the payee there would be sufficient funds.
- (e) In addition to all other costs and fees allowed by law, each prosecutor who takes any action under the provisions of this section may collect from the issuer in such action an administrative handling cost, except in cases filed in a court of appropriate jurisdiction. The cost shall not exceed \$10 for each check.
- (f) Giving a worthless check is a Class A violation if the check, draft or order is drawn for less than \$1,000 except when the person has, within five years immediately preceding commission of the offense, been convicted of giving a worthless check two or more times, in which case it is a felony under state statute and will be referred to the appropriate prosecuting authority. (K.S.A. 21-5821)

#### **Sec. 6.17. Criminal Use of a Financial Card.**

- (a) Criminal use of a financial card is any of the following acts done with intent to defraud and to obtain money, goods, property or services:
- (1) Using a financial card without the consent of the cardholder;

- (2) Using a financial card, or the number or description thereof, which has been revoked or canceled; or
  - (3) Using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.
- (b) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.
- (c) Criminal use of a financial card is a Class A violation if the money, goods, property or services obtained within a seven-day period is of the value of less than \$1,000. (K.S.A. 21-5828)

**Sec. 6.18. Motor Vehicle Dealers; Selling Motor Vehicles Without a License.**

- (a) It shall be unlawful for any person to do business as a motor vehicle dealer, salvage vehicle dealer, motor vehicle manufacturer, motor vehicle converter, auction motor vehicle dealer, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool or salesperson without a license issued by the director of vehicles. The isolated or occasional sale of a vehicle by a person who owned such vehicle shall not constitute the doing of business as a vehicle dealer.
- (b) As used in this section:
- (1) **Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and is required to be registered under the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, except that **vehicle** includes micro utility trucks, as defined in K.S.A. 8-126, and amendments thereto, but does not include motorized bicycles or electric-assisted bicycles, and does not include manufactured homes or mobile homes. As used in this subsection, the terms “manufactured home” and “mobile home” mean the same as defined by K.S.A. 58-4202, and amendments thereto. (K.S.A. 8-2401(h))

- (2) **Motor vehicle** means any vehicle other than a motorized bicycle or electric-assisted bicycle, that is self-propelled and is required to be registered under the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, except that **motor vehicle** includes micro utility trucks, as defined in K.S.A. 8-126, and amendments thereto. (K.S.A. 8-2401(i))
- (c) Violation of this section shall be punishable by a fine not to exceed \$2,500. (K.S.A. 8-2434)

### **Sec. 6.19. Equity Skimming.**

- (a) Equity skimming is, with the intent to defraud, intentionally engaging in a pattern or practice of:
  - (1) Purchasing one family to four family dwellings, including condominiums and cooperatives or acquiring any right, title or interest therein, including, but not limited to, an equity of redemption interest, which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage;
  - (2) Failing to deliver to the holder of the mortgage before a sheriff's sale or holder of the certificate of purchase during the period of redemption all rent proceeds received from rental of the property, not to exceed the monthly payment of principal and interest required by the note and mortgage; and
  - (3) Applying or authorizing the application of rents from such dwellings for such person's own use.
- (b) Violation of this section is a Class A violation. Each purchase of a dwelling pursuant to this section shall be deemed a separate offense.  
(K.S.A. 21-6504)

### **Sec. 6.20. Unlawful Acts Concerning Computers.**

- (a) It is unlawful for any person to:
  - (1) Knowingly and without authorization, disclose a number, code, password or other means of access to a computer, computer network, social networking website or personal electronic content; or

- (2) Knowingly and without authorization, access or attempt to access any computer, computer system, social networking website, computer network or computer software, program, documentation, data or property contained in any computer, computer system or computer network.
- (b) As used in this section:
- (1) **Access** means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system or computer network.
  - (2) **Computer** means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic or communication and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network.
  - (3) **Computer Network** means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers.
  - (4) **Computer Program** means a series of instructions or statements in a form acceptable to a computer which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system.
  - (5) **Computer Software** means computer programs, procedures and associated documentation concerned with the operation of a computer system.
  - (6) **Computer System** means a set of related computer equipment or devices and computer software which may be connected or unconnected.
  - (7) **Financial Instrument** means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card or marketable security.

- (8) **Personal Electronic Content** means the electronically stored content of an individual including, but not limited to, pictures, videos, emails, and other data files.
- (9) **Property** includes, but is not limited to, financial instruments, information, electronically produced or stored data, supporting documentation and computer software in either machine or human readable form.
- (10) **Services** includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work.
- (11) **Social Networking Website** means a privacy-protected internet website which allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom the individual shares a connection within the system and view and navigate the list of users with whom the individual shares a connection and those lists of users made by others within the system.
- (12) **Supporting Documentation** includes, but is not limited to, all documentation used in the construction, classification, implementation, use or modification of computer software, computer programs or data.

(c) Unlawful acts concerning computers is a Class A violation. (K.S.A. 21-5839)

**Sec. 6.21. Taking Wildlife Without Permission on Land Posted “By Written Permission Only.”**

- (a) Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, trapping, or fishing on such land shall be by written permission only. It is unlawful for any person to take wildlife on land which is posted as provided in this subsection, without having in the person’s possession the written permission of the owner or person in lawful possession thereof.
- (b) Instead of posting land as provided in subsection (a), any landowner or person in lawful possession of any land may post such land by placing identifying purple paint marks on trees or posts around the area to be

posted. Each paint mark shall be a vertical line of at least eight inches in length and the bottom of the mark shall be not less than three feet nor more than five feet high. Such paint marks shall be readily visible to any person approaching the land. Land posted as provided in this subsection shall be considered to be posted by written permission only as provided in subsection (a).

- (c) A person licensed to hunt or fur harvest who is following or pursuing a wounded animal on land as provided in this section posted without written permission of the landowner or person in lawful possession thereof shall not be in violation of this section while in such pursuit, except that the provisions of this subsection shall not authorize a person to remain on such land if instructed to leave by the owner or person in lawful possession of the land. Any person who fails to leave such land when instructed is subject to the provisions of subsection (b) of Section 6.22.
- (d) Violation of this section is a Class C violation. A second conviction of this section is a Class C violation in which the minimum fine is \$250. A third conviction of this section is a Class C violation in which the minimum fine is \$300. A fourth or subsequent conviction of this section is a Class C violation in which a minimum fine of \$400 shall be imposed and a minimum of 7 days' imprisonment shall be served. Any conviction of this section that occurred before July 1, 2005, shall not be considered for purposes of this section. (K.S.A. 32-1013)

**{Editor's note:** The editor has chosen to not include penalties for violating the Kansas wildlife and parks laws of this state or rules and regulations regarding big game and wild turkey.}

### **Sec. 6.22. Criminal Hunting.**

- (a) Criminal hunting is knowingly hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing:
  - (1) Upon any land or non-navigable body of water of another, without having first obtained permission of the owner or person in possession of such premises;

- (2) Upon or from any public road, public road right-of-way or railroad right-of-way that adjoins occupied or improved premises, without having first obtained permission of the owner or person in possession of such premises; or
  - (3) Upon any land or non-navigable body of water of another person who knows such person is not authorized or privileged to do so, and:
    - (A) Such person remains therein and continues to hunt, shoot, fur harvest, pursue any bird or animal or fish in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person; or
    - (B) Such premises or property are posted in a manner consistent with K.S.A. 32-1013 and amendments thereto.
- (b) Criminal hunting as defined in:
- (1) Subsection (a)(1) or (a)(2), is a Class C nonperson violation. Upon the first conviction thereof and in addition to any authorized sentence imposed by the court, such court may require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or, in any case where such person has a combination license, the court may require forfeiture of a part or all of such license and the court may order such person to refrain from hunting, fishing, or fur harvesting, or all, for up to one year from the date of such conviction. Upon any second or subsequent conviction of subsection (a)(1) or (a)(2), in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or in any case where such person has a combination license, the court shall require the forfeiture of a part or all of such license and the court shall order such person to refrain from hunting, fishing, or fur harvesting, or all, for one year from the date of such conviction. A person licensed to hunt and following or pursuing a wounded game bird or animal upon any land

of another without permission of the landowner or person in lawful possession thereof shall not be deemed to be in violation of this provision while in such pursuit, except that this provision shall not authorize a person to remain on such land if instructed to leave by the owner thereof or other authorized person. For the purpose of determining whether a conviction is a first, second or subsequent conviction of subsection (a)(1) or (a)(2), **conviction** or **convicted** includes being convicted of a violation of K.S.A. 21-3728(a), prior to its repeal, or subsection (a) (1) or (a)(2); and

- (2) Subsection (a)(3) is a Class B nonperson violation. Upon the first conviction or a diversion agreement of subsection (a)(3), in addition to any authorized sentence imposed by the court, the court shall require forfeiture of such person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for six months. Upon the second conviction of subsection (a)(3), in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for one year. Upon the third or subsequent conviction of subsection (a)(3), in addition to any authorized sentence imposed by the court, such court shall require forfeiture of convicted person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for five years. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction of subsection (a)(3), conviction or convicted includes being convicted of a violation of K.S.A. 21-3728(b), prior to its repeal, or subsection (a) (3).
- (c) The court shall notify the Kansas department of wildlife and parks of any conviction or diversion for criminal hunting. (K.S.A. 21-5810)

## **Sec. 6.23. Unlawful Use of a Recording Device.**

- (a) Unlawful use of a recording device is knowingly operating, in a motion picture theater, while a motion picture is being exhibited, an audiovisual recording function of a device without the consent of the owner or lessee of such theater.
- (b) This section shall not apply to a person operating an audiovisual recording device as part of such person's lawfully authorized investigative, law enforcement, protective or intelligence gathering duties as a lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the state or federal government.
- (c) The owner or lessee of a motion picture theater where a motion picture is being exhibited, or the authorized agent or employee thereof, who alerts law enforcement authorities of an alleged violation of subsection (a), and amendments thereto, shall not be liable in any civil action arising out of measures taken by such owner, lessee, agent, or employee in the course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith believed to have violated subsection (a), and amendments thereto, while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that such measures were manifestly unreasonable or the period of detention was unreasonably long.
- (d) Unlawful use of a recording device is a Class A violation on conviction of the first offense.  
(K.S.A. 51-301:302)

### **Sec. 6.23.1. Unlawful Use of Recordings.**

- (a) Unlawful use of recordings is:
  - (1) Knowingly, and without the consent of the owner, duplicating or causing to be duplicated any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, or recording or causing to be recorded any live performance, with the intent to sell, rent or cause to be sold or rented, any

such duplicated sounds or any such recorded performance, or to give away such duplicated sounds or recorded performance as part of a promotion for any product or service;

- (2) Distributing or possessing with the intent to distribute, any article produced in violation of subsection (a)(1) knowing or having reasonable grounds to know that such article was produced in violation of law;
- (3) Possessing any article produced in violation of subsection (a)(1) knowing or having reasonable grounds to know that such article was produced in violation of law; or
- (4) Knowingly selling, renting, offering for sale or rental, or possessing, transporting or manufacturing with intent to sell or rent, any phonograph record, audio or video disc, wire, audio or video tape, film or other article now known or later developed on which sounds, images, or both sounds and images are recorded or otherwise stored, unless the outside cover, box or jacket clearly and conspicuously discloses the name and address of the manufacturer of such recorded article.

(b) Unlawful use of recordings:

- (1) As defined in (a)(1) is a felony and as such shall be referred to the appropriate prosecuting authority;
- (2) As defined in subsection (a)(2) or (a)(4), is a class A nonperson violation if the offense involves fewer than seven audio visual recordings, or fewer than 100 sound recordings during a 180-day period; and
- (3) As defined in subsection (a)(3), is a Class B nonperson violation.

(c) The provisions of subsection (a)(1) shall not apply to:

- (1) Any broadcaster who, in connection with or as part of a radio or television broadcast or cable transmission, or for the purpose of archival preservation, duplicates any such sounds recorded on a sound recording;
- (2) Any person who duplicates such sounds or such performance for personal use, and without compensation for such duplication; or
- (3) Any sounds initially fixed in a tangible medium of expression after February 15, 1972.

- (d) The provisions of subsections (a)(1) and (a)(3) shall not apply to any computer program or any audio or visual recording that is part of any computer program or to any article or device on which is exclusively recorded any such computer program.
- (e) As used in this section:
- (1) **Owner** means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master wire, master tape, master film or other device used for reproducing sounds on phonograph records, discs, wires, tapes, films or other articles now known or later developed upon which sound is recorded or otherwise stored, and from which the duplicated recorded sounds are directly or indirectly derived, or the person who owns the right to record such live performance; and
  - (2) **Computer program** means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.
- (f) It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recorded devices that do not conform to the provisions of this section and that are possessed for the purpose of selling or renting such recorded devices, and all equipment and components used or intended to be used to knowingly manufacture recorded devices that do not conform to the provisions of such section for the purpose of selling or renting such recorded devices. The nonconforming recorded devices that are possessed for the purpose of selling or renting such recorded devices are contraband and shall be delivered to the district attorney for the county in which the confiscation was made, by court order, and shall be destroyed or otherwise disposed of, if the court finds that the person claiming title to such recorded devices possessed such recorded devices for the purpose of selling or renting such recorded devices. The equipment and components confiscated shall be delivered to the district attorney for the county in which the confiscation was made, by court order upon conviction, and may be given to a charitable or educational organization. (K.S.A. 21-5806)

## Sec. 6.24. Commercial Fossil Hunting.

- (a) It is unlawful for any commercial fossil hunter to:
- (1) Go upon the land of another in search of fossils unless the commercial fossil hunter has obtained the written authorization of the landowner to go upon such land for such purpose and when requesting such written authorization has identified oneself to the landowner as a commercial fossil hunter who intends to explore the land and sell any fossils of value found on the land. The written authorization shall state that the landowner has been informed of such intended activities by the commercial fossil hunter; or
  - (2) Remove a fossil from the land of another upon which the fossil is located unless the landowner is first provided with a description of the fossil and the landowner authorizes in writing the removal of the fossil.
- (b) (1) Violation of subsection (a)(1) is a Class B nonperson Violation.
- (2) Violation of subsection (a)(2) is a Class A nonperson Misdemeanor.
- (c) As used in this section:
- (1) **Commercial fossil hunter** means an individual who goes upon the land of another in search of fossils with the intent to sell fossils of value found upon such land;
  - (2) **Fossil** means any impression or trace of an animal or plant of a past geological age preserved in the earth's crust;
  - (3) **Landowner** means the record owner of the fee in real estate or the tenant of such owner who occupies such real estate, if so authorized by the owner; and
  - (4) **Land of another** means all real estate other than that owned or leased by any governmental entity or the commercial fossil hunter.
- (d) This section is supplemental to and not in lieu of any other ordinance of this city or law of this state relating to entering or remaining upon the land of another and relating to the removal of items of value from the property of another.

- (e) It shall not be a defense that the person did not know or have reason to know that such person was on the landowner's property. (K.S.A. 21-5811)

**Sec. 6.25. Counterfeiting.**

- (a) Counterfeiting is manufacturing, using, displaying, advertising, distributing or possessing with intent to distribute any item or services knowing such item or services bear or are identified by a counterfeit mark.
- (b) Counterfeiting is a class A nonperson violation, if the retail value of such item or service is less than \$1,000.
- (c) A person having possession, custody or control of more than 25 items bearing a counterfeit mark shall be presumed to possess such items with intent to distribute.
- (d) Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.
- (e) As used in this section:
  - (1) **Counterfeit mark** means:
    - (A) Any unauthorized reproduction or copy of intellectual property; or
    - (B) Intellectual property affixed to any item knowingly sold, offered for sale, manufactured or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property;
  - (2) **Intellectual property** means any trademark, service mark or trade name as such terms are defined in K.S.A. 81-202, and amendments thereto; and
  - (3) **Retail value** means the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

- (f) The quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes or possesses. (K.S.A. 21-5825)

### **Section 6.26. Automobile Master Key Violation.**

- (a) Automobile master key violation is:
  - (1) Selling or offering to sell a motor vehicle master key knowing it to be designed to fit the ignition switch of more than one motor vehicle; or
  - (2) Possession of a motor vehicle master key designed to fit the ignition switch of more than one motor vehicle by a person knowing it to be such a key.
- (b) Automobile master key violation is a Class C misdemeanor.
- (c) The provisions of this section shall not apply to a:
  - (1) Law enforcement officer;
  - (2) person who is regularly carrying on the business of garage proprietor or locksmith;
  - (3) Owner of two or more vehicles who possess such motor vehicle master key for any or all of the motor vehicles so owned; or
  - (4) Person who sells a motor vehicle master key to a person described in subsection (c)(3). (K.S.A. 21-5833)

### **Section 6.27. Counterfeit Airbag Violation.**

- (a) No person shall knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component if the device is:
  - (1) A counterfeit supplemental restraint system component;
  - (2) A nonfunctional airbag; or
  - (3) Any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model and year of the motor vehicle in which such device is or will be installed.
- (b) Violation of subsection (a) is a Class A nonperson violation. (K.S.A. 8-15,115)

**Article 7. Offenses Affecting  
Governmental Functions**

**Sec. 7.1. Unlawfully Tampering with Electronic Monitoring Equipment.**

- (a) Unlawfully tampering with electronic monitoring equipment is, knowingly and without authorization, removing, disabling, altering, tampering with, damaging or destroying any electronic monitoring equipment used pursuant to court ordered supervision or as a condition of post-release supervision or parole.
- (b) Unlawfully tampering with electronic monitoring equipment is a class A nonperson violation in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision for any violation of municipal code. (K.S.A. 21-6322).

**Sec. 7.2. Interference with Law Enforcement.**

- (a) Interference with law enforcement is:
  - (1) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:
    - (A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
    - (B) That a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
    - (C) Any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty.
  - (2) Concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or
  - (3) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty; or

- (4) Knowingly fleeing from a law enforcement officer, other than fleeing by operation of a motor vehicle, when the law enforcement officer has:
  - (A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and
  - (B) given the person visual or audible signal to stop.
- (b) Interference with law enforcement is a Class A nonperson violation. (K.S.A. 21-5904)

### **Sec. 7.3. Escape from Custody.**

- (a) Escape from custody is escaping while held in custody on a:
  - (1) Charge, conviction of or arrest for a misdemeanor or a code violation;
  - (2) Charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a misdemeanor or a code violation; or
  - (3) Commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor or a code violation.
- (b) As used in this section:
  - (1) **Custody** means arrest; detention in a facility for holding persons charged with or convicted of offenses or charged or adjudicated as a juvenile offender; detention for extradition or deportation; detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. **Custody** does not include general supervision of a person or probation on parole or constraint incidental to release on bail.

- (2) **Escape** means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law, order of a court; or a custodial official authorized to grant such leave.
  - (3) **Juvenile Offender** means the same as in K.S.A. 38-2302, and amendments thereto; and
  - (4) **State Correctional Institution** means the same as in K.S.A. 75-5202, and amendments thereto.
- (c) As used in this section, the term **charge** shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender's escape from custody.
- (d) Escape from custody is a Class A violation.  
(K.S.A. 21-5911)

#### **Sec. 7.4. Interference With the Judicial Process.**

- (a) Interference with the judicial process is:
- (1) Committing any of the following acts, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor:
    - (A) Communicating in any manner a threat of violence to any judicial officer or any prosecutor;
    - (B) Harassing a judicial officer or a prosecutor by repeated vituperative communication; or
    - (C) Picketing, parading or demonstrating near such officer's or prosecutor's residence or place of abode;
  - (2) Picketing parading or demonstrating in or near a building housing a judicial officer or a prosecutor with intent to impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor;
  - (3) Knowingly accepting or agreeing to accept anything of value as consideration for a promise:
    - (A) Not to initiate or aid in the prosecution of a person who has committed a crime; or
    - (B) To conceal or destroy evidence of a crime;

- (4) Knowingly or intentionally in any criminal proceeding or investigation:
    - (A) Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document or thing;
    - (B) Withholding or unreasonably delaying in producing any testimony, information, document or thing after a court orders the production of such testimony, information, document or thing;
    - (C) Altering, damaging, removing or destroying any record, document or thing, with the intent to prevent it from being produced or used as evidence; or
    - (D) Making, presenting or using a false record, document or thing with the intent that the record, document or thing, material to such criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master or law enforcement officer; or
  - (5) Knowingly making available by any means personal information about a judge or the judge's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the judge's safety or the safety of such judge's immediate family member, and the person making the information available knows or reasonably should know of the imminent and serious threat.
- (b) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.
- (c) As used in this section:
- (1) **Immediate family member** means a judge's spouse, child, parent or any other blood relative who lives in the same residence as such judge.
  - (2) **Judge** means any duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge.

- (3) **Personal information** means a judge's home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, personal photograph, immediate family member photograph, photograph of the judge's home, and information about the judge's motor vehicle, any immediate family member's motor vehicle, any immediate family member's place of employment, any immediate family member's child care or day care facility and any immediate family member's public or private school that offers instruction in any or all of the grades kindergarten through 12.
- (d) Interference with the judicial process is a Class A violation, except that a second or subsequent conviction of section (a)(5) is a severity level 9, person felony and will be referred to the appropriate prosecuting authority. (K.S.A. 21-5905)

**Sec. 7.5. Reserved for Future Use.**

**Sec. 7.6. Performance of Unauthorized Official Act.**

- (a) Performance of an unauthorized official act is knowingly and without lawful authority:
  - (1) Conducting a marriage ceremony; or
  - (2) Certifying an acknowledgment of the execution of any document which by law may be recorded.
- (b) Performance of an unauthorized official act is a Class B violation. (K.S.A. 21-5919)

**Sec. 7.7. Simulating Legal Process.**

- (a) Simulating legal process is:
  - (1) Distributing to another any document which simulates or purports to be, or is designed to cause others to believe it to be, a summons, petition, complaint or other legal process, with the intent to mislead the recipient and cause the recipient to take action in reliance thereon; or
  - (2) Printing or distributing any such document, knowing that it shall be so used.
- (b) This section shall not apply to the printing or distribution of blank forms of legal documents intended for actual use in judicial proceedings.

- (c) Simulating legal process is a Class A violation.  
(K.S.A. 21-5907)

**Sec. 7.8. Tampering With Public Record.**

- (a) Tampering with a public record is knowingly and without lawful authority altering, destroying, defacing, removing or concealing any public record.
- (b) Tampering with a public record is a Class A violation.  
(K.S.A. 21-5920)

**Sec. 7.9. Tampering With Public Notice.**

- (a) Tampering with public notice is knowingly and without lawful authority altering, defacing, destroying, removing or concealing any public notice posted according to law, during the time such notice is required or authorized to remain posted.
- (b) Tampering with a public notice is a Class C violation.  
(K.S.A. 21-5921)

**Sec. 7.10. False Signing of Petition.**

- (a) False signing of a petition is knowingly affixing any fictitious or unauthorized signature to any petition, memorial or remonstrance, intended to be presented to the legislature, or either house thereof, or to any agency or officer of the State of Kansas or any of its political subdivisions.
- (b) False signing of a petition is a Class C violation.  
(K.S.A. 21-5916)

**Sec. 7.11. False Impersonation.**

- (a) False impersonation is representing oneself to be a public officer or public employee or a person licensed to practice or engage in any profession or vocation for which a license is required by the laws of the State of Kansas, with knowledge that such representation is false.
- (b) False impersonation is a Class B violation.  
(K.S.A. 21-5917)

**Sec. 7.12. Interference; Conduct, Public Business in Public Building.**

- (a) Interference with the conduct of public business in public buildings is:
  - (1) Conduct at or in any public building owned, operated or controlled by the state or any of its political subdivisions so as to knowingly deny to any public official, public employee, or any invitee on such premises, the lawful rights of such official, employee, or invitee to enter, to use the facilities or to leave any such public building;
  - (2) Knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof;
  - (3) Knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or such officer's designee, charged with maintaining order in such public building, if such person is committing, threatens to commit, or incites others to commit, any act which did or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures or functions being carried on in such public building;
  - (4) Knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any public building by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body or any official engaged in the performance of duties at such meeting or session; or
  - (5) Knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.
  
- (b) Interference with the conduct of public business in public buildings is a Class A violation. (K.S.A. 21-5922)

### **Sec. 7.13. Interference With Police Dogs.**

- (a) It shall be unlawful for any person to strike, abuse, tease, harass, or assault any dog being used by the city for the purpose of performing the duties of a police dog regardless of whether the dog is on duty or off.
- (b) It shall be unlawful for any person to interfere with a dog being used by the police department or attempt to interfere with the handler of the dog in such a manner as to inhibit, restrict or deprive the handler of his or her control of the dog.
- (c) Violation of this section is a Class C violation.

### **Sec. 7.14. Electioneering.**

- (a) (1) Electioneering is:
  - (A) knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted, including wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicates support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof; or
  - (B) if committed by a candidate:
    - (i) Touching or handling any voter's ballot during the voting process;
    - (ii) distributing ballots or counting ballots;
    - (iii) hindering or obstructing any voter from voting or from entering and leaving the polling place; or
    - (iv) hindering or obstructing any election board worker from performing election duties.

- (2) Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.
- (b) The provisions of subsection (a)(1)(B) shall not apply to:
- (1) The secretary of state, any election official or any county election officer;
  - (2) a candidate for precinct committeeman or committeewoman who is employed by a county election office and is engaged in the performance of such employee's duties;
  - (3) a candidate for any office not specified in paragraphs (1) or (2) who is employed by a county election office and is engaged in the performance of such employee's duties, if such employee does not appear as a candidate for office on any ballot such employee touches, handles, distributes or counts; or
  - (4) a candidate transmitting or delivering an advance voting ballot in accordance with section 2(b), and amendments thereto.
- (c) (1) As used in this section, "**advance voting site**" means the central county election office or satellite advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25-1122(c), and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 2020 Supp. 25-2812, and amendments thereto.
- (2) **Candidate** means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the individual is charged with having violated the provisions of this section.
- (d) Electioneering is a Class C violation.  
(K.S.A. 25-2430)

## **Sec. 7.15. Intimidation of a Witness or Victim.**

- (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:
  - (1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or
  - (2) Any witness, victim or person acting on behalf of a victim from:
    - (A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer, judicial officer, the secretary for children and families, the secretary for aging and disability services, or any agent or representative of either secretary, or any person required to make a report pursuant to K.S.A. 38-2223, and amendments thereto;
    - (B) Causing a complaint, indictment or information to be sought and prosecuted or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;
    - (C) Causing a civil action to be filed and prosecuted and assisting in its prosecution; or
    - (D) Arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.
- (b) Intimidation of a witness or victim is a Class B person violation.

(c) As used in this section

(1) **Victim** means any individual:

- (A) Against whom any crime under the laws of this state, any other state or the United States is being, has been or is attempted to be committed; or
- (B) Who suffers a civil injury or loss; and

(2) **Witness** means any individual:

- (A) Who has knowledge of the existence or nonexistence of facts relating to any civil or criminal trial, proceeding or inquiry authorized by law;
- (B) Whose declaration under oath is received or has been received as evidence for any purpose;
- (C) Who has reported any crime or any civil injury or loss to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer;
- (D) Who has been served with a subpoena issued under the authority of a municipal court or any court or agency of this state, any other state or the United States; or
- (E) Who is believed by the offender to be an individual described in this subsection.

(3) **Civil injury or loss** means any injury or loss for which a civil remedy is provided under the laws of this state, any other state, or the United States.

(K.S.A. 21-5908; 21-5909)

## **Sec. 7.16. Obstructing Apprehension or Prosecution.**

- (a) Obstructing apprehension or prosecution is knowingly harboring, concealing or aiding any person who has committed or who has been charged with committing a misdemeanor under the laws of this state or an ordinance violation under the code of this city, other than a violation of K.S.A. 22-4903, and amendments thereto, or a misdemeanor under the laws of another state or the United States with intent that such person shall avoid or escape from arrest, trial, conviction or punishment for such offense.
- (b) Obstructing apprehension or prosecution is a Class C Violation. (K.S.A. 21-5913)

## **Article 7A. Crimes Affecting Public Trust**

### **Sec. 7A.1. Official Misconduct.**

- (a) Official misconduct is any of the following acts committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment:
  - (1) Knowingly using or authorizing the use of any aircraft, as defined by K.S.A. 3-201, and amendments thereto, vehicle, as defined by K.S.A. 8-1485, and amendments thereto, or vessel, as defined by K.S.A. 32-1102, and amendments thereto, under the officer's or employee's control or direction, or in the officer's or employee's custody, exclusively for the private benefit or gain of the officer or employee or another;
  - (2) Knowingly failing to serve civil process when required by law;
  - (3) Using confidential information acquired in the course of and related to the officer's or employee's office or employment for the private benefit or gain of the officer or employee or another or to intentionally cause harm to another;
  - (4) Except as authorized by law, with the intent to reduce or eliminate competition among bidders or prospective bidders on any contract or proposed contract:

- (A) Disclosing confidential information regarding proposals or communications from bidders or prospective bidders on any contract or proposed contract;
  - (B) Accepting any bid or proposal on a contract or proposed contract after the deadline for acceptance of such bid or proposal; or
  - (C) Altering any bid or proposal submitted by a bidder on a contract or proposed contract;
- (5) Except as authorized by law, knowingly destroying, tampering with or concealing evidence of a crime; or
- (6) Knowingly submitting to a governmental entity a claim for expenses which is false or duplicates expenses for which a claim is submitted to such governmental entity, another governmental or private entity.
- (b) (1) Official misconduct as defined in:
- (A) Subsections (a)(1) through (a)(4) is a class A nonperson violation;
  - (B) Subsection (a)(5) is a class A nonperson violation if the evidence is evidence of a crime which is a misdemeanor; and
  - (C) subsection (a)(6) is a class A nonperson violation if the claim is less than \$1,000. If the claim is more than \$1,000 the offense is classified by state law as a felony and will be referred to the appropriate prosecuting authority.
- (2) Upon conviction of official misconduct a public officer or employee shall forfeit such officer or employee's office or employment.
- (c) The provisions of subsection (a)(1) shall not apply to any use of persons or property which:
- (1) At the time of the use, is authorized by law or by formal written policy of the governmental entity; or
  - (2) Constitutes misuse of public funds, as defined in K.S.A. 21-6005, and amendments thereto.
- (d) As used in this section, "confidential" means any information that is not subject to mandatory disclosure pursuant to K.S.A. 45-221, and amendments thereto. (K.S.A. 21-6002)

## **Sec. 7A.2. Compensation for Past Official Acts.**

- (a) Compensation for past official acts is intentionally giving or offering to give to any public officer or employee any benefit, reward or consideration for having given, in such official capacity as public officer or employee, a decision, opinion, recommendation or vote favorable to the person giving or offering such benefit, reward or consideration, or for having performed an act of official misconduct.
- (b) Compensation for past official acts is a class B nonperson violation.
- (c) Subsection (a) shall not apply to the following:
  - (1) Gifts or other benefits conferred on account of kinship or other personal, professional or business relationships independent of the official status of the receiver; or
  - (2) Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality. (K.S.A. 21-6003)

## **Sec. 7A.3. Presenting a False Claim; Permitting a False Claim.**

- (a) Presenting a false claim is, with the intent to defraud, presenting a claim or demand which is false in whole or in part, to a public officer or body authorized to audit, allow or pay such claim.
- (b) Permitting a false claim is the auditing, allowing or paying of any claim or demand made upon the state or any subdivision thereof or other governmental instrumentality within the state by a public officer or public employee who knows such claim or demand is false or fraudulent in whole or in part.
- (c)
  - (1) Presenting a false claim or permitting a false claim for less than \$1,000 is a class A nonperson violation. Any claims over \$1,000 are considered felony violations under state law and will be referred to the appropriate prosecuting authority.
  - (2) Upon conviction of permitting a false claim, a public officer or public employee shall forfeit the officer or employee's office or employment. (K.S.A. 21-6004)

## **Sec. 7A.4. Misuse of Public Funds.**

- (a) Misuse of public funds is knowingly using, lending or permitting another to use public money in a manner not authorized by law, by a custodian or other person having control of public money by virtue of such person's official position.
- (b) (1) Misuse of public funds where the aggregate amount of money paid or claimed in violation of this section is a class A nonperson violation if the amount is less than \$1,000. If the amount is more than \$1,000 the offense is considered a felony under state law and will be referred to the appropriate prosecuting authority.  
(2) Upon conviction of misuse of public funds, the convicted person shall forfeit the person's official position.
- (c) As used in this section, "public money" means any money or negotiable instrument which belongs to the state of Kansas or any political subdivision thereof. (K.S.A. 21-6005)

## **Article 8. Crimes Involving Violation of Personal Rights.**

### **Sec. 8.1. Denial of Civil Rights.**

- (a) Denial of civil rights is intentionally denying to another, on account of the race, color, ancestry, national origin, age, sex, physical handicap or religion of such other the full and equal:
  - (1) The full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the State of Kansas or any political subdivision or municipality thereof;
  - (2) The full and equal use and enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any establishment which provides lodging to transient guests for hire; of any establishment which is engaged in selling food or beverage to the public for consumption upon the premises; or of any place of recreation, amusement, exhibition or entertainment which is open to members of the public

- (3) The full and equal use and enjoyment of the services, privileges and advantages of any facility for the public transportation of persons or goods;
  - (4) The full and equal use and enjoyment of the services, facilities, privileges, and advantages of any establishment which offers personal or professional services to members of the public; or
  - (5) The full and equal exercise of the right to vote in any election held pursuant to the laws of Kansas.
- (b) Denial of civil rights is a Class A violation. (K.S.A. 21-6102)

### **Sec. 8.2. Unlawful Disclosure of Tax Information.**

- (a) Unlawful disclosure of tax information is recklessly disclosing or using for commercial purposes any information obtained in the business of preparing federal or state income tax returns or in the business of assisting taxpayers in preparing such returns, unless such disclosure is:
- (1) Consented to by the taxpayer in a separate, written document;
  - (2) Expressly authorized by state or federal law;
  - (3) Necessary to the preparation of the return; or
  - (4) Pursuant to an order of any court of competent jurisdiction.
- (b) Unlawful disclosure of tax information is a class A nonperson violation.
- (c) For the purposes of this section, a person is engaged in the business of preparing federal or state income tax returns or in the business of assisting taxpayers in preparing such returns if the person does either of the following:
- (1) Advertises or gives publicity to the effect that such person prepares or assists others in the preparation of state or federal income tax returns; or
  - (2) Prepares or assists others in the preparation of state or federal income tax returns for compensation.

- (d) Contacting a taxpayer to obtain the taxpayer's written consent to disclosure does not constitute a violation of this section. (K.S.A. 21-6104)

### **Sec. 8.3. Unjustifiably Exposing a Convicted or Charged Person.**

- (a) Unjustifiably exposing a convicted or charged person is unjustifiably communicating or threatening to communicate to another any oral or written statement that any person has been charged with or convicted of a felony, with intent to interfere with the employment or business of the person so charged or convicted.
- (b) Unjustifiably exposing a convicted or charged person is a Class B nonperson violation.
- (c) This section shall not apply to any person or organization who furnishes information about a person to another person or organization requesting the same. (K.S.A. 21-6105)

## **Article 9. Offenses Against Public Peace**

### **Sec. 9.1. Disorderly Conduct.**

- (a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:
  - (1) Brawling or fighting;
  - (2) Disturbing an assembly, meeting or procession, not unlawful in its character; or
  - (3) Using fighting words.
- (b) Disorderly conduct is a Class C violation.  
(K.S.A. 21-6203)

## **Sec. 9.2. Unlawful Assembly; Remaining at an Unlawful Assembly.**

- (a) Unlawful assembly is:
  - (1) The meeting or coming together of not less than five persons with the intent to engage in conduct constituting;
    - (A) Disorderly conduct, as defined by Section 9.1 of this article; or
    - (B) A riot, as defined by Section 9.4 of this article; or
  - (2) When a lawful assembly of not less than five persons, agreeing to engage in conduct constituting disorderly conduct or riot.
- (b) Remaining at an unlawful assembly is intentionally failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer.
- (c) Penalties.
  - (1) Unlawful assembly is a Class B violation.
  - (2) Remaining at an unlawful assembly is a Class A violation. (K.S.A. 21-6202)

## **Sec. 9.3. Violation of Executive Order under K.S.A. 48-925 Mandating a Curfew or Prohibiting Public Entry.**

A knowing violation of an executive order issued pursuant to K.S.A. 48-925, and amendments thereto, that mandates a curfew or prohibits public entry into an area affected by a disaster is a Class A nonperson violation. (K.S.A. 48-939(a)(2))

## **Sec. 9.4. Riot.**

- (a) Riot is five or more persons acting together and without lawful authority engaging in any:
  - (1) Use of force or violence which produces a breach of the public peace; or
  - (2) Threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution.
- (b) Riot is a Class A violation. (K.S.A. 21-6201)

### **Sec. 9.5. Maintaining or Permitting a Public Nuisance.**

- (a) Maintaining a public nuisance is knowingly causing or permitting a condition to exist which injures or endangers the public health, safety or welfare.
- (b) Permitting a public nuisance is knowingly permitting property under the control of the offender to be used to maintain a public nuisance, as defined in Subsection (a).
- (c) Maintaining or permitting a public nuisance is a Class C violation. (K.S.A. 21-6204)

### **Sec. 9.6. Reserved for Future Use.**

### **Sec. 9.7. Making an Unlawful Request for Emergency Service Assistance.**

- (a) Making an unlawful request for emergency service assistance is: Transmitting or communicating false or misleading information in any manner to request emergency service assistance including law enforcement, fire, medical or other emergency service, knowing at the time of such request there is no reasonable ground for believing such assistance is needed.
- (b) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement. (Section 7.2)
- (c) Making an unlawful request for emergency service assistance is a Class A violation. (K.S.A. 21-6207)

**{Editor's Note:** The 2018 Kansas Legislature amended K.S.A. 21-6207 in HB 2581. The amendment made it a felony if the request for emergency service assistance made by the person includes false information that violent criminal activity or immediate threat to a person's life or safety or the public safety is taking place. The amendment also increased the felony level if bodily harm or great bodily harm results from the response.}

## **Sec. 9.8. Criminal Desecration.**

- (a) Criminal desecration is:
  - (1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being;
  - (2) Recklessly by means other than by fire or explosive:
    - (A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;
    - (B) Damaging, defacing or destroying any public monument or structure;
    - (C) Damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or
    - (D) Damaging, defacing or destroying any place of worship.
- (b) (1) Criminal desecration as described in subsections (a)(2)(B), (a)(2)(C) and (a)(2)(D) is a Class A violation if the property is damaged to the extent of less than \$1,000.
- (2) Criminal desecration as described in subsections (a)(1) and (a)(2)(A) is a Class A violation. (K.S.A. 21-6205)

## **Sec. 9.9. Unlawful Abuse of Toxic Vapors.**

- (a) Unlawful abuse of toxic vapors is possessing, buying, using, smelling, or inhaling toxic vapors with the intent of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system.
- (b) This section shall not apply to the inhalation of anesthesia or other substances for medical or dental purposes.
- (c) In a prosecution for a violation of this section, evidence that a container lists one or more of the

substances which are defined as a toxic vapors in K.S.A. 21-5712(e) as one of its ingredients shall be *prima facie* evidence that the substance in such container contains toxic vapors.

- (d) Unlawful abuse of toxic vapors is a Class B violation. In addition to any sentence or fine imposed, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program, treatment program or both such programs as provided in K.S.A. 8-1008, and amendments thereto. (K.S.A. 21-5712)

### **Sec. 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols.**

- (a) Except as authorized by the Uniform Controlled Substance Act, K.S.A. 65-4101 *et seq.*, and amendments thereto, it shall be unlawful for any person to possess or have under such person's control marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto.
- (b) Penalty. Violations of subsection (a) is a Class B violation for a first offense and a class A violation if the person has a prior conviction under K.S.A. 65-4162, prior to its repeal, under substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.
- (c) It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:
  - (1) Has a debilitating medical condition, as defined in section 1, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;
  - (2) Is possessing a cannabidiol treatment preparation, as defined in section 1, and amendments thereto, that is being used to treat such debilitating medical condition; and
  - (3) Has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:

- (A) Shall be shown to a law enforcement officer on such officer's request;
  - (B) Is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;
  - (C) Is on such physician's letterhead; and
  - (D) Identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.
- (d) A law enforcement officer shall not take a person into custody based solely on the commission of an offense described in subsection (a) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the person:
- (1) (A) Initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on the person's own behalf because the person reasonably believed they needed medical assistance as a result of the use of a controlled substance; and
  - (B) cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance;
  - (2) (A) was a person who rendered aid to another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance or initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance for another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance;
  - (B) provided such person's full name and any other relevant information that is necessary to provide the medical assistance described in paragraph (2) (A) as requested by law enforcement or emergency medical services;

- (C) remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived; and
    - (D) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
  - (3)
    - (A) was the person who reasonably appeared to need medical assistance as a result of the use of a controlled substance as described in subsection (d)(2)(A); and
    - (B) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.
- (e)
  - (1) Except as provided in paragraph (2), each person who meets the criteria in subsection (d) is immune from criminal prosecution for a violation of this section.
  - (2) No person is immune from criminal prosecution as provided in paragraph (1) if the quantity of controlled substances found at the scene of the encounter with law enforcement would be sufficient to create a rebuttable presumption of an intent to distribute as described in K.S.A. 21-5705(e), and amendments thereto.
- (f) The provisions of this section shall not apply to a person seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.
- (g) Nothing in this section shall be construed to preclude a person who is immune from criminal prosecution pursuant to this section from being prosecuted based on evidence obtained from an independent source.
- (h) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or the officer's employer based on the officer's compliance or failure to comply with this section. Except in cases of reckless or intentional misconduct, an officer shall be immune from liability for arresting a person who is later determined to be immune from prosecution pursuant to this section. (K.S.A. 21-5706) (L. 2024, Ch. 97) (Sub. for SB 419)

**{Editor's Note:** If an individual has two or more prior convictions for violations of section 9.9.1, or for a substantially similar offense under Kansas law or other jurisdiction, violations are considered a felony under state law over which municipal courts have no jurisdiction, as such, violations should be referred to the appropriate prosecuting authority. They cannot be prosecuted in municipal court}.

### **Sec. 9.9.2. Possession of Drug Paraphernalia and Certain Drug Precursors.**

- (a) No person shall use or possess with intent to use any drug paraphernalia, as designated in K.S.A. 21-5701, to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, K.S.A. 65-4101 et seq., and amendments thereto.
- (b) No person shall purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.
- (c) No person shall distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of K.S.A. 21-5706, and amendments thereto.
- (d) Penalty.
  - (1) Violation of subsection (a) is a Class B violation
  - (2) Violation of subsection (b) is a Class A violation
  - (3) Violation of subsection (c) is a Class A violation
- (e) In determining whether an object is drug paraphernalia, the finder of fact shall consider, in addition to all other logically relevant factors, the following:
  - (1) Statements of the owner or person in control of an object concerning its use;

- (2) Prior convictions, if any, of an owner or person in control of the object under any state or federal law relating to any controlled substance;
  - (3) The proximity of the object to controlled substances;
  - (4) The existence of any residue of controlled substances on the object;
  - (5) Direct or circumstantial evidence of the intent of an owner or person in control of an object, to deliver it to a person the owner or person in control of an object knows, or should reasonably know, intends to use the object to facilitate a violation of the Uniform Controlled Substances Act, K.S.A. 65-4101 et seq., and amendments thereto. The innocence of an owner or person in control of the object as to a direct violation of the Uniform Controlled Substances Act shall not prevent a finding that the object is intended for use as drug paraphernalia;
  - (6) Oral or written instructions provided with the object concerning its use;
  - (7) Descriptive materials accompanying the object which explain or depict its use;
  - (8) National and local advertising concerning the object's use; and
  - (9) The method and manner in which the object is displayed for sale, if applicable.
- (f) A law enforcement officer shall not take a person into custody based solely on the commission of an offense described in subsection (a) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the person:
- (1) (A) Initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on the person's own behalf because the person reasonably believed they needed medical assistance as a result of the use of a controlled substance; and
  - (B) cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance;

- (2) (A) was a person who rendered aid to another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance or initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance for another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance;
  - (B) provided such person's full name and any other relevant information that is necessary to provide the medical assistance described in paragraph (2) (A) as requested by law enforcement or emergency medical services;
  - (C) remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived; and
  - (D) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
  - (3) (A) was the person who reasonably appeared to need medical assistance as a result of the use of a controlled substance as described in subsection (f)(2)(A); and
  - (B) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.
- (g) (1) Except as provided in paragraph (2), each person who meets the criteria in subsection (f) is immune from criminal prosecution for a violation of subsection (a).
- (2) No person is immune from criminal prosecution as provided in paragraph (1) if the quantity of controlled substances found at the scene of the encounter with law enforcement would be sufficient to create a rebuttable presumption of an intent to distribute as described in K.S.A. 21-5705(e), and amendments thereto.

- (h) The provisions of this section shall not apply to a person seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.
- (i) Nothing in this section shall be construed to preclude a person who is immune from criminal prosecution pursuant to this section from being prosecuted based on evidence obtained from an independent source.
- (j) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or the officer's employer based on the officer's compliance or failure to comply with this section. Except in cases of reckless or intentional misconduct, an officer shall be immune from liability for arresting a person who is later determined to be immune from prosecution pursuant to this section.

(K.S.A. 21-5709; 21-5710; 21-5711) (L. 2024, Ch. 97)  
(Sub. for SB 419)

### **Sec. 9.9.3. Unlawful Distribution of Controlled Substances.**

- (a) No person shall distribute or possess with intent to distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113 to anyone over the age of 18.
- (b) Violation of subsection (a) is a class A violation.  
(K.S.A. 21-5705)

### **Sec. 9.9.4. Unlawful Possession of Controlled Substances.**

- (a) No person shall possess any of the controlled substances or controlled substance analogs thereof found in K.S.A. 21-5706(b) and amendments thereto.
- (b) Violation of subsection (a) is a Class A violation.
- (c) A law enforcement officer shall not take a person into custody based solely on the commission of an offense described in subsection (a) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the person:

- (1) (A) Initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on the person's own behalf because the person reasonably believed they needed medical assistance as a result of the use of a controlled substance; and
  - (B) cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance;
- (2) (A) was a person who rendered aid to another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance or initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance for another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance;
  - (B) provided such person's full name and any other relevant information that is necessary to provide the medical assistance described in paragraph (2)(A) as requested by law enforcement or emergency medical services;
  - (C) remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived; and
  - (D) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
- (3) (A) was the person who reasonably appeared to need medical assistance as a result of the use of a controlled substance as described in subsection (c)(2)(A); and
  - (B) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

- (d) (1) Except as provided in paragraph (2), each person who meets the criteria in subsection (c) is immune from criminal prosecution for a violation of subsection (a).
- (2) No person is immune from criminal prosecution as provided in paragraph (1) if the quantity of controlled substances found at the scene of the encounter with law enforcement would be sufficient to create a rebuttable presumption of an intent to distribute as described in K.S.A. 21-5705(e), and amendments thereto.
- (e) The provisions of this section shall not apply to a person seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.
- (f) Nothing in this section shall be construed to preclude a person who is immune from criminal prosecution pursuant to this section from being prosecuted based on evidence obtained from an independent source.
- (g) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or the officer's employer based on the officer's compliance or failure to comply with this section. Except in cases of reckless or intentional misconduct, an officer shall be immune from liability for arresting a person who is later determined to be immune from prosecution pursuant to this section.

(K.S.A. 21-5706) (L. 2024, Ch. 97) (Sub. for SB 419)

**{Editor's Note:** Violations of K.S.A. 21-5704 subsections (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4 methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof. As these violations are considered felonies under state law over which municipal courts have no jurisdiction, they should be referred to the appropriate prosecuting authority}.

### **Sec. 9.9.5. Unlawful Possession of a Simulated Substance.**

- (a) No person shall use or possess with intent to use any simulated controlled substance.
- (b) This is a Class A violation.
- (c) "Simulated controlled substance" means any product that identifies itself by a common name or slang term associated with a controlled substance and that indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance. (K.S.A. 21-5701(s)) (K.S.A. 21-5713)

### **Sec. 9.9.6. Distribution of a Non-controlled Substance.**

- (a) No person shall distribute or possess with the intent to distribute any substance, which is not a controlled substance, to a person who is over the age of eighteen:
    - (1) Upon an express representation that the substance is a controlled substance or that the substance is of such nature or appearance that the recipient will be able to distribute the substance as a controlled substance; or
    - (2) Under circumstances which would give a reasonable person reason to believe that the substance is a controlled substance.
  - (b) Violation of subsection (a) is a Class A nonperson violation.
  - (c) If any one of the following factors is established, there shall be a presumption that distribution of a substance was under circumstances which would give a reasonable person reason to believe that a substance is a controlled substance:
    - (1) The substance was packaged in a manner normally used for the illegal distribution of controlled substances;
    - (2) The distribution of the substance included an exchange of or demand for money or other consideration for distribution of the substance and the amount of the consideration was substantially in excess of the reasonable value of the substance; or
    - (3) The physical appearance of the capsule or other material containing the substance is substantially identical to a specific controlled substance.
- (K.S.A. 21-5714)

## **Sec. 9.10. Harassment by Telecommunications Device.**

- (a) Harassment by telecommunication device is the use of:
  - (1) A telecommunications device to:
    - (A) Knowingly make or transmit any comment, request, suggestion, proposal, image or text which is obscene, lewd, lascivious, or indecent;
    - (B) Make or transmit a call, whether or not conversation ensues, with intent to abuse, threaten or harass a person at the receiving end;
    - (C) Make or transmit any comment, request, suggestion, proposal, image or text with intent to abuse, threaten or harass any person at the receiving end;
    - (D) Make or cause a telecommunications device to repeatedly ring or activate with intent to harass any person at the receiving end;
    - (E) Knowingly play any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed, unless the person or group playing the recording shall be identified and state that it is a recording; or
    - (F) Knowingly permit any telecommunications device under one's control to be used in violation of this paragraph.
  - (2) Telefacsimile communication to send or transmit such communication to a court in the State of Kansas for a use other than court business, with no requirement of culpable mental state.
- (b) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in sections 11.1 and 11.2.
- (c) Harassment by a telecommunication device is a Class A violation. (K.S.A. 21-6206)

### **Sec. 9.11. Unlawful Public Demonstration at a Funeral.**

- (a) Engaging in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;
- (b) Knowingly obstructing, hindering, impeding or blocking another person's entry to or exit from a funeral; or
- (c) Knowingly impeding vehicles which are part of a funeral procession.
- (d) Violation of this section is a Class B violation. Each day on which a violation occurs shall constitute a separate offense. (K.S.A. 21-6106)

### **Sec. 9.12. Reserved for Future Use.**

### **Sec. 9.13. Unlawful Posting of Political Pictures and Political Advertisements.**

- (a) Unlawful posting of political pictures and political advertisements is knowingly putting up, affixing or fastening of either or both, a political picture or a political advertisement to a telegraph, telephone, electric light or power pole.
- (b) Unlawful posting of political pictures and political advertisements is a Class C violation. (K.S.A. 21-5820)

## **Article 10. Offenses Against Public Safety**

### **Sec. 10.1. Criminal Use of Weapons.**

- (a) Criminal use of weapons is knowingly:
  - (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, or metal knuckles;
  - (2) Possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, throwing star, stiletto or any other dangerous or deadly weapon or instrument of like character;
  - (3) Setting a spring gun;

(b) is a Class A violation;

(c) Subsections (a)(1) and (a)(2) shall not apply to:

- (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
- (3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
- (4) The manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.(K.S.A. 21-6301)

#### **Sec. 10.1.1. Criminal Carrying of a Weapon.**

(a) Criminal carrying of a weapon is knowingly carrying:

- (1) Any bludgeon, sandclub, metal knuckles or throwing star;
- (2) Concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;
- (3) On one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance; or

(b) Subsection (a) shall not apply to:

- (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

- (3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
  - (4) The manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (b)(2) and (b)(3) to possess such weapons.
- (c) Criminal carrying of a weapon is a Class A violation. (K.S.A. 21-6302)

**Sec. 10.2 : 10.3 Reserved for Future Use.**

**Sec. 10.4. Failure to Register Explosives.**

- (a) Failure to register explosives is, with no requirement of a culpable mental state, the omission by:
  - (1) The seller of any explosive or detonating substance, to keep a register of every sale or other disposition of such explosives made by the seller as required by this section; or
  - (2) any person to whom delivery of any quantity of explosive or other detonating substance is made, to acknowledge the receipt thereof by signing the person's name in the register provided in subsection (c) on the page where the record of such delivery is entered.
- (b) Failure to register explosives as defined in:
  - (1) Subsection (a)(1) is a Class B nonperson violation; and
  - (2) subsection (a)(2) is a Class C violation.
- (c) The register of sales required by subsection (a)(1) shall contain the date of the sale or other disposition, the name, address, age and occupation of the person to whom the explosive is sold or delivered, the kind and amount of explosive delivered, the place at which it is to be used and for what purpose it is to be used. Such register and record of sale or other disposition shall be open for inspection by any law enforcement officer, mine inspector or fire marshal of this state for a period of not less than one year after the sale or other disposition. (K.S.A. 21-6311)

## **Sec. 10.5. Unlawful Discharge of a Firearm.**

- (a) Unlawful discharge of a firearm is the reckless discharge of a firearm within or into the corporate limits of any city.
- (b) This section shall not apply to the discharge of any firearm within or into the corporate limits of any city if:
  - (1) The firearm is discharged in the lawful defense of one's person, another person or one's property;
  - (2) The firearm is discharged at a private or public shooting range;
  - (3) The firearm is discharged to lawfully take wildlife unless prohibited by the department of wildlife and parks or the governing body of the city;
  - (4) The firearm is discharged by authorized law enforcement officers, animal control officers or a person who has a wildlife control permit issued by the Kansas department of wildlife and parks;
  - (5) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;
  - (6) The firearm is discharged using blanks; or
  - (7) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.
- (c) Unlawful discharge of firearms is a Class B violation. (K.S.A. 21-6308a)

## **Sec. 10.6. Air Gun, Air Rifle, Bow and Arrow, Slingshot, BB Gun or Paintball Gun.**

- (a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.
- (b) Unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is a Class C violation.

### **Sec. 10.7. Seizure of Weapon.**

The chief of police of the city or his or her duly authorized representative is hereby empowered to seize and hold any air gun, air rifle, bow and arrow, slingshot or BB gun used in violation of section 10.6 of this article, and is further empowered to seize and hold as evidence pending a hearing before a court of competent jurisdiction any air gun, air rifle, bow and arrow, slingshot or BB gun used in violation of Section 10.6.

### **Sec. 10.8. Unlawful Aiding, Abetting.**

- (a) It shall be unlawful for any person to conspire to or aid and abet in the operation or discharging or causing to be operated or discharged any air gun, air rifle, bow and arrow, BB gun or slingshot except as provided in Section 10.6 within the city, whether individually or in connection with one or more persons or as principal, agent or accessory, and it is further unlawful for every parent or guardian of a minor child who willfully or knowingly permits or directs the operation or discharge of any air gun, air rifle, bow and arrow, BB gun or slingshot by such minor child within the city except as provided in Section 10.6 of this article.
- (b) Violation of this section is a Class C violation.

### **Sec. 10.9. Carrying Concealed Explosives.**

- (a) Carrying concealed explosives is carrying any explosive or detonating substance on the person in a wholly or partly concealed manner.
- (b) Carrying concealed explosives is a Class A violation. (K.S.A. 21-6312)

### **Sec. 10.10. Endangerment.**

- (a) Endangerment is recklessly exposing another person to a danger of great bodily harm or death.
- (b) Endangerment is a Class A violation. (K.S.A. 21-5429)

### **Sec. 10.11. Creating a Hazard.**

- (a) Creating a hazard is recklessly:

- (1) Storing or abandoning, in any place accessible to children, a container which has a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside, and failing to remove the door, lock, lid or fastening device on such container;
- (2) Being the owner or otherwise having possession of property upon which a cistern, well or cesspool is located and failing to cover the same with protective covering of sufficient strength and quality to exclude human beings and domestic animals therefrom; or
- (3) Exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children.

(b) Creating a hazard is a Class B violation. (K.S.A. 21-6318)

#### **Sec. 10.12. Unlawful Failure to Report a Wound.**

- (a) Unlawful failure to report a wound is, with no requirement of a culpable mental state, the failure by an attending physician or other person to report such person's treatment of any of the following wounds, to the office of the chief of police of the city or the office of the sheriff of the county in which such treatment took place:
  - (1) Any bullet wound, gunshot wound, powder burn or other injury arising from or caused by the discharge of a firearm; or
  - (2) Any wound which is likely to or may result in death and is apparently inflicted by a knife, ice pick or other sharp or pointed instrument.
- (b) Unlawful failure to report a wound is a Class C violation. (K.S.A. 21-6319)

#### **Sec. 10.13. Barbed Wire.**

- (a) It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city.
- (a) Violation of this section is a Class C violation.

## Sec. 10.14. Operation of a Motorboat or Sailboat.

- (a)
  - (1) No person born on or after January 1, 1989, shall operate on public waters of this city any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by K.S.A. 32-1101 *et seq.*
  - (2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either:
    - (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by K.S.A. 32-1101 *et seq.*; or
    - (B) Is legally exempt from the requirements of subsection (a)(1).
  - (3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.
  - (4) The requirement in subsection (a)(1), shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while such person is enrolled in an instructor-led class.
- (b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either:
  - (1) Possesses a certificate of completion of an approved boater safety education course; or
  - (2) Is legally exempt from the requirements of subsection (a)(1).
- (c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest.
- (d) As used in this section:

- (1) **Owner** means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security. (K.S.A. 32-1102(c))
  - (2) **Operate** means to navigate or otherwise use a motorboat or a vessel. (K.S.A. 32-1102(f))
- (K.S.A. 32-1139)

### **Sec. 10.15. Operating a Vessel Under the Influence of Alcohol or Drugs; Penalties.**

- (a) No person shall operate or attempt to operate any vessel within this city while:
  - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (b) of K.S.A. 32-1130, and amendments thereto, is .08 or more;
  - (2) The alcohol concentration in the person's blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel is .08 or more;
  - (3) The alcohol concentration in the person's blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel is .02 or more and the person is less than 21 years of age;
  - (4) Under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel;
  - (5) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or
  - (6) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.
- (b) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

- (c) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.
- (d) Except as provided by subsection (e), violation of this section is a violation punishable:
  - (1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and
  - (2) On the second or a subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine of not less than \$100 nor more than \$500.
- (e) Subsection (d) shall not apply to or affect a person less than 21 years of age who submits to a breath or blood alcohol test requested pursuant to K.S.A. 32-1132 and amendments thereto, and produces a test result of an alcohol concentration of .02 or greater but less than .08. Such person's boating privileges upon the first occurrence shall be suspended for 30 days and upon a second or subsequent occurrence shall be suspended for 90 days.
- (f) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater safety education course of instruction before such person subsequently operates or attempts to operate any vessel.
- (g) As used in this section, **operate** means to navigate or otherwise use a motorboat or a vessel. (K.S.A. 32-1131)

#### **Sec. 10.16. Throwing Objects.**

- (a) It is unlawful for any person to:
  - (1) Recklessly throw, push, pitch or otherwise cast any rock, stone or other object, matter or thing onto a street, road, highway, railroad right-of-way, or upon any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock thereon;

- (2) Violate subsection (a) and damage any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock lawfully on the street, highway or railroad right-of-way by the thrown or cast rock, stone or other object.

(b) Penalties.

- (1) Violation of subsection (a) is a Class B nonperson violation.
- (2) Violation of subsection (b) is a Class A nonperson violation. (K.S.A. 21-5819)

**Sec. 10.17. Tattooing or Body Piercing; Persons Under Age 18.**

- (a) No person shall perform body piercing, cosmetic tattooing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing, cosmetic tattooing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given by a guardian, shall be retained by the person administering such body piercing, cosmetic tattooing or tattooing for a period of five years.
- (b) Violation of this section is a Class A violation. (K.S.A. 65-1953)

**Sec. 10.18. Failure to Place or Maintain a Smoke Detector.**

- (a) Every single-family residence shall have at least one smoke detector on every story of the dwelling unit.
- (b) Every structure which:
  - (1) Contains more than one dwelling unit; or
  - (2) Contains at least one dwelling unit and is a mixed-use structure, shall contain at least one smoke detector at the uppermost ceiling of each interior stairwell and on every story in each dwelling unit.
- (c) The owner of a structure shall supply and install all required smoke detectors. The owner of a structure shall test and maintain all smoke detectors except inside rental units, the occupant shall test and maintain all smoke detectors after taking possession of the dwelling unit.

- (d) The smoke detectors required in dwelling units in existence on January 1, 1999, may either be battery-powered or wired into the structure's electrical system, and need not be interconnected. The smoke detectors required in dwelling units constructed after January 1, 1999, shall be wired permanently into the structure's electrical system.
- (e) For purposes of this section, manufactured homes as defined in K.S.A. 58-4202, and amendments thereto, shall be subject to the federal, manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403 in lieu of the standards set forth herein. Owners and occupants of such manufactured homes shall be subject to the testing and maintenance standards for smoke detectors required under this section.
- (f) Officials responsible for the enforcement of this section shall not enter a dwelling unit solely for the purpose of determining compliance with the provisions of this section except when:
  - (1) Conducting an inspection prior to the issuance of an occupancy permit or building permit;
  - (2) Responding to a report of a fire in a dwelling unit, except in cases of a false alarm; or
  - (3) Conducting, at the request of the owner or occupant, a home safety inspection.
- (g) Failure to place or maintain a smoke detector shall be an unclassified violation. Any fine imposed for a violation of this section shall not exceed \$25.  
(K.S.A. 31-162:163)

#### **Sec. 10.19. Sale of Medicines and Drugs Through Vending Machines.**

- (a) Any person, firm or corporation who offers for sale, sells or distributes any prescription medicine, prescription-only drug, drug which contains ephedrine alkaloids, drug intended for human use by hypodermic injection or poison through or by means of any vending machine or other mechanical device, or who uses any vending machine in or for the sale or distribution of any prescription medicine, prescription-only drug, drug which contains ephedrine alkaloids, drug intended for human use by hypodermic injection or poison, shall be guilty of illegal sale of medicines and drugs through a vending machine.

- (b) No nonprescription drugs shall be offered for sale or sold through a vending machine in anything other than the manufacturer's original tamper-evident and expiration-dated packet. No more than 12 different nonprescription drug products shall be offered for sale or sold through anyone vending machine. Any vending machine in which nonprescription drugs are offered for sale or sold shall be located so that the drugs stored in such vending machine are stored in accordance with drug manufacturer's requirements. Drugs offered for sale or sold in such vending machine shall not be older than the manufacturer's expiration date. Each vending machine through which nonprescription drugs are offered for sale or sold shall have an obvious and legible statement on the machine that identifies the owner of the machine, a toll-free telephone number at which the consumer may contact the owner of the machine, a statement advising the consumer to check the expiration date of the product before using the product and the telephone number of the state board of pharmacy. As used in this subsection, **nonprescription drug** does not include any prescription medicine, prescription-only drug, drug which contains ephedrine alkaloids, drug intended for human use by hypodermic injection or poison.
- (c) Any violation of this section constitutes an illegal sale of medicines and drugs through a vending machine and is a Class C violation and upon conviction, the violator shall be fined not less than \$25 nor more than \$500. (K.S.A. 65-650)

#### **Sec. 10.20. Unlawfully Obtaining a Prescription-Only Drug.**

- (a) Unlawfully obtaining a prescription-only drug is:
- (1) Making, altering or signing of a prescription order by a person other than a practitioner or a mid-level practitioner;
  - (2) Distribution of a prescription order, knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner;
  - (3) Possession of a prescription order with intent to distribute it and knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner;
  - (4) Possession of a prescription-only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or a mid-level practitioner; or

- (5) Providing false information, with the intent to deceive, to a practitioner or mid-level practitioner for the purpose of obtaining a prescription-only drug.

(b) As used in this section:

- (1) **Pharmacist, practitioner, mid-level practitioner and prescription-only drug** shall have the meanings ascribed thereto by K.S.A. 65-1626 and amendments thereto.
- (2) **Prescription order** means an order transmitted in writing, orally, telephonically or by other means of communication for a prescription-only drug to be filled by a pharmacist. **Prescription order** does not mean a drug dispensed pursuant to such an order.
- (3) **Distribute** means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. **Distribute** includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. **Distribute** does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.
- (4) **Drug** means:
  - (A) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;
  - (B) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
  - (C) Substances, other than food, intended to affect the structure or any function of the body of man or animals; and
  - (D) Substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories. See K.S.A. 65-1626(H)

- (c) The provisions of this section shall not be applicable to prosecutions involving prescription-only drugs which could be brought under K.S.A. 21-5705 or 21-5706 and amendments thereto.
- (d) Unlawfully obtaining a prescription-only drug is a Class A violation for the first offense. (K.S.A. 21-5708)

{**Editor's Note:** If that person has a prior conviction of under this section, K.S.A. 21-5708, K.S.A. 21-36a08, prior to its transfer, or K.S.A. 21-4214, prior to its repeal, under state law subsequent violations are considered a felony over which municipal courts have no jurisdiction. These violations should be referred to the appropriate prosecuting authority.}

### **Sec. 10.21. Selling Beverage Containers with Detachable Tabs.**

- (a) Selling beverage containers with detachable tabs is knowingly selling or offering for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container.
- (b) Selling beverage containers with detachable tabs is a Class C violation.
- (c) As used in this section:
  - (1) **Beverage container** means any sealed can containing beer, cereal malt beverages, mineral waters, soda water and similar soft drinks so designated by the director of alcoholic beverage control, in liquid form and intended for human consumption; and
  - (2) **In this state** means within the exterior limits of the state of Kansas and includes all territory within these limits owned by or ceded to the United States of America.

(K.S.A. 21-6320)

### **Sec. 10.22. Alcohol Without Liquid Machine.**

- (a) It shall be unlawful for any person to knowingly:
  - (1) Use any alcohol without liquid machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or
  - (2) Purchase, sell, or offer for sale an alcohol without liquid machine.

- (b) Violation of this section is a Class A violation. (K.S.A. 21-6321)

### **Sec. 10.23. Trafficking in Counterfeit Drugs.**

- (a) Trafficking in counterfeit drugs is intentionally manufacturing, distributing, dispensing, selling, or delivering for consumption purposes, or holding or offering for sale, any counterfeit drug.
- (b) Trafficking in counterfeit drugs which have a retail value of less than \$500 is a Class A violation. (K.S.A. 65-4167)

### **Sec. 10.24. Smoking Prohibited.**

- (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:
  - (1) Public places;
  - (2) Taxicabs and limousines;
  - (3) Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
  - (4) Restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
  - (5) Access points of all buildings and facilities not exempted pursuant to subsection (d); and
  - (6) Any place of employment.
- (b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (c) Notwithstanding any other provision of this section, 10.25 or 10.26, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility,

may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

- (d) The provisions of this section shall not apply to:
- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
  - (2) Private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
  - (3) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
  - (4) The gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
  - (5) That portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;
  - (6) That portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;
  - (7) Tobacco shops;
  - (8) A Class A or Class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and
  - (9) A private club in designated areas where minors are prohibited.
  - (10) Any benefit cigar dinner or other cigar dinner of a substantially similar nature that:
    - (A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to Section 501(c)(3) of the federal internal revenue code of 1986;

- (B) Is conducted no more than once per calendar year by such organization; and
  - (C) Has been held during each of the previous three years prior to January 1, 2011; and
- (11) That portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue. (K.S.A. 21-6110)

**Sec. 10.25. Smoking; Posting Premises.** The proprietor or other person in charge of the premises of a public place, or other area where smoking is prohibited, shall post or cause to be posted in a conspicuous place signs displaying the international no smoking symbol and clearly stating that smoking is prohibited by state law. (K.S.A. 21-6111)

**Sec. 10.26. Smoking Prohibited; Penalties.**

- (a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to fail to comply with all or any of the provisions of sections 10.24 through 10.26.
- (b) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to allow smoking to occur where prohibited by law. Any such person shall be deemed to allow smoking to occur under this subsection if such person:
  - (1) Has knowledge that smoking is occurring; and
  - (2) Recklessly permits smoking under the totality of the circumstances.
- (c) It shall be unlawful for any person, with no requirement of a culpable mental state, to smoke in any area where smoking is prohibited by the provisions of 10.24.
- (d) Any person who violates any provision of sections 10.24 through 10.26, shall be guilty of a cigarette or tobacco infraction punishable by a fine:
  - (1) Not exceeding \$100 for the first violation;

- (2) Not exceeding \$200 for a second violation within a one year period after the first violation; or
- (3) Not exceeding \$500 for a third or subsequent violation within a one year period after the first violation.

For purposes of this subsection, the number of violations within a year shall be measured by the date the smoking violations occur.

- (e) Each individual allowed to smoke by a person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, in violation of subsection (b) shall be considered a separate violation for purposes of determining the number of violations under subsection (d).
- (f) No employer shall discharge, refuse to hire or take any other adverse action against an employee, applicant for employment or customer with the intent to retaliate against that employee, applicant or customer for reporting or attempting to prosecute a violation of any of the provisions of sections 10.24 through 10.26. (K.S.A. 21-6112)

#### **Sec. 10.27. Illegal Operation of an Amusement Ride.**

- (a) It shall be unlawful for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity as defined in K.S.A. 44-1601 and amendments thereto, to knowingly operate, or cause to be operated, any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity without a valid permit issued by the State of Kansas.
- (b) Violation of this section is a Class B violation. (K.S.A. 44-1610)

#### **Sec. 10.28. Endangering the Food Supply.**

- (a) Endangering the food supply is knowingly:
  - (1) Bringing into this state any domestic animal which is infected with any contagious or infectious disease or any animal which has been exposed to any contagious or infectious disease;
  - (2) exposing any animal in this state to any contagious or infectious disease;

- (3) except as permitted under K.S.A. 2-2112 et seq., and amendments thereto, bringing or releasing into this state any plant pest as defined in K.S.A. 2-2113, and amendments thereto, or exposing any plant to a plant pest; or
  - (4) exposing any raw agricultural commodity, animal feed or processed food to any contaminant or contagious or infectious disease.
- (b) As used in this section:
- (1) “Animal feed” means an article which is intended for use for food for animals other than humans and which is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal;
  - (2) “contagious or infectious disease” means any disease which can be spread from one subject to another by direct or indirect contact or by an intermediate agent, including, but not limited to, anthrax, all species of brucellosis, equine infectious anemia, hog cholera, pseudorabies, psoroptic mange, rabies, tuberculosis, vesicular stomatitis, avian influenza, pullorum, fowl typhoid, psittacosis, viscerotropic velogenic Newcastle disease, foot-and-mouth disease, rinderpest, African swine fever, piroplasmiasis, vesicular exanthema, Johne’s disease, scabies, scrapies, bovine leukosis and bovine spongiform encephalopathy;
  - (3) “processed food” means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration or milling; and
  - (4) “raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.
- (c) Endangering the food supply is a Class A violation except if the contagious or infectious disease is food-and-mouth disease in which class it is classified as a felony under state law and will be referred to the appropriate prosecuting authority.  
(K.S.A. 21-6317)

## **Sec. 10.29. Violation of a Public Health Order.**

- (a) It shall be unlawful for any person to violate, refuse, or fail to comply with, a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.
- (b) A violation of this section is a Class C violation.

## **Sec. 10.30. Operating an Aircraft Under the Influence.**

- (a) Operating an aircraft under the influence is operating or attempting to operate any aircraft within this state while:
  - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is 0.04 or more;
  - (2) the alcohol concentration in the person's blood or breath, as measured within four hours of the time of operating or attempting to operate an aircraft, is 0.04 or more;
  - (3) under the influence of alcohol to a degree that renders the person incapable of safely operating an aircraft;
  - (4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating an aircraft; or
  - (5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating an aircraft.
- (b) (1) Operating an aircraft under the influence is an Class A nonperson violation.
  - (A) On a first conviction, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750.
  - (B) On second or subsequent conviction, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

- (2) As part of the judgment of conviction, the court shall order the person convicted not to operate an aircraft for any purpose for a period of six months from the date of

final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is later or one year from such date on a second conviction. If the court suspends the sentence and places the person on probation as provided by law, the court shall order as one of the conditions of probation that such person not operate an aircraft for any purpose for a period of 30 days from the date of the order on a first conviction or 60 days from the date of the order on a second conviction.

(3) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence:

(A) "Conviction" includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (a); and

(B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

(c) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.  
(K.S.A. 3-1006)

#### **Sec. 10.30.1. Same; Preliminary Breath Test.**

(a) A law enforcement officer may request a person who is operating or attempting to operate an aircraft within this state to submit to a preliminary screening test of the person's breath or oral fluid, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate an aircraft while under the influence of alcohol or drugs, or a combination of alcohol and any drug or drugs.

(b) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized

by K.S.A. 3-1007, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of an aircraft except to aid the court in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 3-1007, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 3-1007, and amendments thereto.

- (c) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto. (K.S.A. 3-1008)

### **Sec. 10.30.2. Same; Definitions.**

As used in Sections 10.30 through 10.30.2 and amendments thereto:

- (a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (b) "Drug" includes toxic vapors as such term is defined in K.S.A. 2021 Supp. 21-5712, and amendments thereto.
- (c) "Imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
- (d) "Law enforcement officer" means the same as in K.S.A. 2021 Supp. 21-5111, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of section 1, and amendments thereto, if committed off a military reservation in this state.
- (e) "Other competent evidence" includes:
  - (1) Alcohol concentration tests obtained from samples taken four hours or more after the operation or attempted operation of an aircraft; and

- (2) readings obtained from a partial alcohol concentration test on a breath testing machine. (K.S.A. 3-1009)

## Article 11. Offenses Against Public Morals

### Sec. 11.1. Promoting Obscenity.

- (a) Promoting obscenity is recklessly:
  - (1) Manufacturing, mailing, transmitting, publishing, distributing, presenting, exhibiting, or advertising any obscene material or obscene device;
  - (2) Possessing any obscene material or obscene device with intent to mail, transmit, publish, distribute, present, exhibit or advertise such material or device;
  - (3) Offering or agreeing to manufacture, mail, transmit, publish, distribute, present, exhibit, or advertise any obscene material or obscene device; or
  - (4) Producing, presenting, or directing an obscene performance or participating in a portion thereof which is obscene or which contributes to its obscenity.
  
- (b) Evidence that materials or devices were promoted to emphasize their prurient appeal shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a rebuttable presumption that a person promoting obscene materials or obscene devices did so knowingly or recklessly if:
  - (1) The materials or devices were promoted to emphasize their prurient appeal; or
  - (2) The person is not a wholesaler and promotes the materials or devices in the course of the person's business.
  
- (c) As used in this section:
  - (1) Any material or performance is **obscene** if:
    - (A) The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest;

- (B) The average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of (i) ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or (ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and
  - (C) Taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political, or scientific value.
- (2) Material. Any tangible thing which is capable of being used or adapted to arouse interest, whether throughout the medium of reading, observation, sound or other manner.
  - (3) Obscene Device. A device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, except such devices disseminated or promoted for the purpose of medical or psychological therapy.
  - (4) Performance. Any play, motion picture, dance or other exhibition performed before an audience.
  - (5) Wholesaler. A person who distributes or offers for distribution obscene materials or devices only for resale and not to the consumer and who does not manufacture publish or produce such materials or devices.
- (d) It shall be a defense to a prosecution for promoting obscenity and promoting obscenity to minors that the:
- (1) Persons to whom the allegedly obscene material or obscene device was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;
  - (2) Defendant is an officer, director, trustee, or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body; or

- (3) Allegedly obscene material or obscene device was purchased, leased, or otherwise acquired by a public, private or parochial school, college, or university, and that such material or device was either sold, leased, distributed, or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incident to an approved course or program of instruction at such school.
- (e) The provisions of this section prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.
- (f) Promoting obscenity is a Class A violation on conviction of a first offense. Subsequent violations considered felonies under state law and will be referred to the appropriate prosecuting authority.
- (g) Upon any conviction of promoting obscenity, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted, of a subsequent offense of promoting obscenity within two years after such conviction, the defendant shall forfeit the recognizance. (K.S.A. 21-6401)

### **Sec. 11.2. Promoting Obscenity to Minors.**

- (a) Promoting obscenity to minors is promoting obscenity, as defined in section 11.1, where a recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

- (b) Evidence that materials or devices were promoted to emphasize their prurient appeal shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a rebuttable presumption that a person promoting obscene materials or obscene devices did so knowingly or recklessly if:
  - (1) The materials or devices were promoted to emphasize their prurient appeal; or
  - (2) The person is not a wholesaler and promotes the materials or devices in the course of the person's business.
  
- (c) It shall be a defense to a prosecution for promoting obscenity to minors that the:
  - (1) Persons to whom the allegedly obscene material or obscene device was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;
  - (2) Defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body; or
  - (3) Allegedly obscene material or obscene device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incidental to an approved course or program of instruction at such school.
  
- (d) Notwithstanding the provisions of K.S.A. 21-5204, and amendments thereto, to the contrary, it shall be an affirmative defense to any prosecution for promoting obscenity to minors that:
  - (1) The defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; or

- (2) An exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.
- (e) The provisions of this section and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.
- (f) Promoting obscenity to minors is a Class A violation. Subsequent violations considered felonies under state law and will be referred to the appropriate prosecuting authority.
- (g) Upon any conviction of promoting obscenity to minors, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted of a subsequent offense of promoting obscenity to minors within two years after such conviction, the defendant shall forfeit the recognizance. (K.S.A. 21-6401)

### **Sec. 11.3. Commercialization of Wildlife.**

- (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:
  - (1) Capturing, killing, or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;
  - (2) Selling, bartering, purchasing, or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

- (3) Shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported, or carried; or delivering or receiving for shipping, exporting, importing, transporting, or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or
  - (4) Purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.
- (b) The wildlife protected by this section and the minimum value thereof are as follows:
- (1) Eagles, \$1,000;
  - (2) Deer or antelope, \$1,000;
  - (3) Elk or buffalo, \$1,500;
  - (4) Furbearing animals, except bobcats, \$25;
  - (5) Bobcats, \$200;
  - (6) Wild turkey, \$200;
  - (7) Owls, hawks, falcons, kites, harriers, or ospreys, \$500;
  - (8) Game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$50 unless a higher amount is specified above;
  - (9) Fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number 30;
  - (10) Turtles, \$25 each for unprocessed turtle or \$16 per pound or fraction of a pound for processed turtle parts;
  - (11) Bullfrogs, \$4, whether dressed or not dressed;
  - (12) Any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and
  - (13) Any other wildlife not listed above, \$25.
- (c) Possession of wildlife, in whole or in part, captured, or killed in violation of law and having an aggregate value of \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.
- (d) Commercialization of wildlife having an aggregate value of less than \$1000, as specified in subsection (b), is a Class A violation.

- (e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:
  - (1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife and parks;
  - (2) Order restitution to be paid to the Kansas department of wildlife and parks for the wildlife taken, such restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).
- (f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested. (K.S.A. 32-1005)

**Sec. 11.4:11.6. Reserved for Future Use.**

**Sec. 11.7. Material Harmful to Minors.**

- (a) No person having custody, control or supervision of any commercial establishment shall knowingly:
  - (1) Display any material or device which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material or device;
  - (2) Present or distribute to a minor, or otherwise allow a minor to view, with or without consideration, any material which is harmful to minors; or
  - (3) Present to a minor, or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
- (b) Notwithstanding the provisions of K.S.A. 21-5204, to the contrary, it shall be an affirmative defense to any prosecution under this section that:
  - (1) The allegedly harmful material or device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school

as part of or incidental to an approved course or program of instruction at such school.

- (2) The defendant is an officer, director, trustee or employee of a public library and the allegedly harmful material or device was acquired by a public library and was disseminated in accordance with regular library policies approved by its governing body.
- (3) An exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.
- (4) With respect to a prosecution for an act described by subsection (a)(1), the allegedly harmful material was kept behind blinder racks.
- (5) With respect to a prosecution for an act described by subsection (a)(2) or (3), the defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more.
- (6) With respect to a prosecution for an act described by subsection (a)(3), the allegedly harmful performance was viewed by the minor in the presence of such minor's parent or parents or such minor's legal guardian.

(c) As used in this section:

- (1) **Blinder rack** means a device in which material is displayed in such a manner that the lower 2/3 of the material is not exposed to view.
- (2) **Harmful to minors** means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse when the material or performance, taken as a whole or, with respect to a prosecution for an act described by subsection (a)(1), that portion of the material that was actually exposed to the view of minors, has the following characteristics:
  - (A) The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors;

- (B) The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
- (C) A reasonable person would find that the material or performance lacks serious literary, scientific, educational, artistic or political value for minors.
- (3) **Material** means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape or video tape.
- (4) **Minor** means any unmarried person under 18 years of age.
- (5) **Nudity** means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual excitement.
- (6) **Performance** means any motion picture, file, video tape, played record, phonograph, tape recording, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration.
- (7) **Sadomasochistic abuse** means flagellation or torture by or upon a person clad in undergarments, in a mask or bizarre costume or in the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (8) **Sexual conduct** means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals or pubic area or buttocks or with a human female's breast.
- (9) **Sexual excitement** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

- (d) The provisions of this section shall not apply to a retail sales clerk, if such clerk has no financial interest in the materials or performance or in the commercial establishment displaying, presenting or distributing such materials or presenting such performance other than regular employment as a retail sales clerk. The provisions of this section shall not exempt any retail sales clerk from criminal liability for any act unrelated to regular employment as a retail sales clerk.
- (e) Violation of subsection (a) is a Class B violation.  
(K.S.A. 21-6402)

### **Sec. 11.8. Gambling.**

- (a) Definitions of gambling terms used in sections 11.8, 11.9, and 11.10 shall be as follows:
  - (1) A **bet** is a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:
    - (A) Bona fide business transactions that are valid under the laws of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance;
    - (B) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the bona fide owners of animals or vehicles entered in such a contest;
    - (C) A lottery as defined in this section;
    - (D) Any bingo game by or for participants managed, operated or conducted in accordance with the laws of the state of Kansas by an organization licensed by the state of Kansas to manage, operate or conduct games of bingo;
    - (E) A lottery operated by the state pursuant to the Kansas lottery act;

- (F) Any system of pari-mutuel wagering managed, operated and conducted in accordance with the Kansas pari-mutuel racing act; or
  - (G) Tribal gaming;
  - (H) Charitable raffles as defined by K.S.A. 75-5173, and amendments thereto; or
  - (I) A fantasy sports league as defined in this section; or
  - (J) Sports wagering, as defined in K.S.A. 74-8701, and amendments thereto.
- (2) A **lottery** is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance. A lottery does not include:
- (A) A lottery operated by the state pursuant to the Kansas lottery act; or
  - (B) Tribal gaming.
- (3) **Consideration** means anything that is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration.

**Consideration** shall not include sums of money paid by or for:

- (A) Participants in any bingo game managed, operated or conducted in accordance with the laws of the state of Kansas by any bona fide nonprofit religious, charitable, fraternal, educational or veteran organization licensed to manage, operate or conduct bingo games under the laws of the state of Kansas and it shall be conclusively presumed that such sums paid by or for such participants were intended by such participants to be for the benefit

of the sponsoring organizations for the use of such sponsoring organizations in furthering the purposes of such sponsoring organizations, as set forth in the appropriate paragraphs of subsection (c) or (d) of section 501 of the internal revenue code of 1986 and as set forth in K.S.A. 79-4701, and amendments thereto;

- (B) Participants in any lottery operated by the state pursuant to the Kansas lottery act;
  - (C) Participants in any system of pari-mutuel wagering managed, operated and conducted in accordance with the Kansas pari-mutuel racing act; or
  - (D) A person to participate in tribal gaming.
- (4) **Fantasy sports league** means any fantasy or simulation sports game or contest in which no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization and that meets the following conditions:
- (A) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants;
  - (B) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individual athletes in real-world sporting events; and
  - (C) No winning outcome is based:
    - (i) On the score, point spread or any performance or performances of any single real-world team or any combination of such teams; or
    - (ii) Solely on any single performance of an individual athlete in any single real-world sporting event.

(5) (A) **Gambling device** means any:

- (i) So-called slot machine or any other machine, mechanical device, electronic device or other contrivance an essential part of which is a drum or reel with insignia thereon, and (i) that when operated may deliver, as the result of chance, any money or property, or (ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;
- (ii) Other machine, mechanical device, electronic device or other contrivance including, but not limited to, roulette wheels and similar devices that are equipped with or designed to accommodate the addition of a mechanism that enables accumulated credits to be removed, is equipped with or designed to accommodate a mechanism to record the number of credits removed or is otherwise designed, manufactured or altered primarily for use in connection with gambling, and (i) that when operated may deliver, as the result of chance, any money or property, or (ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;
- (iii) Subassembly or essential part intended to be used in connection with any such machine, mechanical device, electronic device or other contrivance, but that is not attached to any such machine, mechanical device, electronic device or other contrivance as a constituent part; or
- (iv) Token, chip, paper, receipt or other document that evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

- (B) **Gambling device** shall not include:
- (i) Any machine, mechanical device, electronic device or other contrivance used or for use by a licensee of the Kansas racing and gaming commission as authorized by law and rules and regulations adopted by the commission or by the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;
  - (ii) Any machine, mechanical device, electronic device or other contrivance, such as a coin-operated bowling alley, shuffleboard, marble machine (a so-called pinball machine), or mechanical gun, that is not designed and manufactured primarily for use in connection with gambling, and (i) that when operated does not deliver, as a result of chance, any money, or (ii) by the operation of which a person may not become entitled to receive, as the result of the application of an element of chance, any money;
  - (iii) Any so-called claw, crane or digger machine and similar devices that are designed and manufactured primarily for use at carnivals or county or state fairs; or
  - (iv) Any machine, mechanical device, electronic device or other contrivance used in tribal gaming.

(6) A **gambling place** is any place, room, building, vehicle, tent or location that is used for any of the following: Making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

(7) **Tribal gaming** has the meaning provided by K.S.A. 74-9802, and amendments thereto.

(b) **Gambling** is:

- (1) Making a bet; or
- (2) Entering or remaining in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling device.

(c) Gambling is a Class B violation. (K.S.A. 21-6403; K.S.A. 21-6404)

### **Sec. 11.9. Commercial Gambling.**

(a) Commercial gambling is knowingly:

- (1) Granting the use or allowing the continued use of a place as a gambling place; or
- (2) Permitting another to set up a gambling device for use in a place under the offender's control.

(b) Commercial gambling is a Class B violation. (K.S.A. 21-6406)

#### **Sec. 11.9.1. Illegal Bingo Operation.**

(a) Illegal bingo operation is the knowing management, operation or conduct of games of bingo in violation of the laws of the state of Kansas pertaining to the regulation, licensing and taxing of games of bingo or rules and regulations adopted pursuant thereto.

(b) Illegal bingo operation is a class A nonperson violation. (K.S.A. 21-6405)

### **Sec. 11.10. Possession of a Gambling Device.**

(a) It shall be unlawful for any person to possess a gambling device.

(b) It shall be a defense to a prosecution under this section that:

- (1) The gambling device is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or the defendant's possession. A slot machine shall be deemed an antique slot machine if it was manufactured prior to the year 1950; or

(2) The gambling device is possessed or under custody or control of a manufacturer registered under the federal gambling devices act of 1962 (15 U.S.C. § 1171 *et seq.*) or a transporter under contract with such manufacturer with intent to distribute for use:

- (A) By the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;
- (B) By a licensee of the Kansas racing commission as authorized by law and rules and regulations adopted by the commission;
- (C) In a state other than the state of Kansas; or
- (D) In tribal gaming.

(c) Violation of this section is a Class B violation.  
(K.S.A. 21-6408)

### **Sec. 11.11. Cruelty to Animals.**

(a) Cruelty to animals is:

- (1) Knowingly abandoning any animal in any place without making provisions for its proper care;
- (2) Having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is need for the health or well-being of such kind of animal;
- (3) Intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or
- (4) Knowingly but not maliciously killing or injuring any animal.

(b) The provisions of this section shall not apply to:

- (1) Normal or accepted veterinary practices;
- (2) *Bona fide* experiments carried on by commonly recognized research facilities;
- (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated, and amendments thereto;

- (4) Rodeo practices accepted by the rodeo cowboys' association;
  - (5) The humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;
  - (6) With respect to farm animals, normal or accepted practices of animal husbandry including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
  - (7) The killing of any animal by any person at any time that may be found outside of the owned or rented property of the owner or custodian of such animal and that is found injuring or posing a threat to any person, farm animal or property;
  - (8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
  - (9) Laying an equine down for medical or identification purposes;
  - (10) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or
  - (11) Accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.
- (c) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

- (d) On first conviction, cruelty to animals is a Class A violation. Subsequent violations considered felonies under state law and will be referred to the appropriate prosecuting authority. (K.S.A. 21-6412)

#### **Sec. 11.12. Cockfighting.**

- (a) Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers, or anything worn by a gamecock during a fight to further the killing power of such gamecock.
- (b) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.
- (c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.
- (d) Penalties.
  - (1) Unlawful possession of cockfighting paraphernalia is a Class A violation.
  - (2) Unlawful attendance of cockfighting is a Class B violation. (K.S.A. 21-6417)

#### **Sec. 11.13. Unlawful Possession of Dog Fighting Paraphernalia; Unlawful Attendance of Dog Fighting.**

- (a) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.
- (b) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(c) Penalties.

- (1) Unlawful possession of dog fighting paraphernalia is a class A nonperson violation.
- (2) Unlawful attendance of dog fighting is a Class B nonperson violation.

- (d) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for cruelty to animals.  
(K.S.A. 21-6414)

**Sec. 11.14. Illegal Animal Ownership.**

- (a) Illegal ownership or keeping of an animal is, with no requirement of a culpable mental state, owning, or keeping on one's premises, an animal by a person convicted of unlawful conduct of dog fighting as defined in K.S.A. 21-6414, and amendments thereto, or cruelty to animals as defined in subsection (a)(1) of K.S.A. 21-6412, and amendments thereto, within five years of the date of such conviction.
- (b) Illegal ownership or keeping of an animal is a class B nonperson violation. (K.S.A. 21-6415)

**Sec. 11.15. Permitting a Dangerous Animal to be at Large.**

- (a) Permitting a dangerous animal to be at large is the act or omission of the owner or custodian of an animal of dangerous or vicious propensities who, knowing of such propensities, permits such animal to go at large or keeps such animal without taking ordinary care to restrain it.
- (b) Permitting a dangerous animal to be at large is a Class B nonperson violation. (K.S.A. 21-6418)

**Sec. 11.16. False Membership Claim.**

- (a) A false membership claim is knowingly and falsely representing oneself to be a member of a fraternal or veteran's organization.
- (b) False membership claim is a class C violation.  
(K.S.A. 21-6410)

## Article 12. Violations, Penalties

### **Sec. 12.1. Classes of Violations and Confinement.**

- (a) For the purpose of sentencing, the following classes of violations and the punishment and the terms of confinement authorized for each class are established:
  - (1) Class A, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed one year;
  - (2) Class B, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed six months;
  - (3) Class C, the sentence for which shall be a definite term of confinement in the city or county jail which shall be fixed by the court and shall not exceed one month;
  - (4) Unclassified violations, which shall include all offenses declared to be violations without specification as to class, the sentence for which shall be in accordance with the sentence specified in the section that defines the offense; if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a Class C violation.
- (b) Upon conviction of a violation, a person may be punished by a fine, as provided in Section 12.2 of this article, instead of or in addition to confinement, as provided in this section.
- (c) In addition to or in lieu of any other sentence authorized by law, whenever there is evidence that the act constituting the violation was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the court may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary for aging and disability services. (K.S.A. 21-6602)

## **Sec. 12.2. Fines.**

- (a) A person convicted of a violation may, in addition to or instead of the confinement authorized by law, be ordered to pay a fine which shall be fixed by the court as follows:
- (1) Class A violation, a sum not exceeding \$2,500.
  - (2) Class B violation, a sum not exceeding \$1,000.
  - (3) Class C violation, a sum not exceeding \$500.
  - (4) Unclassified violation, any sum authorized by the section that defines the offense. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a Class C violation.
- (b) As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender. (K.S.A. 21-6611)

## **Article 13. Miscellaneous**

**Sec. 13.1. Application; Kansas Criminal Code.** The provisions of the Kansas Criminal Code (K.S.A. 21-5101:6712, inclusive and amendments thereto), which are in their nature applicable to the jurisdiction of the city and in respect to which no special provision is made by ordinance of the city are applicable to this criminal code.

**Sec. 13.2. Severability.** If any provision of this code is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the code and the applicability thereof to other persons and circumstances shall not be affected thereby.

# INDEX

Section

## A

ABUSING TOXIC VAPORS .....	9.9
ADMINISTRATION OF A SUBSTANCE, UNLAWFUL.....	3.11
AIDING, ABETTING .....	10.8
AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN.....	10.6
ALCOHOL WITHOUT LIQUID MACHINE .....	10.22
ANIMALS; ILLEGAL OWNERSHIP .....	11.14
ANIMALS; CRUELTY .....	11.11
ANIMALS; DANGEROUS, AT-LARGE .....	11.15
APPLICATION; KANSAS CRIMINAL CODE .....	13.1
ASSAULT .....	3.3
ASSEMBLY; UNLAWFUL; REMAINING AT.....	9.2
ATTEMPT .....	2.1
AUTOMOBILE .....	6.26

## B

BARBED WIRE .....	10.13
BATTERY .....	3.1
BATTERY; DOMESTIC.....	3.1.1
BATTERY; SEXUAL .....	3.2.1
BATTERY; AGAINST A HEALTH CARE PROVIDER .....	3.2.3
BATTERY AGAINST A LAW ENFORCEMENT OFFICER .....	3.2
BATTERY AGAINST A SCHOOL EMPLOYEE .....	3.2.2
BINGO; ILLEGAL OPERATION.....	11.9.1
BODY PIERCING; PERSONS UNDER 18 YEARS OF AGE.....	10.17
BUYING SEXUAL RELATIONS.....	4.5

## C

CANNABIDIOL TREATMENT PREPARATION.....	1.1
CIVIL RIGHTS; DENIAL .....	8.1
CLASSES OF VIOLATIONS AND CONFINEMENT .....	12.1
COCKFIGHTING .....	11.12
COMMERCIAL FOSSIL HUNTING .....	6.24
COMMERCIAL GAMBLING .....	11.9
COMMERCIALIZATION OF WILDLIFE.....	11.3
COMPENSATION FOR PAST OFFICIAL ACTS .....	7A.2
COMPUTERS; UNLAWFUL ACTS.....	6.20
CONSPIRACY.....	2.2

CONTRIBUTING TO A CHILD'S MISCONDUCT OR DEPRIVATION .....	5.1
CORPORATIONS: CRIMINAL RESPONSIBILITY; INDIVIDUAL LIABILITY .....	1.3
COUNTERFEIT AIRBAG VIOLATION.....	6.27
COUNTERFEIT DRUGS; TRAFFICKING IN .....	10.23
COUNTERFEITING.....	6.25
CREATING A HAZARD .....	10.11
CRIMINAL CARRYING OF A WEAPON.....	10.1.1
CRIMINAL DAMAGE TO PROPERTY .....	6.6
CRIMINAL DEPRIVATION OF PROPERTY .....	6.5
CRIMINAL HUNTING .....	6.22
CRIMINAL LITTERING.....	6.8
CRIMINAL TRESPASS.....	6.7
CRIMINAL USE OF WEAPONS.....	10.1

## D

DAMAGE TO PROPERTY .....	6.6
DAMAGING SEWERS .....	6.15
DEBILITATING MEDICAL CONDITION.....	1.1
DEFINITIONS.....	1.1
DENIAL OF CIVIL RIGHTS.....	8.1
DEPOSITS IN SEWERS .....	6.14
DEPRIVATION OF PROPERTY .....	6.5
DESECRATION.....	9.8
DISCHARGE OF A FIREARM.....	10.5
DISORDERLY CONDUCT.....	9.1
DISTRIBUTION OF A CONTROLLED SUBSTANCE.....	9.9.3
DISTRIBUTION OF A NON-CONTROLLED SUBSTANCE .....	9.9.6
DISTRIBUTION OF FIREARMS TO A FELON.....	10.3
DOG FIGHTING PARAPHERNALIA UNLAWFUL POSSESSION .....	11.13
DOG FIGHTING; UNLAWFUL ATTENDANCE.....	11.3
DOMESTIC BATTERY .....	3.1.1

## E

ELECTIONEERING.....	7.14
ELECTRONIC MONITORING EQUIPMENT UNLAWFUL TAMPERING.....	7.1
ENDANGERING A CHILD .....	5.4
ENDANGERING THE FOOD SUPPLY .....	10.28
ENDANGERMENT .....	10.10
EQUITY SKIMMING .....	6.19
ESCAPE FROM CUSTODY.....	7.3

EXPLOSIVES; CARRYING CONCEALED.....	10.9
EXPLOSIVES; FAILURE TO REGISTER.....	10.4
EXPOSING A CONVICTED OR CHARGED PERSON UNJUSTIFIABLY .....	8.3

## F

FAILURE TO REPORT A WOUND .....	10.12
FALSE COMMUNICATION .....	3.9
FALSE IMPERSONATION .....	7.11
FALSE MEMBERSHIP CLAIM .....	11.16
FALSE SIGNING OF PETITION.....	7.10
FINES .....	12.2
FUNERALS; UNLAWFUL PUBLIC DEMONSTRATION ..	9.11
FURNISHING ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE TO A MINOR .....	5.2

## G

GAMBLING.....	11.8
GIVING A FALSE ALARM (Now Making an Unlawful Request for Emergency Assistance) .....	9.7
GIVING A WORTHLESS CHECK.....	6.16

## H

HARASSMENT BY TELECOMMUNICATIONS DEVICE.....	9.10
HAZING .....	3.10
HOSTING MINORS CONSUMING ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE.....	5.3
HUNTING; COMMERCIAL FOSSIL .....	6.24
HUNTING; CRIMINAL .....	6.22

## I

ILLEGAL BINGO OPERATION.....	11.9.1
ILLEGAL OPERATION OF AN AMUSEMENT RIDE.....	10.27
INTENT; PERMANENTLY DEPRIVE .....	6.2
INTERFERENCE; CONDUCT, PUBLIC BUSINESS IN PUBLIC BUILDING.....	7.12
INTERFERENCE WITH A LAW ENFORCEMENT OFFICER .....	7.2
INTERFERENCE WITH AN EMERGENCY MEDICAL SERVICES ATTENDANT, UNLAWFUL.....	3.4
INTERFERENCE WITH CUSTODY OF A COMMITTED PERSON .....	3.7.1

INTERFERENCE WITH FIREFIGHTER, UNLAWFUL.....	3.5
INTERFERENCE WITH POLICE DOGS.....	7.13
INTERFERENCE WITH THE JUDICIAL PROCESS.....	7.4
INTIMIDATION OF A WITNESS OR VICTIM .....	7.15

## L

LEWD, LASCIVIOUS BEHAVIOR .....	4.1
LIABILITY FOR OFFENSES OF ANOTHER.....	1.2
LITTERING.....	6.8

## M

MAKING AN UNLAWFUL REQUEST FOR EMERGENCY SERVICE ASSISTANCE .....	9.7
MANUFACTURE OR DISPOSAL OF FALSE TOKENS .....	6.11
MATERIAL HARMFUL TO MINORS .....	11.7
MISTREATMENT OF CONFINED PERSON .....	3.7
MISUSE OF PUBLIC FUNDS .....	7A.4
MOTOR VEHICLE DEALERS; SELLING MOTOR VEHICLES WITHOUT A LICENSE .....	6.18

## O

OBTAINING A PRESCRIPTION ONLY DRUG; UNLAWFULLY .....	10.20
OBSTRUCTING APPREHENSION OR PROSECUTION	7.16
OFFICIAL MISCONDUCT .....	7A.1
OPERATING A VESSEL UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.....	10.15
OPERATION OF A MOTORBOAT OR SAILBOAT .....	10.14
OPERATION OF AN AIRCRAFT UNDER THE INFLUENCE.....	10.30

## P

PERFORMANCE OF UNAUTHORIZED OFFICIAL ACT ...	7.6
PERMITTING A PUBLIC NUISANCE.....	9.5
PETITION; FALSE SIGNING OF.....	7.10
POSSESSION OF A CONTROLLED SUBSTANCE.....	9.9.5
POSSESSION OF A GAMBLING DEVICE.....	11.10
POSSESSION OF A SIMULATED SUBSTANCE.....	9.9.5
POSSESSION OF MARIJUANA AND TETRAHYDROCANNABINOLS; UNLAWFUL.....	9.9.1
POSSESSION OF A VISUAL DEPICTION OF A CHILD; UNLAWFUL.....	5.1.2

POSTING OF POLITICAL PICTURES AND POLITICAL ADVERTISEMENTS.....	9.13
PRESENTING/PERMITTING A FALSE CLAIM.....	7A.3
PRIVACY; BREACH OF .....	3.12
PROMOTING OBSCENITY.....	11.1
PROMOTING OBSCENITY TO MINORS .....	11.2
PROTECTION FROM ABUSE ORDER; VIOLATION OF .....	3.8
PROTECTIVE ORDER, VIOLATION OF.....	3.8.1
PURCHASE, CONSUMPTION OR POSSESSION OF ALCOHOLIC LIQUOR OR CMB BY A MINOR;18-21. ...	5.8
PURCHASE OR POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS BY A MINOR .....	5.6

## R

RECORDING; UNLAWFUL USE OF .....	6.23.1
RECORDING DEVICE; UNLAWFUL USE OF .....	6.23
RESTRAINT; UNLAWFUL .....	3.6
RIOT .....	9.4

## S

SALE OF MEDICINES AND DRUGS THROUGH VENDING MACHINES.....	10.19
SEIZURE OF WEAPON .....	10.7
SELLING BEVERAGE CONTAINERS WITH DETACHABLE TABS .....	10.21
SELLING, GIVING OR FURNISHING CIGARETTES OR TOBACCO PRODUCTS TO A MINOR .....	5.7
SERIAL NUMBERS .....	6.12
SEWERS; DAMAGING .....	6.15
SEWERS; UNLAWFUL DEPOSITS .....	6.14
SEVERABILITY .....	13.2
SEXUAL RELATIONS; BUYING.....	4.5
SEXUAL RELATIONS; SELLING .....	4.3
SIMULATING LEGAL PROCESS.....	7.7
SMOKE DETECTOR; FAILURE TO PLACE OR MAINTAIN.....	10.18
SMOKING PROHIBITED.....	10.24
SMOKING PROHIBITED; PENALTIES .....	10.26
SMOKING; POSTING PREMISES.....	10.25
STALKING .....	3.13

## T

TAKING WILDLIFE WITHOUT PERMISSION ON LAND POSTED "BY WRITTEN PERMISSION ONLY" .....	6.21
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TAMPERING WITH A LANDMARK .....	6.9
TAMPERING WITH A TRAFFIC SIGNAL .....	6.10
TAMPERING WITH PUBLIC NOTICE.....	7.9
TAMPERING WITH PUBLIC RECORD.....	7.8
TATTOOING; PERSONS UNDER 18 YEARS OF AGE.....	10.17
TAX INFORMATION; UNLAWFUL DISCLOSURE .....	8.2
THEFT .....	6.1
THEFT OF PROPERTY LOST, MISLAID OR DELIVERED BY MISTAKE.....	6.3
THROWING OBJECTS .....	10.16
TOBACCO PRODUCTS; POSSESSION BY MINOR .....	5.6
TOBACCO PRODUCTS; SELLING, GIVING OR FURNISHING TO A MINOR.....	5.7
TRANSMISSION OF A VISUAL DEPICTION OF A CHILD; UNLAWFUL.....	5.1.3
TRESPASS.....	6.7
TRESPASSING ON RAILROAD PROPERTY.....	6.7.1
TRESPASSING ON CRITICAL INFRASTRUCTURE FACILITY.....	6.7.2

## U

UNLAWFUL PUBLIC DEMONSTRATION AT A FUNERAL.....	9.11
UNLAWFUL USE OF A COMMUNICATION FACILITY..	4.5.1
USE OF A FINANCIAL CARD .....	6.17
USE OF WEAPONS.....	10.1

## V

VIOLATION OF AN EXECUTIVE ORDER UNDER K.S.A. 48-925 MANDATING A CURFEW OR PROHIBITING PUBLIC ENTRY.....	9.3
VIOLATION OF A PUBLIC HEALTH ORDER.....	10.29
VIOLATION OF A PROTECTIVE ORDER.....	3.8.1
VIOLATION OF PROTECTION FROM ABUSE ORDER ...	3.8

## W

WATERCRAFT; LIFESAVING DEVICES REQUIRED.....	5.5
WEAPONS; CRIMINAL USE.....	10.1
WITHHOLDING POSSESSION OF PUBLIC PROPERTY .....	6.13
WITNESS OR VICTIM; INTIMIDATION OF .....	7.15
WORTHLESS CHECK, GIVING.....	6.16

**CHANGES IN UNIFORM PUBLIC OFFENSE CODE  
FOR THE 40<sup>th</sup> EDITION**

**Amended:**

- Sec. 9.1.                    Disorderly Conduct**
- Sec. 9.9.1.                Unlawful Possession of Marijuana and  
Tetrahydrocannabinols.**
- Sec. 9.9.2.                Possession of Drug Paraphernalia and  
Certain Drug Precursors.**
- Sec. 9.9.4.                Unlawful Possession of Controlled  
Substances.**



THE  
**LEAGUE**  
OF KANSAS MUNICIPALITIES



THE

LEAGUE

OF KANSAS MUNICIPALITIES

---

300 SW 8th Avenue, Suite 100, Topeka, KS 66603



customer makes full payment on the delinquent amounts. Some customers receive wastewater service and stormwater service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City. The customers identified in this document are delinquent in payment for services provided by the City. State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered. This ordinance is passed every September so that the county clerk has sufficient time to add the utility fees to the tax statement that is issued in November.

**BUDGETARY IMPACT:**

Collection of delinquent utility accounts in the amount of \$119,166.55

**SOURCE OF FUNDING:**

Not Applicable

**ATTACHMENTS:**

**Description**

Draft Ordinance (Sept 11, 2024)

Utility Lien Fact Sheet

Location Aerial

2024 Utilities Lien Ordinance Presentation (Sept 10 2024 GB Meeting)

1 (Published in the Topeka Metro News \_\_\_\_\_)  
2

3 ORDINANCE NO. \_\_\_\_\_  
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, imposing a real  
6 estate lien pursuant to K.S.A. 12-808c upon certain lots and pieces  
7 of ground in Shawnee County, Kansas, to pay the cost for utility  
8 services where such payments to the City have not been made due  
9 to neglect, failure or refusal to pay.  
10

11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,

12 KANSAS:

13 Section 1. That there be and is hereby instituted a real estate lien upon the  
14 following described lots and pieces of ground in Shawnee County, Kansas, pursuant to  
15 K.S.A. 12-808c:

<u>Property ID Number</u>	<u>Property Owner of Record</u>	<u>Service Address</u>	<u>Amount</u>
1093102028001000	KANSAS VILLAGE AT OLD TOWN LLC	901 SW 7TH ST	\$68.56
1093102029007000	KANSAS VILLAGE AT OLD TOWN LLC	820 SW 8TH AVE	\$68.56
1320402004002000	RUELAS, JUAN	2305 SE 10TH AVE	\$398.37
1341902003016000	UNITY INVEST GROUP LLC	3740 SW TOPEKA BLVD	\$265.46
1410104031008000	PROCHASKA, LUCAS	2060 SW CLAY ST	\$452.96
0273502007001000	TELLES, ROBERT L	5101 NW STERLING CHASE DR	\$464.95
0273503003030000	SHIRLEY, BRENDA J	4844 NW FIELDING RD	\$209.08
0273601002016000	ECKHOFF, JOHN & SONYA	5328 NW GREEN HILLS RD	\$1,091.07
0273601007002000	KRAMER, GREGORY D	5220 NW LINCOLN ST	\$1,097.37
0273601007026000	WOODWARD JR, BRYAN A	5225 NW KENDALL DR	\$263.88
0273604002005000	MULQUEEN, DOUGLAS R	2037 NW 48TH ST	\$599.65
0273604003006000	HARRIS, KIMBERLY J	4839 NW KENDALL DR	\$711.09
0283401002002000	HODGES, ROBERT D	4340 NW MESA CT	\$1,208.45
0283401003016000	SHERRER, GARY L	4400 NW MESA CT	\$435.97
0283401005003000	ADAMS, STEVEN E	5230 NW MELBA DR	\$559.45
0283401006011000	SWARTZMAN, STEPHEN P	5119 NW PUEBLO CT	\$438.11
0283401007013000	MARTINEZ, MICHAEL A	5033 NW 52ND ST	\$965.33
0283401008003000	KAHRE, BRUCE A & OLGA M	5216 NW 52ND ST	\$1,696.91
0283401008005000	FRANCIS, TRACY	5200 NW 52ND ST	\$966.57
0283401010016000	SULLIVAN, BREANN	5320 NW ARROYO DR	\$1,177.07
0283402001014000	WOOD, TRINA M	5130 NW ARROYO DR	\$7,694.77
0283402002009000	JONES, SARAH	5001 NW PUEBLO CT	\$769.89
0283402002012000	BURKEEN, JENNIFER	5019 NW PUEBLO CT	\$340.99
0283402002014000	KEE, AMY L	5033 NW PUEBLO CT	\$1,208.39

0283402003010000	STUKE, SHELA A	4507 NW 50TH CT	\$903.05
0283402003012000	HUTFLES, LEWIS	4519 NW 50TH CT	\$883.25
0910202002003000	CP OFFICE SUITES LLC	4501 NW OAKLEY AVE	\$280.70
0910202006001000	SNELL, LOREN	4543 NW GERONIMO TRL	\$326.56
0910202006005000	ROSS, DARYL	4527 NW GERONIMO TRL	\$356.92
0910202006012000	RENO, DONNA	4515 NW GERONIMO TRL	\$227.09
0910202008004000	TURLEY, JESSE	3940 NW 43RD ST	\$892.59
0910203006013000	FANNIN, KRISTEN M	3910 NW KRYSTEN ST	\$195.34
0910204002001000	MCDANIEL, DUSTIN A	4251 NW DONDEE LN	\$1,241.19
0910204002002000	EHRHARDT, WALTER	3321 NW 43RD ST	\$1,192.25
0910204003004000	OSASUYI, OLABODE	3435 NW 43RD ST	\$715.47
0910204005002000	TODACK, JEFFREY	3411 NW 42ND TER	\$871.13
0910204006019000	DESCH, JONNA L	4211 NW DONDEE LN	\$247.64
0910204007004000	BAXTER, JOSHUA L & CARRIE	4122 NW WALNUT RD	\$1,037.97
0910204010003000	NEWELL, AMANDA	4011 NW FIELDING RD	\$729.85
0910204011015000	JOHNSON, BRAD A	3901 NW CHERRY CREEK DR	\$551.71
0910204011020000	YOUNG, TALIA LEA	3943 NW CHERRY CREEK DR	\$771.55
0910204012009000	GARDNER, BENTON J & MANDI M	3432 NW 39TH CT	\$1,359.43
0911101003008000	STADLER, ADAM R	3738 NW CHERRY CREEK DR	\$1,094.41
0911101003013000	LONG, AMBER F	3708 NW CHERRY CREEK DR	\$1,301.03
0911101006001000	THOMAS, ARMAHNE	3347 NW 38TH TER	\$655.94
0911101009002000	HEYDENREICH, MARIA	3417 NW 39TH CT	\$1,028.67
0911101009008000	GILKISON, NICOLE D	3444 NW 38TH TER	\$1,257.23
0911104001001320	BITNER, BRETTON	3232 NW 34TH ST	\$999.91
0911104002002000	SMITH, THERESA	3433 NW HICKORY RIDGE LN	\$1,285.81
0920301003005000	MIKKELSEN, MELISSA A	4520 NW WESTGATE RD	\$765.67
0920301006002000	ROSS, RHIANNON	4111 NW BEECHER RD	\$753.28
0920301009004000	BRANDENBURGH III, JAMES	4201 NW MORLEY ST	\$469.79
0920301009006000	NORTH, SUZANNE M	4221 NW MORLEY ST	\$785.31
0973501001002000	A & I LLC	606 SW WAYNE AVE	\$568.74
0973502002001010	WG HEARTHSTONE EAST SH LLC	3415 SW 6TH AVE	\$465.36
0973502002005000	WG HEARTHSTONE EAST SH LLC	3515 SW 6TH AVE	\$465.36
0973502002006000	21ST CENTURY PLAZA PROP INC	3535 SW 6TH AVE	\$68.56
1042004004004000	SONOS	504 NE PARAMORE ST	\$657.38
1051604005001000	RANKER, MARTIN K	2311 NE KAW VALLEY RD	\$188.68
1051604006002000	DURHAM, TANNER E	2304 NE KAW VALLEY RD	\$231.00
1083402003018000	WATCHDOG SELF STORAGE LLC	3201 SE BATES RD	\$1,440.27
1093001019001000	WANAMAKER, ROBERT B & DONNA J	409 NW GORDON ST	\$86.97
1093102023013000	ROACH, JOHN L	625 SW POLK ST	\$893.96
1093102028013000	KANSAS VILLAGE AT OLD TOWN LLC	900 SW 8TH AVE	\$68.56
1093103002005000	RIPPERGER, DWAYNE M	512 SW 8TH AVE	\$863.15
1093103006008000	H2O HOSPITALITY LLC	832 SW TYLER ST	\$342.15
1093104016005000	LA FEMME LEGACIES LLC	914 SE MADISON ST	\$4,247.36
1093202018004000	WIBLE PROPERTY DEVELOPMENT LLC	520 SE 5TH ST	\$198.68

1093204030007000	CRUZ ALVARADO, JUAN C	612 SE LAKE ST	\$466.57
1311101001014000	ROTHGEB, ADAM	4340 SE 23RD TER	\$1,888.17
1311101007004000	STOVALL, BONNIE	2416 SE BENNETT DR	\$280.23
1311101009012000	MCDONALD, JENNIFER M (THOMPSON, JOSH)	4041 SE SHILOH CT	\$489.18
1311101009015000	WALLACE, MICHAEL	2227 SE SHILOH RIDGE LN	\$192.68
1311102003005000	ZIMMERMAN, MICHELLE R	3830 SE 23RD TER	\$910.85
1311102003009000	VARNON, STEFANI R	3806 SE 23RD TER	\$830.61
1311102005021000	VIRGO, TABITHA R	3718 SE 25TH ST	\$570.51
1311102006011000	CRAWFORD, JASON C	2330 SE ALAMAR RD	\$992.62
1311102007001000	MORGAN, DEBRA A	2325 SE ALAMAR RD	\$224.56
1311102009002000	BROWN, JASON	2300 SE ALEXANDER DR	\$1,085.08
1311103002013000	WURTZ, AARON M	3842 SE HOWARD DR	\$921.33
1311103002016000	PRITCHETT, SALLY	2537 SE CONNIE DR	\$1,306.97
1311103003004000	BUSENITZ, BROOKE N	2526 SE ALEXANDER DR	\$1,777.36
1311103003014000	MURRAY, CATRECE	2545 SE PECK RD	\$268.35
1311103004002000	ZAJIC, MATTHEW	2514 SE BLAIR DR	\$772.70
1311103004010000	TRIMBLE, BRENDA M	2527 SE ALEXANDER DR	\$905.38
1311103005009000	GEIST, CHARLES	3640 SE HOWARD DR	\$393.66
1311103010017000	WURTZ, CHRISTINE	3620 SE 27TH TER	\$478.66
1311103013005000	NICHOLS, MATTHEW D	2835 SE LAKERIDGE CT	\$560.69
1311103013014000	ALBRIGHT, DANIEL K	2830 SE CAPITOL VIEW CT	\$730.93
1311104005009000	HIGGS, MICHAEL A	4330 SE 25TH TER	\$579.49
1311104007007000	ALI, JAN L	2620 SE BENNETT DR	\$908.13
1311104010002000	NAVA, VERONICA	2720 SE SHAWNEE DR	\$1,197.81
1311104013005000	ROBERTS, GLEN C	4310 SE 29TH ST	\$1,459.68
1311202002001010	ADAMS, SONYA	2323 SE CUVIER ST	\$284.16
1311203001014000	WATKINS, MICHAEL P	4713 SE 25TH ST	\$1,193.85
1311203009004000	SHEPHERD, ANGIE R	4645 SE 26TH TER	\$548.69
1320402006002000	LEGACY ON 10TH REALCO LLC	2015 SE 10TH AVE	\$663.48
1330502004004000	P & Q ENTERPRISES INC	603 SE 10TH AVE	\$474.87
1330502012010000	STARDUSTERS CRIME PREVENTION	1135 SE WASHINGTON ST	\$378.36
1330603007003000	JOHNSON, HARRIETT	1812 SW VAN BUREN ST	\$103.93
1330701004001000	VAUGHN MANAGEMENT LLC	123 SE 21ST ST	\$5,078.51
1330704017006000	DRINKWATER, MICHAEL B	2814 SE MADISON ST	\$310.62
1330801002004000	EMPORIUM HOLDINGS INC	1821 SE 21ST ST	\$2,528.12
1351504001024000	HOSKINS, DAKOTA E	3531 SE CROCO RD	\$274.73
1361401001023000	COCHRAN, CLARENCE	3201 SE DOWNING DR	\$1,108.11
1361401002010000	RAMOS JR, HUMBERTO MARIO	2907 SE ARBOR DR	\$952.03
1361401002017000	ABEL, VERONICA K	2913 SE STARLITE DR	\$277.96
1361401005006000	EK REAL ESTATE FUND I LLC	3213 SE BURTON ST	\$941.53
1361401008011000	BURGHART, JUSTIN P	3118 SE ARBOR DR	\$1,649.66
1361402003010000	HUGHES, TAMMY	3816 SE 30TH PARK	\$1,454.00
1361402006003000	GATEWOOD, RAUL R	3807 SE 30TH PARK	\$914.10





Sylvia Davis, Director of Utilities  
Water Treatment Plant, 3245 NW Water Works Dr.  
Topeka, KS 66606

[sdavis@topeka.org](mailto:sdavis@topeka.org)  
Tel: 785-368-4239  
[www.topeka.org](http://www.topeka.org)

The City of Topeka Utilities provide utility services for water, wastewater, stormwater and fire line services to a variety of customers located both inside and outside the city limits. When customer utility bills become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts.

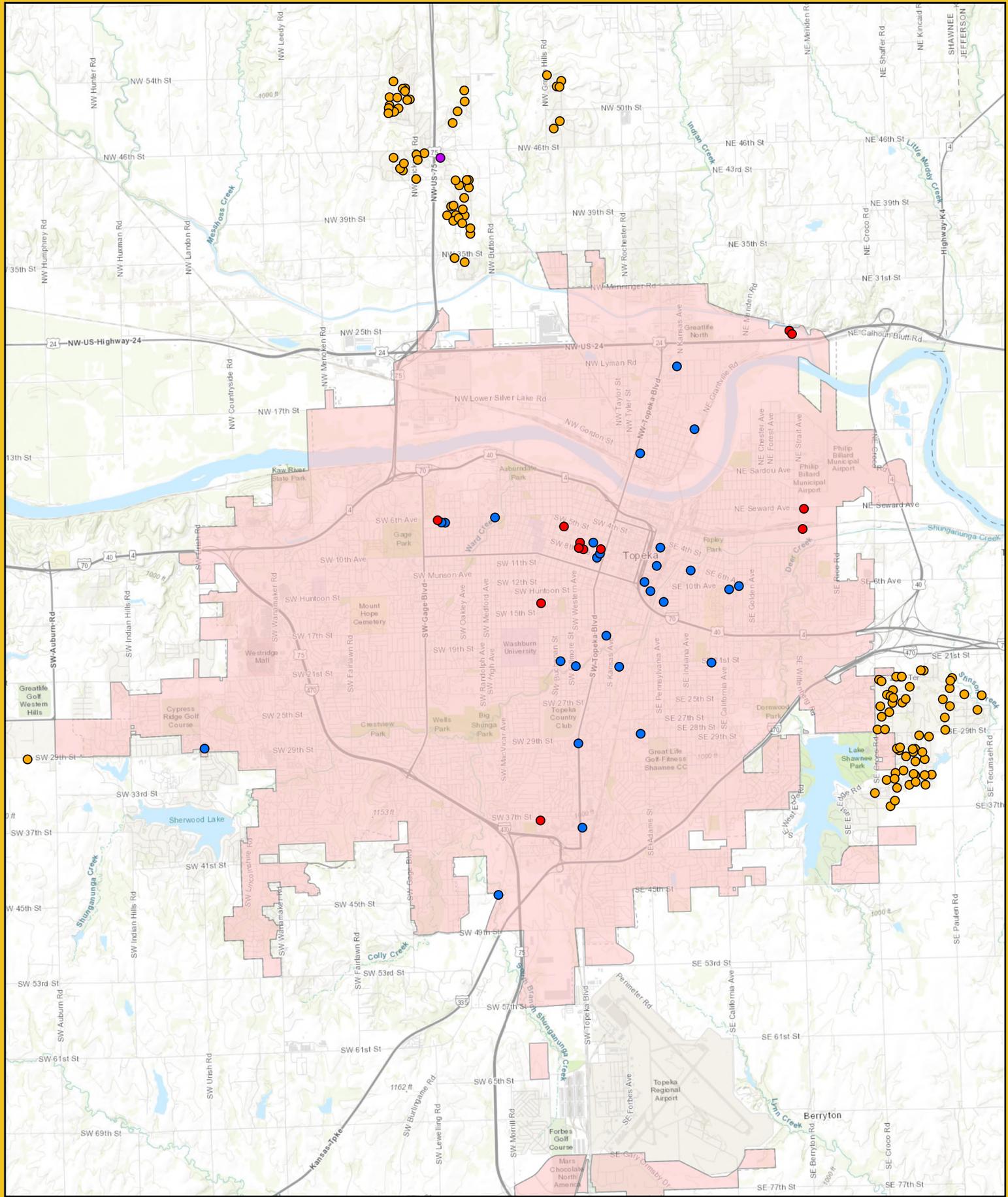
However, some customers receive fire line service, wastewater service and/or stormwater service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of the customers outside the city limits are customers of rural water districts, and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City.

When a customer does not have a water service to turn off, the utilities have only two options for collection of past due amounts, turn the amounts over to the City's collection agency or assess a real estate lien. The assessment of real estate liens have proven to be a much more effective means of collecting unpaid utility bills than turning them over to the City's collection agency. The utilities have traditionally only collected about 30% of the amount turned over to the collection agency compared to approximately 98% collected from real estate liens.

Toward the end of July, past due final notices were sent to 175 utility accounts. Of the 175 accounts, 123 have previously been included in a utility lien ordinance. Utilities staff made phone calls to each of the customers who were receiving a past due final notice for the first time to ensure awareness of the possible real estate lien. Following staff's collection efforts there are now currently 147 accounts (114 repeat) remaining that are being included in the preliminary ordinance. 108 of those accounts are outside city limits and have wastewater (sewer) service provided by the City. There are 39 accounts inside city limits which have delinquent stormwater and/or fireline accounts. All customers are at least 90 days past due in payment of their utility bills.

State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered.

\*\* As is common in years past, payments continue to filter in after the agenda deadline. An updated listing/ordinance will be provided to the council on the evening of 9/17 to ensure that we account for any and all payments received after posting of the notice.

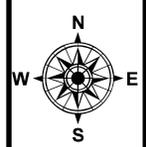


**City of Topeka, Kansas GIS Data Disclaimer**

While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, **NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND** are made regarding information, data or services provided. In no event, shall the City of Topeka, KS be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, KS harmless in all matters and accounts arising from the use and/or accuracy of this data. This Agreement is solely for the benefit of the parties hereto, and no third party shall be entitled to claim or enforce any rights hereunder.

# Real Estate Liens 2024

- Commercial Inside City
- Commercial Outside City
- Residential Inside City
- Residential Outside City





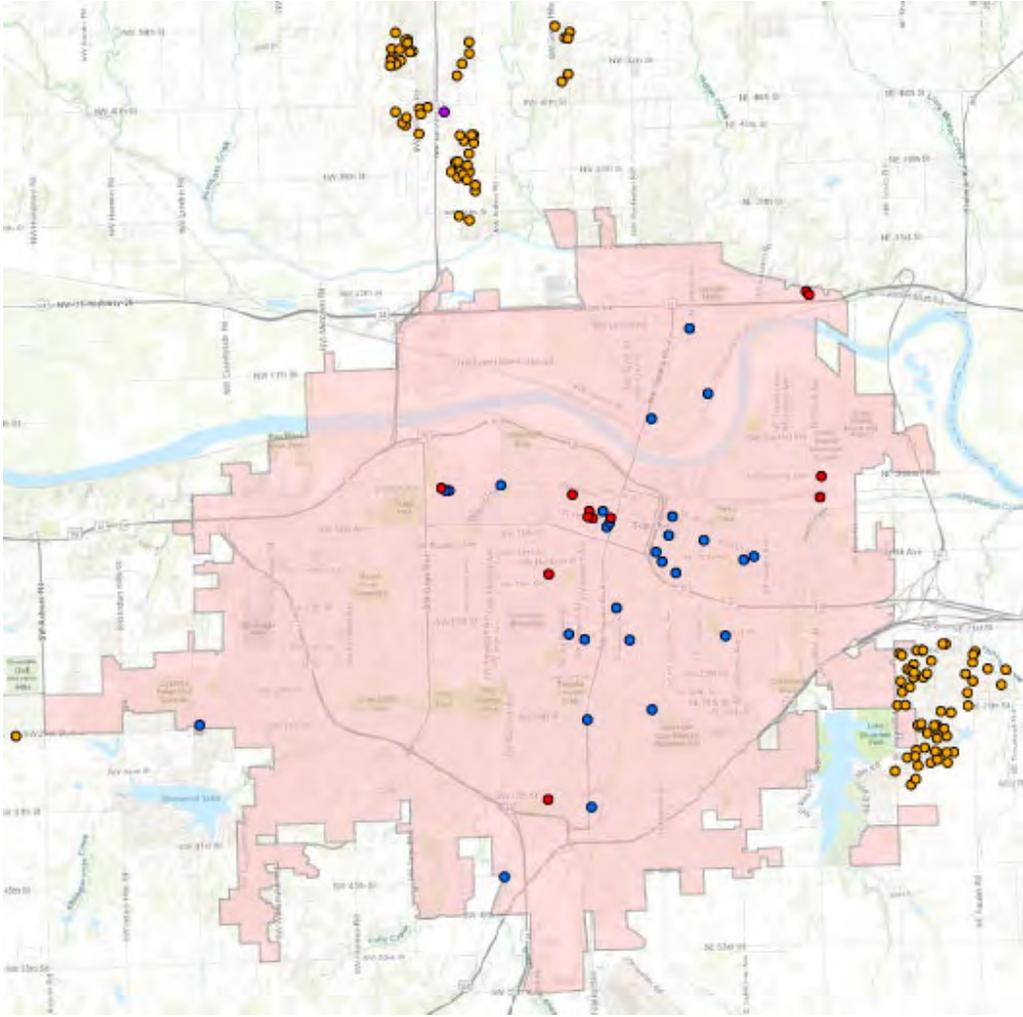
CITY OF  
**TOPEKA**



# 2024 Utilities Lien Ordinance

# 2024 Real Estate Liens

- Commercial Inside City
- Commercial Outside City
- Residential Inside City
- Residential Outside City



# 2024 Delinquent Accounts

## Outside City –

- 130 Wastewater

## Inside City –

- 34 Stormwater
- 11 Fire Line

## 175 Letters Sent

- \$129,774.29
- 70% Repeat



# Collection Methods

	<u>Average Collection Rate</u>
Lien Assessment	98%
Collection Agency	30%
State Set Off	13%



# Important Dates

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July 25<sup>th</sup> - Letters mailed to delinquent customers

September 17<sup>th</sup> - Lien ordinance approved

**September 30<sup>th</sup>, Noon - Last day to make payment to the City**

September 30<sup>th</sup> - Final lien list sent to the County (October 1<sup>st</sup> deadline)

November- County mails out 1<sup>st</sup> half tax notices



QUESTIONS?





**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

---

**DATE:** September 17, 2024  
**CONTACT PERSON:** Amanda Stanley, City Attorney  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Shawnee County Tax Foreclosure Sale  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, regarding the upcoming Shawnee County Tax Foreclosure Sale.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Approval would authorize the City Manager to evaluate the properties for purchase at the September 19, 2024, Shawnee County 2024 Tax Foreclosure Sale and purchase those properties he finds necessary in order to mitigate the City's loss of special assessment revenue.)*

**VOTING REQUIREMENTS:**

Action requires six (6) votes of the Governing Body.

**POLICY ISSUE:**

Whether to approve the attached Resolution authorizing the City Manager to evaluate the properties for purchase at the upcoming Tax Foreclosure Sale and purchase those properties he finds necessary in order to mitigate the City's loss of special assessment revenue.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution.

**BACKGROUND:**

K.S.A. 79-2804i allows a City to protect itself, to an extent, against the loss of its special assessments by bidding on the property at the Tax Foreclosure Sale. The 2024 tax sale is to be held on September 19 and there are

properties with significant back due special assessments for sale in developable areas.

**BUDGETARY IMPACT:**

To be determined. The exact impact will be unknown until after the auction and property is purchased.

**SOURCE OF FUNDING:**

Economic Development Fund

**ATTACHMENTS:**

**Description**

Resolution

1 RESOLUTION NO. \_\_\_\_\_

2  
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding the  
4 upcoming Shawnee County Foreclosure Tax sale.

5  
6 WHEREAS, Shawnee County annually holds a Tax Foreclosure Sale; and

7 WHEREAS, the 2024 Tax Foreclosure Sale will be held on September 19; and

8 WHEREAS, K.S.A. 79-2804i allows a City to protect itself, to an extent, against the  
9 loss of its special assessments by bidding on the property at the Tax Foreclosure Sale;  
10 and

11 WHEREAS, there are properties in the upcoming Tax Foreclosure Sale with past  
12 due special assessments; and

13 WHEREAS, TMC 3.30.310 requires approval of the Governing Body to acquire fee  
14 simple title of real property.

15 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
16 CITY OF TOPEKA, KANSAS, that the Governing Body authorizes the City Manager to  
17 evaluate the properties for purchase at the upcoming Tax Foreclosure Sale and purchase  
18 those properties he finds necessary in order to mitigate the City's loss of special  
19 assessment revenue.

20 ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

21 CITY OF TOPEKA, KANSAS

22  
23  
24  
25 \_\_\_\_\_  
26 Michael A. Padilla, Mayor

27 ATTEST:

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29 \_\_\_\_\_  
30 Brenda Younger, City Clerk



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** Councilmembers Spencer Duncan and Neil Dobler  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Lauren's Bay Special Assessment Forgiveness  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY** 020 Resolutions / 004 Public Improvements  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by Councilmembers Neil Dobler and Spencer Duncan regarding Lauren's Bay.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Approval would forgive past due special assessments for properties in the upcoming tax sale with the primary shareholder of Jim Klausman in exchange for full payment of back due property taxes and negotiated payment for the lots by the end of 2024.)*

**VOTING REQUIREMENTS:**

Action requires at least six (6) votes of the Governing Body.

**POLICY ISSUE:**

Whether or not to forgive the back due special assessments of the Developer in exchange for full payment of back due property taxes and a negotiated payment to be negotiated between the Public Infrastructure Committee and the Developer by December 31, 2024.

**STAFF RECOMMENDATION:**

Staff is making no recommendation.

**BACKGROUND:**

A resolution as introduced by Councilmembers Dobler and Duncan proposing the forgiveness of past due special assessments for properties in the upcoming tax sale with the primary shareholder of Jim Klausman in exchange for a negotiated deal and payment for the lots by the end of 2024.

**BUDGETARY IMPACT:**

The City will work with bond counsel and the Developer to decrease the annual yearly special assessments remaining on the property through the creation of a CID with a delayed implementation. The Public Infrastructure Committee shall negotiate with the Developer the terms for payment of the forgiven special assessments for the lots in the 2024 tax sale in conjunction with available economic development tools. If no agreement is reached and approved by the entire Governing Body by December 31, 2024 with payment rendered to the City by that date, the lots shall be donated by the Developer to the City's land bank. The transfer shall occur no later than March 3, 2025.

**SOURCE OF FUNDING:**

Developer

**ATTACHMENTS:**

**Description**

Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by Councilmembers Neil Dobler and Spender Duncan regarding Lauren’s Bay.

WHEREAS, Shawnee County annually holds a Tax Foreclosure Sale; and

WHEREAS, the 2024 Tax Foreclosure Sale will be held on September 19, 2024;

and

WHEREAS, there are lots in Lauren’s Bay owned by Klaton Real Estate, LLC, 3420 SW Fairlawn, LLC, and LB Lots LLC; and

WHEREAS, Jim Klausman is the primary shareholder in Klaton Real Estate, LLC, 3420 SW Fairlawn, LLC, and LB Lots LLC collectively referred to from hereon as “the Developer”; and

WHEREAS, the City desires to forgive the back due special assessments of the Developer in exchange for full payment of back due property taxes and a negotiated payment to be negotiated between the Public Infrastructure Committee and the Developer by December 31, 2024; and

WHEREAS, the City desires for the lots to be developed utilizing available economic development tools.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:

1. The Governing Body authorizes the City Manager to notify the County Counselor the past due specials on the lots in the upcoming tax sale have been forgiven. The Developer shall make payment of back due property taxes.

2. The Governing Body waives the requirement in its RHID Policy 9452 that there be no outstanding back due taxes and specials prior to application to allow the

27 Developer to submit the lots in Lauren’s Bay for RHID Consideration.

28 3. The City will work with bond counsel and the Developer to decrease the  
29 annual yearly special assessments remaining on the property through the creation of a  
30 CID with a delayed implementation.

31 4. The Public Infrastructure Committee shall negotiate with the Developer the  
32 terms for payment of the forgiven special assessments for the lots in the 2024 tax sale in  
33 conjunction with available economic development tools. If no agreement is reached and  
34 approved by the entire Governing Body by December 31, 2024 with payment rendered to  
35 the City by that date, the lots shall be donated by the Developer to the City’s land bank.  
36 The transfer shall occur no later than March 3, 2025.

37 5. The Developer shall sign this Resolution to evidence its agreement with the  
38 terms expressed in exchange for the forgiveness of the past due special assessments.

39 ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

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CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 17, 2024

---

DATE: September 17, 2024  
CONTACT PERSON: Ben Hart, Interim Chief Financial Officer DOCUMENT #:  
SECOND PARTY/SUBJECT: Presbyterian Manors, Inc PROJECT #:  
CATEGORY/SUBCATEGORY 020 Resolutions / 003 IRB  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez approving the issuance by the City of Wichita, Kansas of its Health Care Facilities Revenue Bonds for the purpose of financing or refinancing the acquisition, construction, improvement and equipping of senior living and health care facilities located in the city of Topeka, Kansas.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(Approval would authorize the City of Wichita to issue revenue bonds for the benefit of Presbyterian Manors, Inc. to finance and refinance projects at the Topeka Presbyterian Manor.)*

**VOTING REQUIREMENTS:**

Action requires at least six (6) votes of the the Governing Body.

**POLICY ISSUE:**

Under K.S.A. 12-1741a, the City of Topeka may authorize the City of Wichita to issue revenue bonds for the benefit of Presbyterian Manors, Inc. to finance and refinance projects at the Topeka Presbyterian Manor.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution.

**BACKGROUND:**

Since 1990, 12 cities, including the City of Topeka, have authorized the City of Wichita to issue revenue bonds. The proceeds of which were used to benefit the various Presbyterian Manor retirement care facilities located in

these cities, including the City of Topeka. Presbyterian Manor is now requesting the cities authorize the City of Wichita to issue up to \$90 million in revenue bonds to do the following: in part to refinance or finance construction of improvements and additions to PMI facilities, including the facility located within the limits of the City of Topeka at 4712 SW Sixth, Topeka, Kansas.

Under K.S.A. 12-1741a, the City of Wichita may not issue revenue bonds to finance or refinance facilities located within the corporate limits of the City of Topeka without (a) the adoption of an approval resolution by the governing body of the City of Topeka or (b) “deemed approval” from the City of Topeka, which results if the City of Topeka does not provide written notification to the City of Wichita specifically disapproving the issuance of the Bonds within seven business days after the next regular meeting of the governing body of the City of Topeka (September 10th) that follows receipt of a request for approval.

So, to approve the issuance of the Bonds, the governing body of the City of Topeka may affirmatively adopt a resolution approving issuance of the Bonds at the September 17, 2024, governing body meeting or may take no action and provide no notice of disapproval to the City of Wichita. To disapprove of the issuance of the Bonds, the City of Topeka must simply provide written notice of such disapproval by not later than September 17, 2024. The City of Topeka has previously facilitated bond issues for PMI, including action in 2018, in connection with which the governing body of the City of Topeka did affirmatively adopt an approval resolution.

**BUDGETARY IMPACT:**

The issuance of the Bonds by the City of Wichita will not create any financial liability upon the Bonds on the part of the City of Topeka.

**SOURCE OF FUNDING:**

Not Applicable

**ATTACHMENTS:**

**Description**

Gillmore & Bell Cover Memo (Sept 5, 2024)

Resolution

Notice to Participants City of Wichita (September 4, 2024)



One Main Place - 100 North Main, Suite 800  
Wichita, Kansas 67202-1311

(316) 267-2091 / (316) 262-6523 FAX / gilmorebell.com

**TO:** City of Topeka, Kansas

**FROM:** Kevin M. Cowan, Gilmore & Bell, P.C.

**RE:** Presbyterian Manors, Inc.'s ("PMI") Request regarding Issuance of Bonds by the City of Wichita, Kansas

**DATE:** September 5, 2024

---

### **Background**

This memorandum describes PMI's and the City of Wichita's request to the City of Topeka and the other Participants named below to approve the issuance of up to \$90 million in Health Care Facilities Revenue Bonds (the "**Bonds**"). A similar request is being sent to the following cities in Kansas (together with the City of Topeka, the "**Participants**):

City of Arkansas City, Kansas; City of Clay Center, Kansas; City of Dodge City, Kansas; City of Emporia, Kansas; City of Fort Scott, Kansas; City of Lawrence, Kansas; City of Newton, Kansas; City of Olathe, Kansas; City of Parsons, Kansas; and City of Salina, Kansas

The City of Wichita has acted as issuer of bonds on behalf of PMI since 1990 to finance improvements to PMI communities throughout Kansas. Having a single issuer enables PMI to have an integrated financing structure, which benefits PMI and all the communities due to improved borrowing costs.

### **PMI Project Financing—City of Topeka**

PMI has requested that the City of Wichita issue the Bonds, the proceeds of which will be used by PMI in part to refinance or finance construction of improvements and additions to PMI facilities, *including the facility located within the limits of the City of Topeka at 4712 SW Sixth, Topeka, Kansas.*

The issuance of the Bonds by the City of Wichita will not create any financial liability upon the Bonds on the part of the City of Topeka.

### **Authority to Issue Bonds**

To satisfy the requirements of K.S.A. 12-1741a, PMI and the City of Wichita are requesting that each Participant, including the City of Topeka, approve the issuance of the Bonds by the City of Wichita.

Under K.S.A. 12-1741a, the City of Wichita may not issue revenue bonds to finance or refinance facilities located within the corporate limits of the City of Topeka without (a) the adoption of an approval resolution by the governing body of the City of Topeka or (b) "deemed approval" from the City of Topeka, which results if the City of Topeka does not provide written notification to the City of Wichita specifically disapproving the issuance of the Bonds within seven business days after the next regular meeting of the

governing body of the City of Topeka (September 10<sup>th</sup>) that follows receipt of a request for approval.

**Approval or Disapproval**

So, *to approve* the issuance of the Bonds, the governing body of *the City of Topeka may affirmatively adopt a resolution* approving issuance of the Bonds at the September 17<sup>th</sup> governing body meeting *or may take no action and provide no notice of disapproval to the City of Wichita. To disapprove* of the issuance of the Bonds, *the City of Topeka must simply provide written notice of such disapproval by not later than September 17<sup>th</sup>.*

The City of Topeka has previously facilitated bond issues for PMI, including action in 2018, in connection with which *the governing body of the City of Topeka did affirmatively adopt an approval resolution.*

\* \* \* \* \*

**RESOLUTION NO. 95 \_\_\_\_\_**

**A RESOLUTION INTRODUCED BY CITY MANAGER DR. ROBERT M. PEREZ  
APPROVING THE ISSUANCE BY THE CITY OF WICHITA, KANSAS OF ITS  
HEALTH CARE FACILITIES REVENUE BONDS FOR THE PURPOSE OF  
FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION,  
IMPROVEMENT AND EQUIPPING OF SENIOR LIVING AND HEALTH CARE  
FACILITIES LOCATED IN THE CITY OF TOPEKA, KANSAS**

---

**WHEREAS**, on September 3, 2024, the governing body of the City of Wichita, Kansas (the “Issuer”) adopted a resolution stating its intent to issue certain Health Care Facilities Revenue Bonds in the not to exceed principal amount of \$90,000,000 (the “Bonds”), as more particularly set forth in said resolution; and

**WHEREAS**, Presbyterian Manors, Inc., a Kansas not-for-profit corporation (the “Corporation”) with a health care facility within the boundaries of the City of Topeka, Kansas (the “City”), previously requested that the City and certain other participating cities in the State of Kansas (the “Participants”) facilitate the refunding of certain outstanding revenue bonds and the financing of construction of improvements and additions to existing facilities of the Corporation in the State of Kansas (the “Facilities”) located within the boundaries of the respective Participants in order to secure to the Participants and to the Corporation the economic and other benefits to be derived through the orderly and efficient financing of such facilities leased by the Issuer to the Corporation; and

**WHEREAS**, a portion of the proceeds of the Bonds will be used to fund the costs of refinancing or financing construction of improvements and additions to the Facilities, including the Corporation’s facility located within the limits of the City at 4712 SW Sixth, Topeka, Kansas 66606 (collectively, the “Project”); and

**WHEREAS**, the approval of the governing body of the City of Topeka, Kansas (the “Governing Body”) is requested before the Issuer issues bonds for the Project pursuant to the provisions of K.S.A. 12-1741a, as amended; and

**WHEREAS**, the Governing Body hereby finds and determines that the Project and issuance of the Bonds would serve the public purposes stated in the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.*, including particularly K.S.A. 12-1741a (the “Act”); and

**WHEREAS**, the Governing Body hereby finds and determines that issuance of the Bonds will not create, and is not intended to create, any financial liability upon the Bonds on the part of the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:**

**Section 1.** The issuance of the Bonds by the Issuer pursuant to the Act to pay the costs of the Project, as set forth in the resolution of intent of the Issuer and subsequent ordinance(s), resolution(s) and documents of the Issuer setting the dates, terms, maturities and other provisions of the Bonds and authorizing their issuance, is hereby approved.

**Section 2.** The Bonds will be special limited obligations of the Issuer payable solely from the money and revenue derived by the Issuer from the Facilities and not from any other fund or source. The Bonds will not be general obligations of the Issuer or the City, nor constitute a pledge of the faith and credit of the Issuer or the City, and will not be payable in any manner by taxation.

**Section 3.** The Mayor is hereby authorized and directed to execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution and deliver the same for and on behalf of and as the act and deed of the City. The City Clerk or any Deputy or Assistant Clerk of the City is hereby authorized and directed to attest the execution of such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 4.** This Resolution shall be in full force and effect after its adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**ADOPTED AND APPROVED** by the Governing Body of the City of Topeka, Kansas, this 17<sup>th</sup> day of September, 2024.

**CITY OF TOPEKA, KANSAS**

(SEAL)

\_\_\_\_\_  
Michael Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk



September 4, 2024

Mayor and City Council  
City of Topeka  
215 SE 7th St.  
Topeka, Kansas 66603

Re: Not to Exceed \$90,000,000  
City of Wichita, Kansas  
Health Care Facilities Revenue Bonds  
(Presbyterian Manors, Inc.)

Attached is a copy of Resolution No. 24-297 (the "Resolution") adopted by the City Council of the City of Wichita, Kansas, on September 3, 2024, declaring an intent to issue its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), in an aggregate principal amount of not to exceed \$90,000,000 (the "Bonds") pursuant to K.S.A. 12-1740 *et seq.* and K.S.A. 10-116a (collectively, the "Act") to provide funds to: (a) refund all or a portion of the City of Wichita, Kansas Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), Series IV-A, 2013 and Series IV-A, 2014 (collectively, the "Refunded Bonds"); and (b) to finance the acquisition, construction and equipping of improvements to senior living and health care facilities located within the State of Kansas operated by Presbyterian Manors, Inc. (collectively, the "Project"). One of the facilities financed by the Refunded Bonds and potentially constituting a portion of the Project is located within the City of Topeka, Kansas (the "City"). The Resolution is provided pursuant to a portion of the Act (K.S.A. 12-1741a) for consideration and approval by the City Council. Approval may be affirmatively made by action of the City Council, or will be deemed made if the City Council fails to disapprove the issuance of the Bonds within seven business days after its next regular meeting following receipt of this request. Attached hereto is a form of Certificate of City Clerk acknowledging receipt of this letter and Resolution and evidencing action or in-action by the City Council of the City.

The Bonds are special obligations of the City of Wichita payable only from rental payments to be made by Presbyterian Manors, Inc. and shall not be an obligation payable in any manner of the City or the City of Wichita.



CITY OF WICHITA, KANSAS



Jamie Buster, City Clerk

Enclosure

**CERTIFICATE OF CITY CLERK  
CITY OF TOPEKA, KANSAS**

STATE OF KANSAS            )  
  )SS:  
COUNTY OF CHASE         )

The undersigned, City Clerk for the City of Topeka (the “City”), hereby certifies in connection with the issuance by the City of Wichita, Kansas (“Wichita”) of its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.) (the "Bonds"):

The City Clerk, on behalf of the City Council, received on September \_\_, 2024, a written request from the Wichita City Clerk, submitted pursuant to K.S.A. 12-1741a, to approve adoption of Resolution No. 24-297 (the “Resolution”) adopted by the City Council of the City of Wichita, Kansas, on September 3, 2024 regarding the issuance of the Bonds.

1. The undersigned transmitted a copy of the Resolution to the City Council of the City (the "Governing Body").
2. The next regular meeting of the Governing Body following receipt of the Resolution was held on September \_\_, 2024.
3. Please select the appropriate action:
  - The Governing Body approved the issuance of the Bonds at such meeting.
  - No action was taken by the Governing Body at such meeting to approve or disapprove the issuance of the Bonds and no written notice specifically disapproving the issuance of the Bonds was delivered by the City Clerk to the Wichita City Clerk within seven business days after such meeting.
  - The Governing Body disapproved the issuance of the Bonds at such meeting and a written notice of such disapproval was delivered by the City Clerk to the Wichita City Clerk within seven business days after such meeting.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk, City of Topeka, Kansas

(SEAL)

**RESOLUTION NO. 24-297**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS DETERMINING THE ADVISABILITY OF ISSUING HEALTH CARE FACILITIES REVENUE BONDS FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF SENIOR LIVING AND HEALTH CARE RELATED FACILITIES; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

**WHEREAS**, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”); and

**WHEREAS**, the City Council (the “Governing Body”) of the City desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State; and

**WHEREAS**, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* and K.S.A. 10-116a (collectively, the “Act”), the City is authorized to issue revenue bonds for such purposes and to issue revenue bonds for the purpose of refunding such bonds; and

**WHEREAS**, pursuant to the provisions of the Act, the City has heretofore issued multiple series of health care facilities revenue bonds for the purpose of financing or refinancing the acquisition, construction, renovation and equipping of a senior living and health care facility and corporate office facility (collectively, the “Wichita Facilities”) located within the corporate limits of the City for the benefit of Presbyterian Manors, Inc., a Kansas not for profit corporation (the “Corporation”); and

**WHEREAS**, the City has, pursuant to K.S.A. 12-2901 *et seq.*, as amended (the “Interlocal Cooperation Act”), previously entered into interlocal cooperation agreements with the cities of Arkansas City, Clay Center, Dodge City, Emporia, Ft. Scott, Lawrence, Newton, Parsons, Salina, and Topeka, Kansas (the “Participants”) for the purpose of acting as issuer of health care facilities revenue bonds for the purpose of financing or refinancing the acquisition, construction, renovation and equipping of senior living and health care facilities located within the city limits of the Participants (collectively, the “Participant Facilities”); and

**WHEREAS**, the City has heretofore issued its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), Series IV-A, 2013 and Series IV-B, 2013 (collectively, the “Series 2013 Bonds”), the proceeds of which were used to: (a) acquire, construct, improve, equip, reimburse or refinance the costs of improvements to the Wichita Facilities and certain of the Participant Facilities; and (b) refund certain of the City’s then outstanding revenue bonds previously issued for the benefit of the Corporation; and

**WHEREAS**, the City has heretofore issued its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), Series IV-A, 2014 (the “Series 2014 Bonds”), which were issued to acquire, construct, improve, equip, reimburse or refinance the costs of improvements to the Wichita Facilities; and

**WHEREAS**, the City has heretofore issued its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), Series I, 2018 (the “Series 2018 Bonds”), the proceeds of which were used to: (a) acquire existing senior living and health care facilities located in the City of Olathe, Kansas (the “Olathe Facility”); (b) refund and refinance revenue bonds issued by the City of Olathe, Kansas for the Olathe Facility; and (c) construct, improve, equip, reimburse or refinance the costs of improvements to the Olathe Facility, the Wichita Facilities and certain of the Participant Facilities; and

**WHEREAS**, the City has heretofore issued its Health Care Facilities Revenue Bonds (Presbyterian Manors, Inc.), Series III, 2019 (the “Series 2019 Bonds”), the proceeds of which were used to: (a) refund a portion of the Series 2013 Bonds and Series 2014 Bonds; and (b) construct, improve, equip, reimburse or refinance the costs of improvements to the Wichita Facilities, the Olathe Facility and certain of the Participant Facilities; and

**WHEREAS**, the Wichita Facilities, the Participant Facilities and the Olathe Facility (collectively, the “Facilities”) are leased by the City to the Corporation; and

**WHEREAS**, the Governing Body determines it to be advisable and in the interest and for the welfare of the City and its inhabitants that revenue bonds of the City be authorized and issued, in one or more series, for the purpose of providing funds to: (a) refund all or a portion of the Series 2013 Bonds and Series 2014 Bonds (collectively, the “Refunded Bonds”); and (b) to finance all or a portion of the acquisition, construction and equipping of improvements to the Facilities (collectively, the “Project”).

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Public Purpose.** The Governing Body hereby finds and determines that the Project and the refinancing of the debt represented by the Refunded Bonds will promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State.

**Section 2. Authorization to Acquire Project; Intent to Issue Bonds.** The City is hereby authorized to proceed with the Project and the refinancing of the Refunded Bonds and to issue its revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$90,000,000 (collectively, the “Bonds”) to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

**Section 3. Conditions to Issuance of Bonds.** The issuance of the Bonds is subject to: (a) the Corporation’s written acceptance of a Letter of Intent containing the City’s conditions to the issuance of the Bonds (the “Letter of Intent”) in accordance with the City of Wichita/Sedgwick County Economic Development Guidelines (the “Guidelines”); (b) the successful negotiation and sale of the Bonds to a purchaser or purchasers to be determined by the Corporation and acceptable to the City (the “Purchaser”), which sale shall be the responsibility of the Corporation and not the City; (c) the receipt of the approving legal opinion of Gilmore & Bell, P.C. (“Bond Counsel”) in form acceptable to the City, the Corporation and the Purchaser; (d) the obtaining of all necessary governmental approvals to the issuance of the Bonds; and (e) the commitment to and payment by the Corporation or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) expenses of the City and the City Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals.

**Section 4. Sales Tax Exemption.** The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-3601 *et seq.* (the “Sales Tax Act”), particularly K.S.A. 79-3606(b) and (d) and other applicable laws, sales of tangible personal property or services purchased in connection with construction of the Project and financed with proceeds of the Bonds are entitled to exemption from the tax imposed by the Sales Tax Act; provided proper application is made therefore and compliance with State Department of Revenue procedures and guidelines. In the event that the Bonds are not issued for any reason, the Corporation will not be entitled to a sales tax exemption under the terms of the Sales Tax Act and will remit to the State Department of Revenue all sales taxes that were not paid due to reliance on the sales tax exemption certificate granted hereunder.

**Section 5. Reliance by Corporation; Limited Liability of City.** It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Corporation may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds; provided that such expenditures incurred prior to the issuance of the Bonds are at the risk of the Corporation that the Bonds will actually be issued. Proceeds of Bonds may be used to reimburse the Corporation for such expenditures made not more than 60 days prior to the date this Resolution is adopted, and as provided by §1.150-2 of the U.S. Treasury Regulations. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the City from the Corporation’s operation of the Facilities and not from any other fund or source. The City shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the City shall have no liability to the Corporation.

**Section 6. Execution and Delivery of Documents.** The Mayor is hereby authorized to execute the Letter of Intent, and the City Clerk is authorized to deliver executed copies of this Resolution and the Letter of Intent to the Corporation. After compliance with the provisions of the Letter of Intent by the Corporation has been demonstrated, the Mayor and City Clerk are authorized to execute a bond purchase agreement with the Purchaser and the Corporation for the sale of the Bonds in a form satisfactory to the City Attorney and Bond Counsel.

**Section 7. Further Action.** The Mayor, City Clerk and other officials, employees and agents of the City, including the City Attorney and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) execution on behalf of the City of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act; (b) cooperate with the Corporation in filing an application for a sales tax exemption certificate with the Kansas Department of Revenue with respect to Bond-financed property; (c) providing for timely notification to the Trustee for the Refunded Bonds to call such bonds for redemption on such permitted redemption date as the Corporation shall request in writing; (d) cooperate with the Corporation to maintain any *ad valorem* property tax exemption for the Facilities which is consistent with the Corporation’s charitable purposes, and execute such documents in connection therewith as are approved by the City Attorney; and (e) dissemination of this Resolution or other notices as may be required by the Act.

**Section 8. Effective Date.** This resolution shall become effective upon adoption by the Governing Body and shall remain in effect until December 31, 2025, unless extended by affirmative vote of a majority of the Governing Body.

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**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

---

**DATE:** September 17, 2024  
**CONTACT PERSON:** Josh McAnarney, City Budget Manager    **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** 2025 Operating Budget    **PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 004 Budgets or Appropriations / 001 Operating Budget - City  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** Discussion: 07-30-24; 08-13-24; 08-27-24; 09-03-24. Public Hearing 09-10-24    **JOURNAL #:**  
**PAGE #:**

---

**DOCUMENT DESCRIPTION:**

**AN APPROPRIATION ORDINANCE** introduced by City Manager Dr. Robert M. Perez, approving and adopting the operating budget for the City of Topeka for the year 2025 and appropriating the amounts for the purpose as set forth therein.

**Voting Requirement:** Action requires at least six (6) votes of the Governing Body.

*(If this budget is adopted the adopted Mill Levy rate will be 37.952 which will be 1 mill less than the maximum approved mill levy rate of 38.952. However, this will be 1 mill higher than the 2024 adopted mill levy rate of 36.952.)*

**VOTING REQUIREMENTS:**

Action requires at least six (6) votes of the Governing Body

**POLICY ISSUE:**

Public Hearing was conducted on September 10, 2024 as required by State law and is a prerequisite to adopting the budget by ordinance.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body adopt the ordinance.

**BACKGROUND:**

In the FY25 proposed budget assumes the Governing Body will hold a public hearing in September to consider surpassing the Revenue Neutral Rate (RNR) as required by K.S.A. 79-2988.

The 2025 Budget Book includes a budget overview, strategic priorities and their metrics, revenue and expenditure overview, summaries of each department including performance metrics, goals and accomplishments, position summaries, and a list of services offered by the department. Summaries of budgeted funds, policies, and debt information can be found at the back of the book.

As discussions continue through the months of August and September the 2025 Proposed Budget and all supplemental information will be available online at <https://www.topeka.org/finance/budget/>.

**BUDGETARY IMPACT:**

The budgetary impact is described in the proposed 2025 budget.

**SOURCE OF FUNDING:**

Various City Funds

**ATTACHMENTS:**

**Description**

Appropriation Ordinance

City of Topeka Budget Certificate

State Budget Certification Form

City RNR Resolution 9583 (September 10, 2024)

2025 Budget Public Hearing Notice - September 10, 2024

Topeka Metro Newspaper Affidavit of Publication 2025 City Budget Hearing Notice (August 26, 2024)

August 27, 2024 GB Meeting Presentation

Budget Supplement No. 1 August 22, 2024

August 20, 2024 GB Meeting Presentation

August 13, 2024 GB Meeting Presentation

July 30, 2024 GB Meeting Presentation

2025 City of Topeka Preliminary Budget (July 30, 2024)

2025 Notice to Exceed RNR for TMTA & City of Topeka (July 2024)

1 (Published in the Topeka Metro News\_\_\_\_\_.)

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN APPROPRIATION ORDINANCE introduced by City Manager Dr. Robert M. Perez,  
6 approving and adopting the operating budget for the  
7 City of Topeka for the year 2025 and appropriating  
8 the amounts for the purpose as set forth therein.  
9

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

12 Section 1. *Budget incorporated by reference as a part of this Ordinance.* The  
13 operating budget for the City of Topeka, Kansas, for the year 2025 as set forth in a  
14 document in the format prescribed by the Director of Accounts and Reports of the Kansas  
15 Department of Administration, as required by law, which has been published in a summary  
16 format together with a notice of public hearing, is hereby incorporated by reference as a  
17 part of this Ordinance with the same force and effect as if it were set forth herein in its  
18 entirety.

19 Section 2. *Budget approved and adopted.* The operating budget as described  
20 and incorporated by reference in Section 1 above is hereby approved and adopted as the  
21 operating budget for the year 2025.

22 Section 3. *Funds appropriated by budget.* The budget as approved and adopted  
23 herein shall constitute and shall be declared to be appropriations for the funds and  
24 departments as set forth therein, and the appropriations thus made shall not be used for  
25 any other purpose. No money in any fund or fund type shall be used to pay for any  
26 indebtedness created in excess of the amount appropriated for such fund or fund type, or  
27 for the departments of such fund or fund type as referred to in the operating budget. The  
28 appropriations made herein are for the year 2025 and no expenditures shall be incurred as  
29 being authorized by such appropriations prior to January 1, 2025 or subsequent to  
30 December 31, 2025.











# The Topeka Metro News

800 SW Jackson St., Ste. 1118  
Topeka, KS 66612-1244  
(785) 232-8600

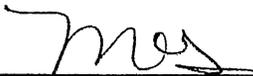
CITY OF TOPEKA - CITY CLERK'S OFFICE  
215 SE 7TH ST RM 166  
TOPEKA KS 66603-3914

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## Proof of Publication

STATE OF KANSAS, SHAWNEE COUNTY, SS;  
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Topeka Metro News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Shawnee County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

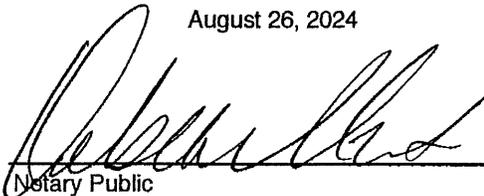
HEARING TO EXCEED REVENUE NEUTRAL  
RATE & 2025 BUDGET HEARING  
8/26/24



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

August 26, 2024

  
Notary Public

DEBRA VALENTI

Notary Public-State of Kansas  
My Appt. Expires Aug. 21, 2027

L19887  
Publication Fees: \$125.00





CITY OF  
**TOPEKA**



Department Budget  
Presentations  
8/27/2024



CITY OF  
**TOPEKA**



# Budget Information



## FTE Transfers and Reductions

1. Senior Executive Assistant was transferred from Public Works to the City Manager's Office (No Net FTE Change nor Budget Change Overall)
2. Removed an Engineering Tech Position for 621 – Water (Reduction of \$50,622.24)

## Budget Reductions from Presented FY 2025 Budget

1. **Page 39:** Decreased the City Manager's Budget by \$25,000. This reduction was from an overestimation of the cost of the Executive Coach which was inputted in May.
2. **Page 45:** Decreased the Finance Budget by \$71,750. This was a combination of education/travel and reduction of contractual services that was requested in 2024 Budget.
3. **Page 89:** Decreased by \$50,000. The submitted budget overestimated a contract amount by \$50,000.
4. **Page 111 & 112:** Initially, it was believed the City would need to subsidize the Special Highway Fund, as it was projected to fall below the 10% policy limit by the end of 2025. However, Finance now forecasts this transfer is unnecessary. Thus, we are removing the \$3,000,000 revenue on Page 111 and the \$3,000,000 transfer expense on Page 112.
5. **Page 114:** Interest Payments were inputted incorrectly for Debt Service. The line item for debt should be moved from \$18,518,733 to \$20,330,266.
6. **Page 133:** Finance will transfer \$500,000 from the 740 – Economic Development Fund to a new, separate fund for the landbank. This move aligns with best practices of segregating landbank funds into their own standalone account.



# Reduction/Enhancement Overview



Category	2024 Budget	2025 Base Budget	Net Inc. / (Dec.)	2025 Budget
City Council	\$391,896	\$414,049	\$90,596	\$504,645
City Manager	\$1,889,589	\$2,137,854	\$392,135	\$2,529,989
DEI / Comm. Engagement	\$553,715	\$785,713	\$50,000	\$835,713
City Attorney	\$1,743,962	\$1,977,837	(\$160,373)	\$1,817,464
Finance	\$3,142,881	\$3,623,116	(\$91,042)	\$3,532,074
Municipal Court	\$2,097,035	\$2,299,122	(\$2,500)	\$2,296,622
Human Resources	\$2,158,261	\$2,349,912	(\$216,542)	\$2,133,370
Mayor's Office	\$170,727	\$179,474	\$1,632	\$181,106
Fire Department	\$36,003,278	\$38,852,279	(\$440,550)	\$38,411,729
Police Department	\$47,392,891	\$55,828,721	(\$229,016)	\$55,599,705
Public Works Department	\$8,335,471	\$8,786,854	\$93,875	\$8,880,729
Planning Department	\$3,838,883	\$4,299,846	(\$1,134)	\$4,298,712
Code Enforcement	\$2,334,187	\$2,556,682	\$63,020	\$2,619,702
Information Technology	\$5,970,730	\$6,741,145	(\$6,675)	\$6,734,470
Fleet Services	\$3,934,274	\$3,874,262	(\$198,704)	\$3,675,558
Facilities	\$3,657,295	\$3,691,418	(\$172,250)	\$3,519,168
<b>Totals</b>	<b>\$123,615,075</b>	<b>\$138,398,284</b>	<b>(\$827,528)</b>	<b>\$137,570,756</b>





CITY OF  
**TOPEKA**



Department Budget  
Presentations: Planning



## Overview

The mission of the Planning Division is to help create a vibrant city of lasting value by engaging the community through neighborhood revitalization, sustainable land use and infrastructure choices, regional transportation planning, historic preservation, and zoning administration.

## FY24 Accomplishments

- **Completed updates to the Neighborhood Health Map and the Neighborhood Revitalization Plan**
- Completed the Historic Holiday Park Neighborhood Plan
- **Completed Accessory Dwelling Unit text amendment**
- Implemented Short Term Rental enforcement
- **Update the Pedestrian Master Plan**
- Completed the Historic Survey of African American Historic Resources
- Re-surveyed the Potwin Historic District

## Goals for FY25

- Complete another neighborhood plan update as part of the Dreams 1 process.
- **Begin implementing projects associated with the Safe Routes to School Plan and Pedestrian Master Plan**
- Complete additional Missing Middle text amendments to the zoning code
- **Complete the East Topeka Development Plan**
- Develop historic design guidelines for the Potwin Historic District

## Budget Details

<b>Personnel</b>	\$1,180,332
<b>Non - Personnel</b>	\$201,701
<b>TOTAL</b>	<b>\$1,382,033</b>





## Overview

The Development Services division includes Permits, Inspections, and Licensing. It enforces building codes and inspects buildings, structures, and sites for compliance.

## FY24 Accomplishments

- Adoption of 2021 International Residential Code
- Adoption of 2023 National Electrical Code
- **Creation of Development Navigator Role**
- Increased online licensing renewals to 66% of contractors
- **99% of inspections completed as scheduled**

## Goals for FY25

- **Implement bi-annual contractor licensing renewals**
- Adoption of the 2024 Uniform Plumbing Code & 2024 Uniform Mechanical Code
- **Transition to new ERP System to minimize public impact**
- Analyzing and updating licensing and permitting fee structure.
- Creation/adoption of low voltage inspector certification program
- Fully staff all trade boards
- Work to get one staff member certified as Bluebeam instructor

## Budget Details

<b>Personnel</b>	\$1,945,551
<b>Non – Personnel</b>	\$401,781
<b>TOTAL</b>	<b>\$2,347,332</b>





## Overview

The Housing Services division includes housing development, homeless programs and social services. This consists of the following programs: major rehab, emergency repair and accessibility, social service programs, and many more.

## FY24 Accomplishments

- Improve our Continuum of Care (CoC) scores and funding amount
- **Increase care collaboration with Shelter Plus Care**
- Continue to build partnerships to expand the housing market and keep people in their homes
- **Expand Equity Access Shelter (E.A.S.) to include a Housing Navigator to assist with the process**
- Continue to administer the accessibility program so individuals are able to remain independent
- Continue to use the demolition program and repair program to reduce blight

## Goals for FY25

- **Transition EAS to Built for Zero.**
- Target of 115 individuals to keep in their homes through rapid rehousing and homelessness prevention.
- Target of 450 individuals through Shelter Plus Care and HOME deposit assistance.
- **Improve our CoC scores and funding opportunities.**
- Target of 134 Rehabs through Accessibility, Exterior, Emergency, Major Rehab, TOTO and Weatherization Rehab projects.
- Support implementation of the findings of the Homeless Innovation Project.

## Budget Details

<b>Personnel</b>	\$419,619
<b>Contractual</b>	\$30,300
<b>Commodities</b>	\$1,500
<b>Capital Outlay</b>	\$117,929
<b>TOTAL</b>	<b>\$569,348</b>



# If a Reduction of 13% was Applied



## 13% Reduction is \$558,833

- Contractuals & Commodities – 60% of this reduction coming from consultant funding. (\$65,249)
- Reduction of 7 FTEs (\$493,584)

## Service Impact

- Will have negative impacts on our ability to implement Built for Zero.
- Removes ability to take on special project requests due to lack of resources.
- Increased lead times for project plans review resulting in longer times for permits to be issued.
- Potential negative impact on our relationships with contractors and developers.
- Takes away new grant opportunities that require matching funds.
- Setting us back to a reactive not proactive approach to several programs due to lack of staff capacity.





CITY OF  
**TOPEKA**



Department Budget  
Presentations: Human  
Resources



## Overview

**Mission:** The HR Department embraces the City of Topeka's mission by delivering core administrative services that attract, support, enhance, develop and retain a superior and diverse workforce.

The HR Department oversees services that support the business operations of the COT. We oversee the policies and procedures in the personnel manual, provide data analysis and reporting, maintain personnel records, support recruitment and retention, onboard new employees, support departments in evaluating job performance, support Police and Fire in hiring and as requested, oversee worker's comp, workplace safety, occupational health, CDL training, COT insurance, benefits, health and wellness.

## Goals for FY25

- Target training and development to increase employee retention and increase employee engagement.
- Update position descriptions to clearly identify the scope and complexity of the job
- Review and improve the position requisition process
- Develop a succession plan to retain top performing COT employees and reduce recruitment costs

## Budget Details

<b>Personnel</b>	\$1,209,350
<b>Contractual</b>	\$892,221
<b>Commodities</b>	\$31,800
<b>TOTAL</b>	<b>\$2,133,371</b>





## Service Overview

The Benefits team oversees employee benefit programs, including group health, wellness plans, KPERS/KP&F, EAP services, and employee leaves of absence.

Services include negotiating medical, prescription, dental, and voluntary insurance plans; processing enrollments and changes; providing retirement seminars and individual retirement reviews; and managing the Healthcare Advisory Committee.

## Goals for FY25

- Review the wellness incentive program through 2025 negotiations with unions
- Review Medical and Rx coverage and the clinic services for cost and value through RFP process
- Develop Total Rewards Summary to outline the cost of all employee benefits
- Evaluate all benefit options to determine their importance level to employees

## Budget Details

<b>Personnel</b>	\$250,789
<b>Contractual</b>	\$17,402,771
<b>Commodities</b>	\$3,900
<b>TOTAL</b>	<b>\$17,657,460</b>





## Overview

Human Resources, Risk Management, is responsible for administering, managing and coordinating the City's Risk programs including evaluating and recommending lines of insurance to protect the City's liability. These plans cover general liability, property and equipment breakdown, cyber security, public officials and employment practices, crime, inland marine, and law enforcement liability.

Risk management provides CDL training to COT employees which is a cost savings of approximately \$600,000 over duration of the program. Risk is preparing to provide the training to outside agencies on a fee for service basis.

## Goals for FY25

- Assessment of City-Wide insurance needs to ensure we are adequately covered and not duplicating services.
- Extensive Marketing Effort in partnership with our broker to obtain the best renewal rates.
- Property evaluation of city owned property to determine changes in values following ongoing updates and remodels.

## Budget Details

<b>Property &amp; Vehicle Insurance</b>	\$2,939,841
<b>Total</b>	<b>\$2,941,841</b>





## Overview

The Workers Compensation fund provides accountability for expenditures and revenues for workers compensation claims. The departments are charged a percentage of wages of their employees based on worker's compensation classification codes for specific positions.

The funding also provides the staffing and expenses for the risk management administration that is coordinated in the Human Resources department.

## Goals for FY25

- Reduce lost time and overall claim count by working with departments to review accidents and injuries and evaluate training and other measures to prevent future occurrences.
- Identify and target repetitive work related injuries with a thorough job analysis that will provide insight and recommendations in order to reduce future risks.

## Budget Details

<b>Personnel</b>	\$289,194
<b>Non – Personnel</b>	\$2,145,023
<b>TOTAL</b>	<b>\$2,434,218</b>



# If a Reduction of 13% was Applied



## 13% Reduction is \$277,338

- Including the 3% decrease in the HR budget for 2025 we would be able to handle the following additional reductions without reducing services provided to the COT by the HR Department (\$28,600).
- Eliminate one director position (\$145,000)
- Eliminate TWTW program (\$55,000)
- Reduce employee retention program (e.g., training) (\$21,000)
- Reduce contractual services (temporary employees) (\$18,000)
- Reduce purchased services (e.g., pre-screening, off-site storage, shredding services) (\$10,000))

## Service Impact

- Loss of a leadership position creates a hardship, but is easier to manage being down 1 position rather than 2 or 3 positions.
- TWTW is a time intensive program and being down 1 position will reduce the staff time available to manage the program.
- Reduced training opportunities for COT personnel and the risk of high employee turnover.
- Without temporary employees departments will need to manage duties and prioritize work with the staff available.
- Risk of hiring employees with questionable backgrounds. Protecting confidential information.





CITY OF  
**TOPEKA**



# Department Budget Presentations: Legal



## Overview

Offers legal services to city departments through three divisions: Civil Litigation handles claims and defends city officials; General Government provides legal advice and representation; and Criminal Prosecution deals with violations of City ordinances in Municipal, district, and appellate courts.

## FY24 Accomplishments

- Processed and evaluated over 100 tort claims.
- Developed new 4th Amendment trainings for Department Heads.
- Testified against legislation harmful to the community.
- Expanded domestic violence prosecution program and secured federal grant.

## Goals for FY25

- Continue to build strong relationship with the City' states legislative delegation to ensure the City has a voice in issues effecting local governments
- Create additional city-wide employee trainings on emerging issues

## Budget Details

<b>Personnel</b>	\$1,540,616
<b>Non – Personnel</b>	\$276,848
<b>TOTAL</b>	<b>\$1,817,465</b>





## General Government

- 4 attorneys
- 1 ½ support staff
- Handle all contract reviewing and drafting (approximately 600 a year), union negotiations, general legal questions, legal training for departments including the police academy, ordinance drafting, open record responses, committee and other meetings coverage, identifying municipal law trends, and legislative work

## Civil Litigation

- 2 attorneys; 1 1/2 paralegal
- At any given time are balancing 15 to 25 cases in house on a wide range of issues
- Also responsible for arbitrations and other union grievances
- Review and respond to approximately 150 a year





- The City began prosecution of domestic violence (“DV”) offenses in January of 2023.
- Domestic violence offenses encompasses more than domestic batteries, including the following:
  - Criminal Damage to Property
  - Unlawful Restraint
  - PFA Violations
  - Assault
  - Trespass
  - Theft
- This required the addition of two FTEs: 1 prosecutor & 1 paralegal



## A Community Partnership Effort



20

- City Prosecution partners with the YWCA and the Family Peace Initiative (“FPI”).
- The City provides increased opportunities to victims of DV to connect with YWCA’s services.
- FPI is the City’s referral agency to address the offenders. FPI provides batterer’s intervention and updates to monitor an individual’s success or lack thereof.
- Additionally, Prosecution participates in the Mayor’s Task Against Domestic Violence. Prosecution provided data for the 2024 Newsletter.





- Prosecution's efforts to address DV has been recognized and supported by the DOJ.
- The City was able to leverage the City Council's investment in this initiative to receive a grant of \$488,045 for the DOJ's Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program. This money helps fund programs such as the batterers intervention program which is nationally recognized as being successful at decreasing reoffending



# Statistics from January 2023 – August 13, 2024



Category	Totals
Currently Pending	351
Cases pending on warrant	60
Convictions overall	103
Batterer's Intervention recommendations for convictions	77
Dismissals	35
Referred to the County	33
Declined to prosecute	9
Diversions	24
Batterer's Intervention for diversions	11
PFA violations pending	19
PFA violation convictions	15
PFA violation dismissals	12

- The City also receives police reports to review for charging considerations.
- Currently, there are 204 cases to be reviewed for charging consideration.





“Thanks to the Topeka Municipal Court, the "black hole" that Topeka domestic violence cases were falling into is now closing. The Family Peace Initiative is appreciative of all the efforts the City of Topeka has taken to ensure that proper prosecution is happening in domestic violence cases. We are pleased that victims can seek justice and feel the victim-centered approach of the City’s prosecution office. And, as an agency providing services to those who batter, we are experiencing the increased referral and higher level of accountability of those who batter. Working together, and with the City providing grant funds for those who need but can't afford the services, this accountability includes providing them an opportunity to change.”



# If a Reduction of 13% was Applied (Legal)



## 13% Reduction is \$236,271

- Reduction of 2 FTEs (\$248,000)

## Service Impact

- No longer able to prosecute domestic violence
  - Ripple effects in the community
- Increased response time for public on KORA requests
- Increased response time on contract review and drafting
- Inability to take point on coordinating union negotiations
- Decrease in available time for proactive legal work





CITY OF  
**TOPEKA**



Department Budget  
Presentations: Finance



## Overview

The Administrative & Financial Services Department encompasses Central Accounting, Budget and Performance Management, Payroll, and Contracts and Procurement. It ensures transparency in City finances and purchases, and reports on the finances of various divisions, including grants.

## FY24 Accomplishments

- The Procurement Division secured a \$15,000 grant for the NLC City Inclusive Entrepreneurship Program and streamlined contract templates for faster legal review.
- Obtained Unmodified Audit Opinion for FY 2023

## Goals for FY25

- Obtain Unmodified Audit Opinion for FY 2024
- Develop more specification templates that City staff can use to be more efficient when building specifications for bids on materials or services

## Budget Details

<b>Personnel</b>	\$2,839,630
<b>Contractual</b>	\$674,793
<b>Commodities</b>	\$17,650
<b>TOTAL</b>	<b>\$3,532,073</b>



# If a Reduction of 13% was Applied (Finance)



## 13% Reduction is \$459,169

- Reduction and/or Consolidation of 5 FTEs (\$380,000)
- Non – Personnel Items was reduced in the first budget supplement (\$71,750) for the 2025 budget

## Service Impact

- Slower response time to processing items including but not limited to:
  - Payroll
  - Vendor Payment Services
  - Bid Awarding
- Challenges in adhering to financial regulations and audits with reduction of staff i.e. lack of internal controls for audit





CITY OF  
**TOPEKA**



Department Budget  
Presentations:  
Community Engagement



## Overview

Community Engagement connects city departments, partners, and stakeholders, ensuring residents are informed about programs and opportunities. This division fosters an inclusive, participatory, and responsive local government, strengthening neighborhoods.

## FY24 Accomplishments

- SORT Program – Responsible for administering 4 major road projects
- DREAMS Program – Responsible for administering 28 projects across 10 NIA neighborhoods
- DREAMS Housing Program – Responsible for administering 18 projects across 2 neighborhoods
- Fight the Blight Clean Up's – The removal of 15.1 tons of waste in NIA neighborhoods
- Established 19 community partnerships

## Goals for FY25

- Enhance community awareness of government initiatives, policies, and services by increasing outreach and communication efforts.
- Foster interdepartmental collaboration
- Monitor and Measure Community Impact
- Establish and strengthen community partnerships
- Enhance youth engagement

## Budget Details

<b>Personnel</b>	\$365,058
<b>Contractual</b>	\$127,475
<b>Commodities</b>	\$7,750
<b>TOTAL</b>	<b>\$500,283</b>



## If a Reduction of 13% was Applied (CE)



30

### 13% Reduction is \$65,037

- Reduction of programming and lowered public trust (\$65,037)

### Service Impact

- Reduced neighborhood programming
- Reduced community partnerships
- Decreased community outreach
- Decreased marketing campaigns and online initiatives





CITY OF  
**TOPEKA**



Department Budget  
Presentations:  
City Manager's Office



## Overview

The City Manager's office implements, administers, and evaluates City programs per Governing Body policies. It serves as a resource for citizens and neighborhood groups. It includes the clerk's office, which manages official records, and the Communications Division, which handles public information, supports engagement, and ensures transparency.

## FY24 Accomplishments

- Anticipated hiring of a new Police Chief
- Implemented CMO Executive Reorganization

## Goals for FY25

- Foster interdepartmental collaboration
- Insure a sustained multi-year budget
- Identify public and private partnership opportunities to leverage development opportunities
- Fostering Innovative Approaches to Government Service Delivery
- Engage with the community through neighborhood organizations and speaking events

## Budget Details

<b>Personnel</b>	\$2,060,072
<b>Non – Personnel</b>	\$469,918
<b>TOTAL</b>	<b>\$2,529,989</b>



# If a Reduction of 13% was Applied (Executive)



## 13% Reduction is \$328,899

- **City Manager (\$173,222)**
  - Elimination of 1 FTE
  - \$25,000 was removed in the first supplement
- **City Clerk (\$53,569)**
  - Elimination of 1 FTE (\$72,000)
- **Communications (\$173,222)**
  - Delay/Reduce Equipment Purchase (\$15,000)
  - Reduce Education/Training (\$3,300)
  - Reduce Fleet Reserve (\$3,400)
  - Reduction in Contractual Services (\$18,000)
  - Elimination of 2 FTEs (\$140,000)

## Service Impact

- Elimination of 1 FTE ; delays the effect of enhanced departmental collaboration
- Assistant City Clerk serves in the absence of the City Clerk and performs all necessary duties related to this title. Serves as the JEDO Board Clerk in odd-numbers years.
- Reducing Equipment purchasing will limit the availability to live-stream all public meetings; less content created to promote new city initiatives, law changes, city improvements
- Reduction of FTEs would cause slower response times to media inquiries and limits availability to capture after-hours events





CITY OF  
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Discussion



# CITY OF TOPEKA

City of Topeka Finance Department  
215 SE 7<sup>th</sup> St, Rm 355  
Topeka, KS 66603

[budget@topeka.org](mailto:budget@topeka.org)  
785-368-3970  
[www.topeka.org](http://www.topeka.org)

**To:** Honorable Mayor Michael Padilla & Members of the Topeka City Council  
**From:** Josh McAnarney, Budget Manager  
**Date:** August 21, 2024  
**Re:** Changes from the First Iteration of the 2025 Operating Budget

---

Below is a list of changes that have been made since the first iteration of the 2025 Operating Budget:

### **FTE Transfers and Reductions**

1. 1 Senior Executive Assistant was transferred from Public Works to the City Manager's Office (**No Net FTE Change nor Budget Change Overall**)
2. Removed an Engineering Tech Position for 621 – Water (Reduction of \$50,622.24)

### **Budget Reductions from Presented FY 2025 Budget**

1. **Page 39:** Decreased the City Manager's Budget by \$25,000. This reduction was from an overestimation of the cost of the Executive Coach which was inputted in May.
2. **Page 45:** Decreased the Finance Budget by \$71,750. This was a combination of education/travel and reduction of contractual services that was requested in 2024 Budget.
3. **Page 89:** Decreased by \$50,000. The submitted budget overestimated a contract amount by \$50,000.
4. **Page 111 & 112:** Previously, there was a belief that the City would need to subsidize the Special Highway Fund, as noted on Page 111, because the fund was projected to be below the policy limit of 10% of received revenues by the end of 2025. However, as the year has progressed, Finance now projects that this transfer is no longer necessary. Therefore, we are renegeing the \$3,000,000 revenue on Page 111 and the \$3,000,000 transfer expense on Page 112.
5. **Page 114:** Interest Payments were inputted incorrectly for Debt Service. The line item for debt should be moved from \$18,518,733 to \$20,330,266.
6. **Page 133:** Finance is going to make a transfer from the 740 – Economic Development Fund into a “new” fund that will be specifically earmarked for the landbank. Common practice among municipalities is to split the landbank into its own separate, standalone fund. Previously the amount earmarked for the landbank was \$500,000—which was embedded within the Economic Development Fund—finance is simply moving it into a standalone fund for best practice purposes.

### **Verbiage Corrections**

1. **Page 53:** Josh made an error on the comments on the “Changes from the 2024 Budget”. The first three bullets were placeholder and are inaccurate. They did not get removed for the posting of the presented budget.



CITY OF  
**TOPEKA**



Department Budget  
Presentations  
8/20/2024



CITY OF  
**TOPEKA**



Department Budget  
Presentations: Public Works



## Overview

The Public Works department has three main divisions: administration, which maintains, parking, city facilities, and fleet services, engineering, which oversees public street projects, inspects right-of-way work, manages survey data, and handles bridge inspections and maintenance, and street maintenance which maintains streets, signals, lights, signs, forestry, and pavement markings

## Budget Details (General Fund)

<b>Personnel</b>	\$4,530,887
<b>Contractual</b>	\$4,186,491
<b>Commodities</b>	\$156,100
<b>Capital Outlay</b>	\$7,250
<b>TOTAL</b>	<b>\$8,880,728</b>

## FY25 Increases

- Increase in \$600,000 in engineering consultant fees (Without this request the PW would have decreased in FY 2025 vs. FY 2024 Budget for the General Fund)





## Service Overview

The City faces strategic challenges in maintaining its assets, which cost more to repair or replace than the revenue it generates. According to the latest PCI report, the major assets maintained by Public Works include:

- **Bridges (2023):** 101
- **Center Line Miles (2022):** 703.6
  - 2022 PCI = 67.71
- **Miles of Paved Alleys (2022):** 45.24
- **Miles of Curb and Gutter (2019):** 918
- **Signalized Intersections (2022):** 186
- **Miles of Sidewalks (2019):** 655

## Budget Details

<b>Citywide Half-Cent Sales Tax</b>	\$31,122,760
<b>Countywide Half-Cent Sales Tax</b>	\$9,798,500
<b>Federal Funds Exchange</b>	\$2,215,000
<b>Engineering Administration</b>	\$4,246,011
<b>TOTAL</b>	<b>\$47,382,271</b>





## 2024 Projects

- Kansas and Gordon Intersection
- 45<sup>th</sup> and Topeka Turn Lane
- 21<sup>st</sup> to 29<sup>th</sup> on Topeka Boulevard
- NW Goodyear Rd. at US-24 Interchange
- NE River Rd. from Crane St. to Emmett St.
- Tyler Street: Paramore to Beverly
- Bridge Deck Rehabilitation: Burlingame @ 27<sup>th</sup> St.
- Signal Projects:
  - 17<sup>th</sup> and Fairlawn
  - 6<sup>th</sup> and Golden
  - Lane / Washburn @ 10<sup>th</sup>

## 2025 Major Projects

- Fairlawn: 23<sup>rd</sup> to 28<sup>th</sup>
- Butcher Creek Bridge
- 29<sup>th</sup> : Kansas to Adams
- 6<sup>th</sup> : Rice to Golden
- Design of Huntoon St. : Gage to Harrison
- Topeka Boulevard: 15<sup>th</sup> – 21<sup>st</sup>





## Service Overview

The Special Highway fund receives the motor fuel taxes from the State of Kansas and pays for street improvements and staffing to maintain those assets throughout the City.

## FY25 Goals

- Start with implementation of SS4A Grant to include the upgrade of all school flashers and signage to meet the latest industry standards.
- Upgrade street maintenance fleet and other equipment
- Initiate new training program for motor grader and paver

## FY24 Accomplishments

- Reached full staffing capacity for street maintenance
- Introduced into practice applying brine mix for winter weather events
- Filled 36,039 potholes
- Swept 2,771 miles of street
- Maintained (graded) 87,411 linear feet of aggregate alleys
- 5 snow events using 1,393 tons of salt
- 320 lane miles pretreated with salt brine solution

## Budget Details

<b>Personnel</b>	\$4,553,507
<b>Non-Personnel</b>	\$3,720,145
<b>TOTAL</b>	<b>\$8,272,652</b>





## Service Overview

The City Fleet Department manages and maintains the city’s vehicles and equipment, including police cars, fire trucks, and maintenance vehicles. It handles vehicle procurement, regular maintenance, repairs, and fuel management to ensure all assets operate efficiently and safely while optimizing performance and cost-effectiveness.

## FY25 Goals

- Increase enrollment in the City's vehicle and equipment replacement fund
- Relocate fleet light duty to new location
- Maintain fleet readiness above 90%

## FY24 Accomplishments

- Delivered reports on vehicle and equipment asset management
- Achieved nearly full staffing
- Year to date (6/13/24) value of surplus items sold on Govdeals.com was \$82,344

## Budget Details

<b>Personnel</b>	\$2,013,155
<b>Non-Personnel</b>	\$1,662,402
<b>TOTAL</b>	<b>\$3,675,557</b>





## Service Overview

The City Facilities Department manages the maintenance and repair of municipal buildings, offices, and public spaces. It ensures facilities are safe, functional, and well-maintained while handling budgets and coordinating repairs and upgrades.

## FY25 Goals

- Complete TPAC HVAC replacement
- Improve accessibility of City facilities
- New ADA compliant walkway on the East side of TPAC

## FY24 Accomplishments

- Completed City Hall Boiler conversion and TPAC air handling unit and continue to work on HVAC replacement
- Replaced various mechanical features at the Law Enforcement Center and Fire Department Facilities
- Replaced roofs at Fire Stations 4 and 7 and the Water Distribution Building

## Budget Details

<b>Personnel</b>	\$1,093,754
<b>Non-Personnel</b>	\$2,425,412
<b>TOTAL</b>	<b>\$3,519,166</b>



## If a Reduction of 13% was Applied (PW)



9

### 13% Reduction is \$1,154,495

- Eliminate 1/2 Consultant Cost (\$300,000)
- Eliminate 7 FTEs (\$865,000)

### Service Impact

- Eliminating engineering positions increases the reliance on consultants for completing projects and reduce level of service on number of projects managed in house
- Reduction in service level to council and constituents who make requests for traffic control such as signals, stop signs, and RRFB's



## If a Reduction of 13% was Applied (Fleet)



10

### 13% Reduction is \$477,822

- Eliminate 4 FTEs (\$456,353)
- Would not update diagnostic equipment (\$3,370)
- Reduce training for mechanics on new models of vehicles (\$18,000)

### Service Impact

- Reduce the number of lift inspections
- Not maintain automatic vehicle location technology
- Reduce fleet readiness which increases the vehicle not being ready for an emergency
- Would require outsourcing of some repairs at higher cost



## If a Reduction of 13% was Applied (Facilities)



### 13% Reduction is \$457,491

- Eliminate 2 FTEs (\$127,000)
- Eliminate Service Contracts for generator inspection, pest control, and landscaping (\$91,000)
- Reduction of external contractors for repairs like overhead door, plumbing, electrical, and HVAC, etc. (\$250,000)

### Service Impact

- Delays in Responding to service requests for maintenance
- Inability to perform regular inspections of equipment
- Reduction of preventative maintenance like filter replacement, tightening belts, and preventative cleaning
- Cutting external contractors would result in a delay of repairs for facilities





CITY OF  
**TOPEKA**



Department Budget  
Presentations: Utilities



## Overview

The Water Utility comprises three main sections: Distribution, Plant Operations & Maintenance, and Customer Service. Water employees ensure compliance with KDHE standards for safe drinking water and serve around 56,000 retail customers across a 70-square-mile area.

FY24 budget: \$52.6M ♦ 7.5% under FY25

## FY25 Increases

- Commodities budget increase of approximately 10% is driven by an increase in materials used for water treatment & distribution, water quality testing and inflation in prices of lab supplies. (\$900,000)
- Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers (\$1,800,000)

## Budget Details

<b>Personnel</b>	\$11,604,432
<b>Contractual</b>	\$12,816,876
<b>Commodities</b>	\$10,107,490
<b>Capital Outlay</b>	\$400,000
<b>Debt</b>	\$13,592,479
<b>Other Payments</b>	\$8,007,100
<b>TOTAL</b>	<b>\$56,528,377</b>





## Service Overview

Water Services personnel manage all facets of treatment and distribution of 7.8 billion gallons of water annually. The total operation and maintenance cost is \$2,148 per MG of water produced .

## Water Assets

900 miles of water mains	\$1,092,350,000
11 water towers	\$42,100,000
16,656 valves	\$12,650,000
10 pump stations	\$17,383,000
5,244 hydrants	\$20,543,000
57,000 water meters	\$14,899,000
Water Treatment Plant	\$123,876,000
<b>TOTAL VALUE</b>	<b>\$1,323,801,000*</b>

*\*Based on 2019 Assessment*

## FY24' Accomplishments

- 424 water main breaks repaired
- 9,494 LF of water mains replaced
- 102,900 customers assisted
- 1,400 meters exchanged
- 534,633 bills generated
- Zero findings on the 2023 financial audit

▪ 2024 YTD

## FY25 Goals

- Meet or exceed all KDHE requirements for safe, clean drinking water
- Complete ongoing meter exchange program
- Resume preventative maintenance for hydrants & valves
- Increase electronic customer communication
- Begin development of specialized training programs





## 2024 Projects

- Montara Water Tower
- West Plant Basin Rehab
- Water Main Replacement/Rehab Projects
  - SW 12<sup>th</sup> St. from Gage Blvd. to Kansas Ave
  - SW Gage Blvd from SW 10<sup>th</sup> to Huntoon
  - Quincy St from SE 6<sup>th</sup> Ave to SE 8<sup>th</sup> Ave
  - SW 21<sup>st</sup> St from SW Washburn to SW Fillmore
  - SW 21<sup>st</sup> St from SW Tyler St to S Kansas Ave

## 2025 Major Projects

- Water Main Replacement/Rehab Projects
  - SW Randolph from SW 22<sup>nd</sup> St to 24<sup>th</sup> St.
  - SW Moundview
  - SW Stoneybrook
  - SW Boswell
- Water Treatment Plant Rehab Projects
  - West Intake Rehab Construction
  - Chemical Building Rehab
  - East Plant Basin Rehab Design
- Design for Quincy Water Tower Painting
- Complete Meter Exchange Program



# If a Reduction of 13% was Applied (Water)



## 13% Reduction is \$7,348,689

- Staff Reductions (12 FTEs)- \$861,306
- Not Filling Vacancies (15.5 FTEs)- \$1,233,905
- Close City Express Customer Service - \$197,000
- Eliminate Equipment Purchases - \$400,000
- Reduce Overtime Budget - \$351,000
- Eliminate Low Income Assistance Program - \$500,000
- Reduction or Elimination of Capital Programs - \$3,805,478

## Service Impact

- Negative Impact on Level of Service provided to Customers
- Limited in-person Customer Service Option
- Inability to assist Low-Income Residents
- Service Reduction in the Water Main Replacement Capital Improvement Program, extending the replacement cycle out to more than 200 years.





## Overview

The Stormwater Utility is responsible for the operation and maintenance of all facilities related to the collection, treatment and mitigation of stormwater in an approximately 60 square mile area. Additionally, staff also ensure compliance with all state and federal regulations. The total operation and maintenance cost is \$6,634 per mile of stormwater infrastructure.

FY24 budget: \$13.7M ♦ 7.2% over FY23

## Budget Details

<b>Personnel</b>	\$2,453,053
<b>Contractual</b>	\$2,361,487
<b>Commodities</b>	\$258,961
<b>Capital Outlay</b>	\$300,000
<b>Debt</b>	\$2,567,519
<b>Other Payments</b>	\$4,786,200
<b>TOTAL</b>	<b>\$12,727,220</b>

## FY25 Increases

- Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers (\$379,000)





## Service Overview

The Stormwater system includes inlets, pipes, levees, creeks and rivers and publicly owned or maintained ditches, channels, detention ponds and stormwater quality Best Management Practices (BMP).

## FY25 Goals

- Apply for grants to assist with EFS projects
- Participate in at least four community events
- Conduct four controlled burns

## FY24 Accomplishments

- 4,573 Stormwater Inlets cleaned
- 2,623 LF Storm Sewer pipes cleaned
- 3,716 LF Storm Sewer Main replaced

▪2024 YTD

## Stormwater Assets

16,209 storm inlets	\$91,428,650
4,508 storm manholes	\$25,442,000
423 miles of storm sewer lines	\$274,043,360
179 miles of ditches	\$21,335,600
140 miles of stream & rivers	\$417,185,550
<b>TOTAL VALUE</b>	<b>\$829,435,160*</b>

22 miles earthen levees	\$26,605,000
.78 miles flood wall	\$31,322,800
87 relief wells	\$5,700,200
72 closure/drainage structures	\$4,063,500
8 pump stations	\$24,381,000
<b>TOTAL VALUE</b>	<b>\$92,072,500*</b>

\*Based on 2019 Assessment



# Stormwater Projects



## 2024 Projects

- Stormwater Master Plan
- Shunga Master Plan
- Storm Conveyance Replacement & Rehab Projects
  - Fire Station #8 - 2700 SW Fairlawn
  - SW 17<sup>th</sup> St & SW Westport Dr
  - East Topeka North Stormwater Improvements
  - 23<sup>rd</sup> & Market
  - SW Jewell Ave. from SW 2<sup>nd</sup> to 3<sup>rd</sup>
- Drainage Correction Projects
  - Colly Creek South
  - Colly Creek North
  - 37<sup>th</sup> & California

## 2025 Major Projects

- Fairlawn Rd from SW 22<sup>nd</sup> Park to 28<sup>th</sup> St
- Storm Conveyance Replacement & Rehab Projects
  - NW Reo Stormsewer Replacement
  - NW Elm Row Ave
  - SE 29<sup>th</sup> from Adams to California
- Drainage Correction Projects
  - SE Virginia Court
  - SW 28<sup>th</sup> Terrace



# If a Reduction of 13% was Applied (Stormwater)



## 13% Reduction is \$1,654,539

- Staff Reduction (4 FTE's) - \$301,344
- Not Filling Vacancies (4 FTE's) - \$445,087
- Eliminate Equipment Purchases - \$300,000
- Reduce Overtime Budget- \$25,000
- Eliminate Homeless Abatement - \$150,000
- Reduction or Elimination of Additional Capital Programs - \$934,452

## Service Impact

- Negative Impact on Level of Service provided to Customers
- Increased public health and safety concerns, and negative impact on the overall quality of the community appearance
- 10% Reduction in Storm Conveyance Replacement & Rehabilitation Capital Improvement Program
- Potential consent Orders and fines for non-compliance





## Overview

The Wastewater Utility is responsible for collecting, transporting, treating and disposing of sanitary and industrial wastewater discharged to sewers within the service area and ensuring associated regulatory compliance. Management of the RNG Facility is also tasked to wastewater staff. The total operation and maintenance cost is \$2,451 per MG of wastewater treated.

FY 24 budget \$45.87M ♦ 10.4% over FY25

## FY25 Increases

- Much of the increase in the contractual and commodities budgets for wastewater are a result of shifting of WPC SCADA operations from the Capital Improvement Program to the operations budget and transitioning to a predictive budgeting practice for Shawnee County Wastewater Treatment based on historical costs. Shawnee County expenses are billed back to the County.

## Budget Details

<b>Personnel</b>	\$6,959,796
<b>Contractual</b>	\$11,673,653
<b>Commodities</b>	\$2,539,551
<b>Capital Outlay</b>	\$350,000
<b>Debt</b>	\$11,724,199
<b>Other Payments</b>	\$7,846,110
<b>TOTAL</b>	<b>\$41,111,308</b>





## Service Overview

Wastewater personnel manage all facets of collection and treatment of 5.2 billion gallons of wastewater annually.

## FY25 Goals

- Rehabilitation of the Grant Jefferson & Shunga Pump Stations and Force Mains
- Increase Biosolids Processing
- Increase Land Application
- Maintain compliance with city NPDES Permit Requirements

## FY24 Accomplishments

- Maintained compliance with city NPDES Permit requirements
- 560,220 LF of Sewer Mains cleaned
- 19% fewer calls regarding odor complaint compared to 2023

▪ 2024 YTD



# Wastewater Projects



## 2024 Projects

- Harland Ct. Sewer Realignment
- Wastewater Lining & Replacement
  - Polk-Quincy Quarter Section
- Small Wastewater Pump Stations Rehab
  - S Kansas
  - Shawnee I & II

## 2025 Major Projects

- Grant Jefferson Pump Station & Force Main Rehab
- Shunga Pump Station & Force Main Rehab
- Complete North Topeka Wastewater Treatment Plant Modifications

## Wastewater Assets

In addition to City of Topeka assets, Wastewater personnel provide maintenance for county assets, including an additional 37 sanitary pump stations and operates a third wastewater treatment plant.

828 miles of sanitary sewer line	\$905,965,000
15,962 manholes	\$99,530,000
47 pump stations	\$81,500,000
2 wastewater treatment plants	\$220,000,000
<b>TOTAL ASSETS</b>	<b>\$1,306,995,000*</b>

*\*Based on 2019 Assessment*



# If a Reduction of 13% was Applied (Wastewater)



## 13% Reduction is \$5,344,470

- Staff Reduction (9 FTE's) - \$690,849
- Not Filling Vacancies (9 FTE's) - \$525,436
- Eliminate Equipment Purchases - \$350,000
- Reduce Overtime Budget- \$328,398
- Elimination of Chemical Dosing associated with Odor Control - \$175,000
- Reduction or Elimination of Capital Programs - \$3,454,060

## Service Impact

- Negative Impact on Level of Service provided to Customers
- Elimination of Capital Improvement Programs:
  - Odor Control
  - Wastewater Lining & Replacement
  - Inflow & Infiltration
- Increased odor from wastewater treatment, negatively impacting the quality of life for nearby residents.
- Potential Consent Orders and fines for non-compliance





CITY OF  
**TOPEKA**



Department Budget  
Presentations: Municipal  
Court



## Service Overview

Municipal court is a court of limited jurisdiction that adjudicates traffic infractions and misdemeanor offenses that are alleged to have occurred within the Topeka city limits. Its main mission is to promptly and fairly adjudicate all cases and enforce judgments rendered.

## FY25 Goals

- Relocate Court and Probation operations to original locations
- Fully staff divisions and hire new FTEs approved for the 2024 budget
- Work with Topeka Public School to hold a holiday/back-to-school drive
- Continue to cultivate and grow the Alternative Sentencing Court [partnership with Valeo]

## FY24 Accomplishments

- **Volume:** Average 10,000 active cases per month, adjudicate approximately 1000 cases per month
- **Grant Award:** Secured the DOJ Violence Against Women Grant with city grant writing and prosecution.
- **Property Maintenance:** Issued judgments in 31 cases using the LLC ordinance.
- **Domestic Violence Cases:** 302 cases filed through July 31st.
- **KLS DL Clinics:** Assisted with 3 clinics, with a 4th scheduled for September.

## Budget Details

<b>Personnel</b>	\$1,735,303
<b>Non-Personnel</b>	\$547,320
<b>TOTAL</b>	<b>\$2,296,623</b>



# If a Reduction of 13% was Applied (Court)



## Reductions- \$298,561

- Majority of budget personnel so all reductions would go to staffing cuts
- Reduction 5 FTEs (\$299,000)

## Impact

- Higher caseload for probation officers, impact on public safety
- Core services such as case intake and docketing would take longer
- Reduced public hours to ensure core services are completed
- Slower processing of payments to restitution victims
- Overworked clerk's office, high-stress job, more turnover





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**TOPEKA**



Department Budget  
Presentations  
8/20/2024



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Department Budget  
Presentations  
8/13/2024



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**TOPEKA**



# Department Budget Presentations: Police



## Mission Statement

The mission of the Topeka Police Department is to provide a safe community and faithfully serve our citizens with impeccable integrity, enduring professionalism and immeasurable honor.

## FY25 Increases

- Increase in contract with VALEO for Behavioral Health Unit (\$60,000)
- Commodities increased to cover Axon Camera/Taser upgrade (\$105,000)
- Capital Outlay purchases to include 12 Front Line Vehicles, 2 Animal Control Trucks, and 2 Detective Vehicles (\$300,000)
- Personnel Increase is based off the current status of the FOP Contract

## Budget Details

<b>Personnel</b>	\$46,476,688
<b>Contractual</b>	\$5,915,133
<b>Commodities</b>	\$2,328,028
<b>Capital Outlay</b>	\$879,852
<b>TOTAL</b>	<b>\$55,599,702</b>





## Service Overview

Initial response to emergent and non-emergent citizen calls for police service

Securing the scene and beginning the initial assessment as to incident specifics

Requesting the additional resources needed to reach a successful conclusion

## Goals for FY25

- Continue evaluation of best practice for police response
- Assess and evaluate new technology for front line response
- Reduce vacancies thru innovative recruiting efforts

## FY24 Accomplishments

- Upgrade from the Taser 7 to the Taser 10
- Increased Medical Response Capabilities (IFAK/Narcan)

## Budget Details

<b>Personnel</b>	\$21,579,757
<b>Non-Personnel</b>	\$1,003,193
<b>TOTAL</b>	<b>\$22,582,950</b>



# Criminal Investigations (Pages 69 – 72)



## Service Overview

Violent crime investigations

Investigative focus on State of Kansas statutory violations that center on property crime offenses

Specialized investigations involving crime against children, sex offenses and family violence

## Goals for FY25

- Increase investigative abilities through partnership with the Real Time Crime Center
- Meet or exceed the national homicide clearance rate

## FY24 Accomplishments

- Assigned Axon cameras to Detectives
- Exceeded the national homicide clearance rate

## Budget Details

<b>Personnel</b>	\$8,419,722
<b>Non-Personnel</b>	\$110,212
<b>TOTAL</b>	<b>\$8,529,934</b>



# Community Policing (Pages 69 – 72)



## Service Overview

Community policing includes development of community partnerships and engaging in problem solving at a neighborhood level

Houses the Behavioral Health Unit which provides specialized Police Service in partnership with mental health professionals

## Goals for FY25

- Grow our police community relations through transparent participation in various community meetings
- Foster neighborhood pride and cohesiveness
- Strengthen our commitment with our Co-Responder Program partners

## FY24 Accomplishments

- Completed 2024 Spring TPD Citizen's Academy with the 2024 Fall TPD Citizen's Academy beginning August 22nd
- Filled 2<sup>nd</sup> shift Co-Responder position

## Budget Details

<b>Personnel</b>	\$2,782,799
<b>Non-Personnel</b>	\$348,009
<b>TOTAL</b>	<b>\$3,130,808</b>





## Service Overview

Protect public health and welfare by enforcing the International Property Maintenance Code (IMPC). The IMPC regulates housing, unsafe structures, sanitation, unlicensed vehicles, weeds, and graffiti on private property within city limits.

## Goals for FY25

- Continuing the transformation of the culture of Property Maintenance
- Improve the overall quality of structures and premises within Topeka
- Work with partners to enhance community appearance

## FY24 Accomplishments

- Collaborated with Housing Services and EAS Program Coordinator to recommend housing alternatives
- Abated 19 encampments, committed 117 man-hours, and removed 26.29 tons of trash/rubbish

## Budget Details

<b>Personnel</b>	\$1,589,411
<b>Non-Personnel</b>	\$1,030,293
<b>TOTAL</b>	<b>\$2,619,704</b>



# If a Reduction of 13% was Applied (TPD)



## 13% Reduction is \$7,227,961

- Reduction of 47 Sworn FTE's \$4,976,662
- Reduction of 7 Non-Sworn FTE's \$486,289
- Reduction of Overtime Budget \$736,124
- 50% Reduction to Vehicle Budget \$432,436
- 50% Reduction to Training Budget \$57,500
- Suspension of Co-Responder Partnership \$200,000
- Contractual/Commodity Reduction Corresponding to the Reduction of FTE's \$338,950

## Service Impact

- Special Events/Planning
- Mental Health Calls
- Narcotics Investigations
- Community Meetings/Events
- Delays to Response Times
- Sworn Personnel Absorbing Duties of Civilian Staff
- Reduced Training Opportunities for Sworn Personnel
- Negative Impact on an Already Aging Fleet



# If a Reduction of 13% was Applied (PMU)



## 13% Reduction is \$360,062

- 2 Property Maintenance FTE's  
\$134,449
- Reduction of Demolition Budget  
\$140,000
- 50% Reduction to Vehicle Budget  
\$51,817
- 50% Reduction to Training Budget  
\$9,750
- Contractual/Commodity Reduction  
Corresponding to the Reduction of  
FTE's \$4,546

## Service Impact

- Negative Impact on Ability to Address  
Blight in our Community
- Delays in Responding to Violations of  
the Property Maintenance Code





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# Department Budget Presentations: Fire



## Mission Statement

To save lives and protect property by providing excellence and leadership in fire, rescue, emergency medical response, fire prevention and public education.

## FY25 Increases

- Education/Travel increased (\$31,000)
- Maintenance of equipment (\$50,000) & office computer equipment (\$13,000)
- Uniforms (\$70,000) & Protective Gear (\$25,000)
- Repair Parts (\$17,500)

## Budget Details

<b>Personnel</b>	\$33,789,909
<b>Contractual</b>	\$3,558,221
<b>Commodities</b>	\$993,600
<b>Capital Outlay</b>	\$70,000
<b>TOTAL</b>	<b>\$38,411,729</b>





## Service Overview

Fire department operations encompass fire suppression, rescue, medical services, hazardous materials response, aiming to protect life, property, and the environment from emergencies.

## FY25 Goals

- Complete Bluecard IMS training for all company officers
- Reduce average response time for all emergent level calls
- Continuing recruiting and retention to ensure a workforce more reflective of the community as a whole (Camp Courage and Fire Explorer Post)

## FY24 Accomplishments

- Responded to highest number of working structure fires and highest number of calls since 2003
- Conducted officer development program (ODP) for 15 personnel
- Reduction in total number fire related deaths
- Completed installation of new alerting system in all 12 fire stations

## Budget Details

<b>Personnel</b>	\$31,070,450
<b>Non-Personnel</b>	\$2,858,338
<b>TOTAL</b>	<b>\$33,928,788</b>





## Service Overview

**Function:** Conduct cause and origin investigations for all fire types, conducts inspections of multiple types of occupancies on yearly basis, and provides fire safety education to the public.

**Impact:** Helps reduce the overall number of fires in the community.

## FY25 Goals

- Completion of fire safety program in all USD 501 elementary schools
- Meet or exceed the national clearance rate of arson investigations
- Complete inspection of all apartment complexes with interior hallways per IFC.

## FY24 Accomplishments

- New Fire Inspections Software:** Implemented a new system for efficiency
- Fuel Station Inspections:** Took over inspections previously managed by the State Fire Marshal
- Joint Apartment Inspections:** Partnered with Property Maintenance Division for fire inspections of apartment buildings
- Fireworks Stand Inspections:** Successfully completed inspections of all fireworks stands
- New Fire Investigator:** Promoted and enrolled in Topeka Police Department Academy for Law Enforcement Training
- Fire Education:** Completed fire safety education programs in all USD 501 elementary schools

## Budget Details

<b>Personnel</b>	\$1,519,075
<b>Non-Personnel</b>	\$130,219
<b>TOTAL</b>	<b>\$1,649,294</b>





## Service Overview

**Role in Emergency Responses:** Integral part of suppression personnel's responses.

**Advanced Life Support (ALS):** Provides higher-level care, enhancing community health and well-being.

**Basic Life Support (BLS) Training:** Required for all personnel to fulfill first responder capabilities.

## FY25 Goals

- Add additional company to ALS response levels
- Enroll additional personnel in AEMT course

## FY24 Accomplishments

- Completed AEMT training for 7 personnel, and EMT training for 4 new recruits
- Work started with I.T. to build QA/QI database
- Implemented joint QA/QI process with AMR
- 7 personnel trained as American Heart Association ACLS and/or BLS instructors
- Started additional quarterly training for ALS personnel

## Budget Details

<b>Personnel</b>	\$0
<b>Non-Personnel</b>	\$97,750
<b>TOTAL</b>	<b>\$97,750</b>





## Service Overview

Programs that prepare firefighters with essential skills and knowledge for responding to fires and emergencies, including firefighting techniques, safety procedures, and equipment use. The aim is to ensure effective, safe, and efficient emergency responses.

## FY25 Goals

- Provide training required to meet ISO standards and provide education hours to all personnel required to meet EMS continuing education requirements
- Increase hands-on training to TFD personnel (both fire and EMS)

## FY24 Accomplishments

**Hazardous Materials Technicians:** 16 personnel trained and certified.

**New Firefighters:** 15 recruits graduated from the academy.

**Recruit Evaluation:** Established a new method for assessing recruit skill levels.

**New Reporting System:** Implemented and trained all personnel on the Emergency Networking Fire/EMS reporting system.

**Training Hours:** Coordinated delivery of over 60,000 hours of training to department personnel

## Budget Details

<b>Personnel</b>	\$718,375
<b>Non-Personnel</b>	\$263,503
<b>TOTAL</b>	<b>\$981,878</b>



# If a Reduction of 13% was Applied (TFD)



## 13% Service Reduction is \$4,993,524

Uniform Staff Reductions (37 positions)	(\$3,216,976)
Not Filling Vacancies (8)	(\$722,223)
Reduction in Call Back/Overtime	(\$525,000)
New Hire Savings	(\$78,200)
Equipment Purchases	(\$106,500)
Personal Protective Equipment	(\$35,000)
General Purpose Vehicle Replacement	(\$201,430)
Reduction in Training Expenditures	(\$88,700)
Software Licensing Cancellation	(\$20,000)
<b>TOTAL</b>	<b>(\$4,994,029)</b>

## Service Impact

- Closing of three fire companies permanently
- Utilization of specialty personnel (Inspectors, Training Officers, Public Education Officer) for reduction of Callback and Overtime
- Reduction in community engagement activities
- Forgoing of essential equipment and PPE replacement for current personnel





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Department Budget  
Presentations:  
Information Technology



## Mission Statement

Providing reliable, secure, and innovative technology solutions to support the efficient and effective operations of the City government, while prioritizing citizen service and data security.

## FY25 Increases

- Inflationary Costs
- Microsoft 365 Licensing Restructure

## Budget Details

<b>Contractual</b>	\$3,499,645
<b>Personnel</b>	\$3,158,763
<b>Commodities</b>	\$76,060
<b>TOTAL</b>	<b>\$6,734,468</b>





## Service Overview

Business Systems consists of back-end support, data analytics, and web development for applications and systems across the organization.

This service also focuses on the maintenance and development of applications by the IT Department.

## FY25 Goals

- Complete software upgrades and migrations
- Implement new systems for enhanced operational capability
- Improved public/resident portal services

## FY24 Accomplishments

- Migration to the new Microsoft environment for Microsoft applications utilized by city staff in all areas of the City
- Provide better continuity of operations and security
- Design a Disaster Recovery Plan to compliment continuity of operations plan

## Budget Details

<b>Personnel</b>	\$1,517,004
<b>Non-Personnel</b>	\$220,287
<b>TOTAL</b>	<b>\$1,737,291</b>





## Mission Statement

To efficiently and effectively provide geospatial information and applications. These tools, and datasets, should aid city employees and the public in order to enhance city operations, improve decision making and provide enhanced public services.

## FY25 Goals

- Improve and expand city asset and inventory data
- Continue to improve GIS application capability

## FY24 Accomplishments

**Vacant Lot Application:** Provides visibility to departments of all 'vacant' properties within the City

**Landbank Application:** Allows the public to see city owned properties that are for sale

**Road Closure Applications/WAZE Notifications:** Provides road closures to all navigation routing applications. Public facing apps for PQV and general road closures

**Field Applications:** Applications were built for employees who work in the field to enrich the GIS (signs, alleys) while in the field

## Budget Details

<b>Personnel</b>	\$794,357
<b>Non-Personnel</b>	\$619,904
<b>TOTAL</b>	<b>\$1,414,261</b>





## Service Overview

An ERP (Enterprise Resource Planning) system is a software platform that integrates and manages essential business processes like finance, HR, and supply chain, streamlining operations and improving decision-making through centralized data and automated workflows.

## Timeline

- **Selection of Vendor:** Tyler Technologies
- Managed to negotiate approximately \$600k off the cost of the implementation and roughly \$500k off the price of SaaS fees for a total savings of ~\$1.2 million below the original RFP
- Next Steps
  - Assess Current Business Processes
  - Map Data for Conversion
  - Build Chart of Accounts



# If a Reduction of 13% was Applied (IT)



## 13% Service Reduction is \$875,481

- Reduction in Cybersecurity Protection by greater than 50%
- Reduction in Operational Software (See ClickFix, ShareFile, Document Retention, DocuSign, OpenForms, etc.)
- 2 FTE directly impacts customer service by greater than 50%
- Reduction in Professional Service Support which slows response times and time to complete projects
- No IT Help Desk Software
- No Remote Work for City Employees
- No Remote Vendor Access
- Reduction in hardware & maintenance

## Service Impact

- May impact cybersecurity insurance premiums
- Increases risk of cyber attacks to the organization and end user devices
- Increase risk of data loss/theft
- Reduction in customer service
- SCADA and Traffic day to day operational impacts
- Limit end user devices (iPads, Docking Stations, Monitors, etc.)





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# Department Budget Presentations



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# Budget Overview

## 7/30/2024

# Agenda

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- 3** | Budget Presentation Schedule
- 4** | Budget Sessions
- 5** | Revenue Projections
- 6-7** | Taxing Entities in Topeka
- 8-10** | Expense Projections
- 11-12** | FY 2024 to FY 2025 Expense Increases
- 13-14** | FY 2026 to FY 2027 Financial Forecast
- 15-17** | Future Budget Policy Considerations



# Tentative Budget Presentation Schedule

3

- **July 30<sup>th</sup>** : Budget Overview
- **August 13<sup>th</sup>** : Police, Fire, IT
- **August 20<sup>th</sup>** : Public Works, Utilities, Municipal Court
- **August 27<sup>th</sup> (Special Meeting)** : Planning, HR, Legal, Finance, Community Engagement
- **September 3<sup>rd</sup>** : Other items as needed
- **September 10<sup>th</sup>** :
  - Public Hearing of RNR Rate
  - Set Mill Levy
  - Budget Hearing
  - Budget Adoption



# Listening Sessions

## What we heard:

- Sell the Hotel
- Enhance the City's traffic division
- Fully fund the Fire Department
- Decrease Police Funding- reduce salaried Law Enforcement
- Increase Social Services/Mental Health/Community Violence Prevention
- Increase Metro Services to other areas
- Equal Access to Economic Development
- Invest in Unsheltered population
- Affordable housing/Use the Housing Trust Fund
- Lower Property Taxes in favor of Sales Tax



# 2025 Revenue Scenarios for Operating Budget

<b>Major Revenue Categories</b>	<b>RNR Rate @ 35.341</b>	<b>Current Rate @ 36.952</b>	<b>+1 Mill Rate @ 37.952</b>	<b>+2 Mill Rate @ 38.952</b>
Sales Tax	\$40,569,000	\$40,569,000	\$40,569,000	\$40,569,000
Property Tax	\$34,292,785	\$36,611,284	\$38,050,281	\$39,489,278
Franchise Fees	\$14,331,161	\$14,331,161	\$14,331,161	\$14,331,161
Other Sources	\$23,807,096	\$23,807,096	\$23,807,096	\$23,807,096
<b>Total Revenues</b>	<b>\$113,000,042</b>	<b>\$115,318,541</b>	<b>\$116,757,538</b>	<b>\$118,196,535</b>

- Max Mill Rate is an increase of 2 mills from current 2024 mill rate
- Difference Between Current Mill Rate vs. RNR = \$2,318,499
- +/- 1 Mill = \$1,438,997



# Taxing Entities in Topeka

Taxing Entities	2021 Mill Rates	2022 Mill Rates	2023 Mill Rates	2023 Percentage
Shawnee County	50.999	49.861	48.653	32.60%
USD 501 Topeka	48.385	46.013	44.54	29.84%
<b>City of Topeka</b>	<b>39.939</b>	<b>38.963</b>	<b>36.952</b>	<b>24.76%</b>
Topeka/SNCO Library	9.706	8.89	8.192	5.49%
Metro Transit Authority	4.2	4.2	4.2	2.81%
Washburn University	3.403	3.451	3.451	2.31%
Metro Topeka Airport Authority	1.93	1.75	1.75	1.17%
State of Kansas	1.50	1.50	1.50	1.01%
<b>Totals</b>	<b>160.062</b>	<b>154.628</b>	<b>149.238</b>	<b>100.00%</b>



# City of Topeka Portion of Tax to Property Owners

Various Mill Rates	\$150,000 Appraised Property	\$200,000 Appraised Property	\$250,000 Appraised Property	\$300,000 Appraised Property
RNR Rate @ 35.341	\$609.63	\$812.84	\$1,016.05	\$1,219.26
Current COT Mill Rate @ 36.952	\$637.42	\$849.90	\$1,062.37	\$1,274.84
+1 Mill Increase @ 37.952	\$654.67	\$872.90	\$1,091.12	\$1,309.34
+2 Mill Increase @ 38.952	\$671.92	\$895.90	\$1,119.87	\$1,343.84
Variance of +/- 1 Mill	\$17.25	\$23.00	\$28.75	\$34.50

- Difference between current mill rate and RNR rate = 1.611 mills



# Projected 2025 General Fund Expenses

Categories	2023 Actuals	2024 Budget	2025 Budget
Police Department	\$42,942,799	\$47,392,888	\$55,599,415
Fire Department	\$32,881,490	\$36,003,280	\$38,411,729
Public Works Department	\$6,790,654	\$8,335,471	\$8,880,728
<b>3 Largest Department Totals</b>	<b>\$82,614,943</b>	<b>\$91,731,639</b>	<b>\$102,891,872</b>
Other General Fund Departments	\$21,685,890	\$23,275,359	\$25,522,615
<b>General Fund Expense Totals</b>	<b>\$104,300,833</b>	<b>\$115,006,998</b>	<b>\$128,414,487</b>



# Scenarios for the General Fund Deficit

<b>Categories</b>	<b>RNR Rate @ 35.341</b>	<b>Current Rate @ 36.952</b>	<b>+1 Mill Rate @ 37.952</b>	<b>+2 Mill Rate @ 38.952</b>
Total Revenues	\$113,000,042	\$115,318,541	\$116,757,538	\$118,196,535
Total Expenses	\$128,414,487	\$128,414,487	\$128,414,487	\$128,414,487
<b>Deficit</b>	<b>(\$15,414,445)</b>	<b>(\$13,095,946)</b>	<b>(\$11,656,949)</b>	<b>(\$10,217,952)</b>

## Utilizing Unassigned Reserves - \$15,374,383\*

- Move 2025 FIRM to Bonding - \$2,300,000 – relieves FY25 Operating Budget
- Move 2024 DREAMS from Cash to Bonding - \$1,500,000
- CIP Change from Bonding to Federal Funds Exchange – 2024 Traffic Signals and 2023 Infill Sidewalks which reduces bonding for FY24 by \$1,400,000
- Bonding Fleet Building - \$3,200,000 (Council Adopted Authority)



# General Fund Reserve Balance Projections

<b>Projected End of Year Fund Balance</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
General Fund Balance	\$ 27,586,643	\$ 22,726,229	\$ 22,686,167
General Fund Revenue*	\$ 115,900,043	\$ 113,631,143	\$ 128,414,487
Percentage	23.80%	20.00%	17.67%
Goal	20%	20%	20%
Policy Minimum	15%	15%	15%

\* Assumes Revenue Neutral mill levy rate and previous slide recommendations

\* No remaining funds in the unassigned reserves



# General Fund Operating Expense Categories

Categories	2024 Budget	2025 Budget	% Total of Expenses	% Total of Revenue
Personnel	\$87,945,650	\$97,382,103	75.83%	86.15%
Contractual	\$21,160,129	\$25,393,701	19.77%	22.46%
Commodities	\$3,419,832	\$4,222,418	3.29%	3.74%
Other Payments	\$1,600,000	\$232,100	0.18%	0.21%
Capital Outlays	\$697,803	\$1,184,166	0.92%	1.05%
Lease Payments	\$183,583	\$0	0.00%	0.00%
<b>Expense Totals</b>	<b>\$115,006,998</b>	<b>\$128,414,487</b>	<b>100%</b>	<b>100%</b>

\*2025 Projected Minimum Revenue Collection = **\$113,040,104**



## General Fund Expense Increases from FY 2024 to FY 2025

12

- **\$13,407,490 increase from FY24 to FY25 Expense Budget**
  - Personnel = **+\$9,443,667**
    - Non-Union +\$1.4m, FOP +\$5.3m, IAFF +\$1.9m , AFT +\$913k, Development Services +\$97k, Health Insurance +\$1.2m, Vacancy Credit - \$1.4m
  - Hotel = **+\$425,000**
  - SNCO Prisoner Fees = **+\$300,000**
  - SAAS Fees (ERP) = **+\$700,000**
  - Vehicle Requests = **+\$486,363**
  - Engineering = **+\$600,000**
- **FTE Count Increased from 1,187 to 1,188**
  - General Fund Decreased from 803.32 to 802.35
  - Non-General Fund increased 383.68 to 385.65



# Forecasting General Fund Projections for FY 2025 – FY 2027

<b>Object Category</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Sales Tax	\$40,569,000	\$40,996,176	\$41,816,099
Property Tax*	\$36,611,284	\$38,456,288	\$40,217,586
Franchise Fees	\$14,331,161	\$15,397,669	\$15,705,622
Other Revenue Sources	\$23,807,096	\$22,974,988	\$23,447,950
<b>Total Revenues</b>	<b><u>\$115,318,541</u></b>	<b><u>\$117,825,122</u></b>	<b><u>\$121,187,258</u></b>
Personnel	\$97,416,430	\$102,299,641	\$108,006,340
Non-Personnel	\$30,998,057	\$32,817,747	\$34,621,387
<b>Total Expenses</b>	<b><u>\$128,414,487</u></b>	<b><u>\$135,117,388</u></b>	<b><u>\$142,627,727</u></b>
<b>Net Deficit</b>	<b><u>(\$13,095,946)</u></b>	<b><u>(\$17,292,266)</u></b>	<b><u>(\$21,440,469)</u></b>

\*Assumes 2024 Mill Rate (36.952) and 4.5% Valuation Increase for FY26 and FY27



# Quantifying Reductions

	2025	2026	2027
Total Revenues*	\$115,318,541	\$117,825,122	\$121,187,258
Total Expenses	\$128,414,487	\$135,117,388	\$142,627,727
<b>Deficit</b>	<b>(\$13,095,946)</b>	<b>(\$17,292,266)</b>	<b>(\$21,440,469)</b>

**Utilizing one-time funds in 2025, causes the need for budget reductions in 2026 and 2027**

- **2026:**
  - No reductions Police, Fire, PW, Non-Dept.: **76.12%** decrease to Planning, Finance, CM, Code Enforcement, Municipal Court, HR, City Attorney, City Council/Mayor's Office
  - Decreasing all departments across the General Fund: **12.80%** from projected 2026 budget
- **2027:**
  - No reductions Police, Fire, PW, Non-Dept.: **89.54%** decrease to Planning, Finance, CM, Code Enforcement, Municipal Court, HR, City Attorney, City Council/Mayor's Office
  - Decreasing all departments across the General Fund: **15.03%** from projected 2027 budget

\*Assumes 2024 Mill Rate (36.952)



- **Half-Cent Public Safety Tax\***: A public safety sales tax is a tax added to purchases within a jurisdiction, with the revenue used for funding law enforcement, fire services, and emergency response. **Council approval to set election for public vote.**
- **Half-Cent General Use Tax\***: A general fund sales tax for city government is a tax on purchases within the city, with the revenue used to fund various municipal services and operations. **Council approval to set election for public vote.**
- **Fees Schedule**: Departments such as City Clerk, Planning, City Attorney, Fire, Engineering, etc. to see if we need to apply a CPI increase.
- These policy considerations will be vetted with the Governing Body over the course of 2025 for potential implementation in 2026



# Implementing Proposed Sales Tax Initiatives

Categories	2025	2026	2027
Total Revenues*	\$115,318,541	\$117,825,122	\$121,187,258
Total Expenses	\$128,414,487	\$135,117,388	\$142,627,727
<b>Current Projected Deficit</b>	<b>(\$13,095,946)</b>	<b>(\$17,292,266)</b>	<b>(\$21,440,469)</b>
Proposed Public Safety Tax Revenue**	+\$19,000,000	+\$19,000,000	+\$19,000,000
Proposed General Use Sales Tax Revenue***	+\$19,000,000	+\$19,000,000	+\$19,000,000
Possible Revenues	<b>\$153,318,541</b>	<b>\$155,825,122</b>	<b>\$159,187,258</b>
<b>Potential Projected Surplus</b>	<b>\$24,944,116</b>	<b>\$20,707,734</b>	<b>\$16,559,531</b>

\*Assumes Current Mill Rate (36.952)

\*\* Public Safety Sales Tax to ONLY be used on Public Safety Expenditures

\*\*\*General Use Sales Tax to be used for any General Fund Expenditures



# Mill Levy Scenarios FY 2025 Budget

Categories	RNR Mill Rate @ 35.341	Current Mill Rate @ 36.952	+1 Mill Rate @ 37.952	+2 Mill Rate @ 38.952
Revenues	\$113,000,042	\$115,318,541	\$116,757,538	\$118,196,535
Expenses	\$128,414,487	\$128,414,487	\$128,414,487	\$128,414,487
Net Deficit	<b>(\$15,414,445)</b>	<b>(\$13,095,946)</b>	<b>(\$11,656,949)</b>	<b>(\$10,217,952)</b>
Use of Unassigned Reserve	\$15,374,383	\$13,095,946	\$11,656,949	\$10,217,952
FY25 Ending Fund Balance	<b>\$22,686,167</b>	<b>\$25,004,666</b>	<b>\$25,682,897</b>	<b>\$25,682,897</b>
Percentage	17.67%	19.47%	20.00%	20.00%
Amount Remaining in Unassigned Reserves	\$0	\$0	\$763,901	\$2,202,898



# Proposed Recommendation for FY 2025 Budget

Categories	+1 Mill Rate @ 37.952
Total Revenues	\$116,757,538
Total Expenses	\$128,414,487
Net Deficit	<b>(\$11,656,949)</b>
Use of Unassigned Reserve	\$11,656,949
FY25 Ending Reserve Fund Balance	<b>\$25,682,897</b>
Percentage	20.00%
Amount Remaining in Unassigned Reserves	\$763,901

- Maintains a 20% Reserve Target @ \$25,682,897
- Allows Use of Unassigned Reserves \$763,901



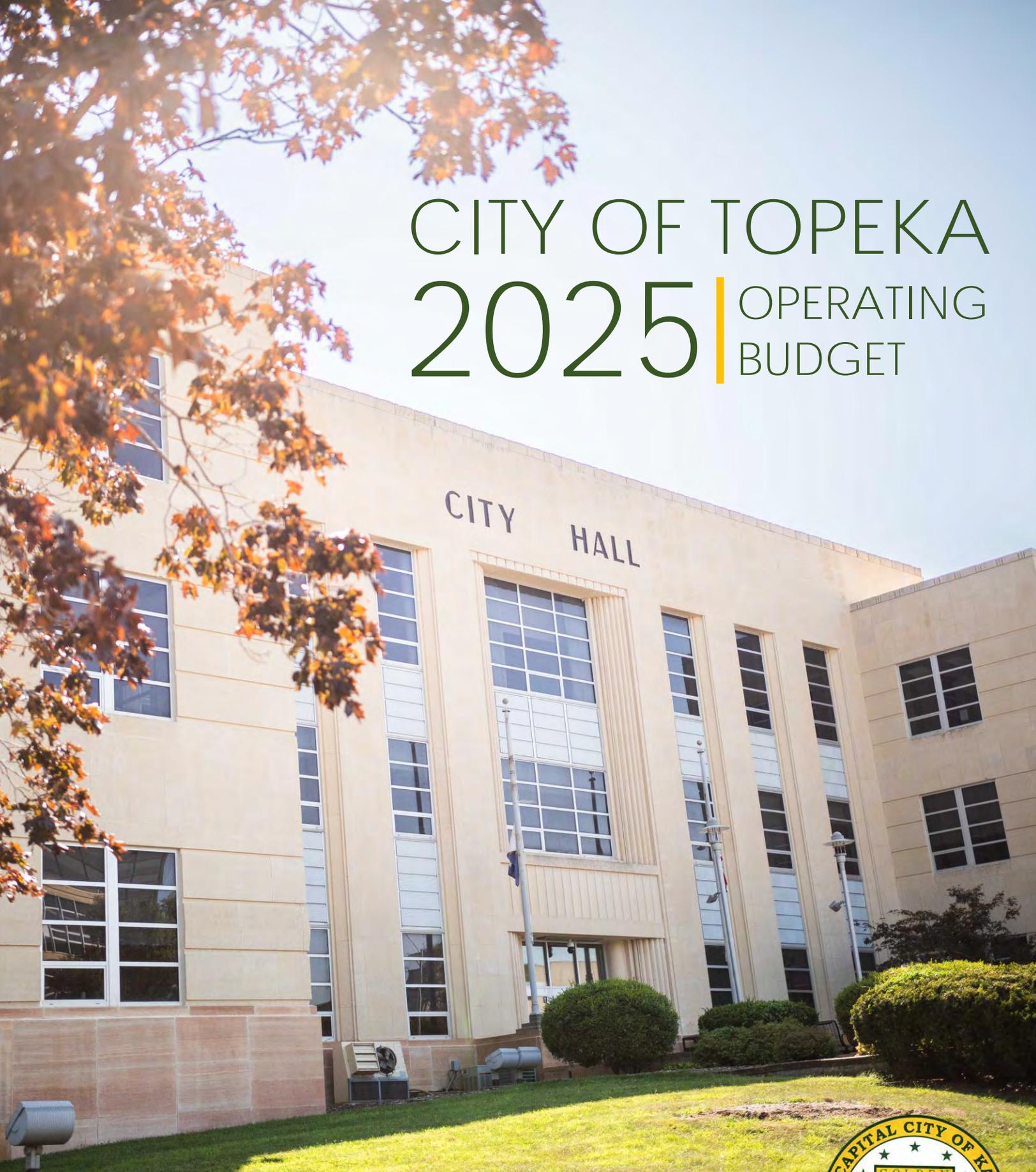


CITY OF  
**TOPEKA**



Questions?

# CITY OF TOPEKA 2025 | OPERATING BUDGET





GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished  
Budget Presentation  
Award*

PRESENTED TO

**City of Topeka  
Kansas**

For the Fiscal Year Beginning

**January 01, 2024**

*Christopher P. Morill*

Executive Director

# TABLE OF CONTENTS



## INTRODUCTION

*City Manager's Letter* - 8  
*Budget Calendar* - 12

## FINANCIAL INFORMATION

### Financial Summary

*Position Change Overview* - 30  
*Three Year Financial Forecast* - 33  
*Statistical Section* - 34

### Department Summary

*Mayor & City Council* - 37  
*City Manager* - 38  
*City Attorney* - 42  
*Financial Services* - 45  
*Municipal Court* - 48  
*DEI* - 51  
*Human Resources* - 53  
*Community Engagement* - 55  
*Fire* - 57  
*Information Technology* - 62  
*Planning & Development Services* - 65  
*Police Department* - 69  
*Public Works* - 73  
*Utilities* - 78  
*Miscellaneous Non-Departmental* - 89

### Fund Overview

*General Fund Overview* - 93

## APPENDIX

*City of Topeka Profile* - 135  
*Debt Schedules* - 138  
*Financial Policies* - 142  
*Glossary* - 150  
*Full FTE Listing for Past Four Budget Cycles* - 153  
*Vacancy Listing by Department* - 172





# INTRODUCTION

# GOVERNING BODY

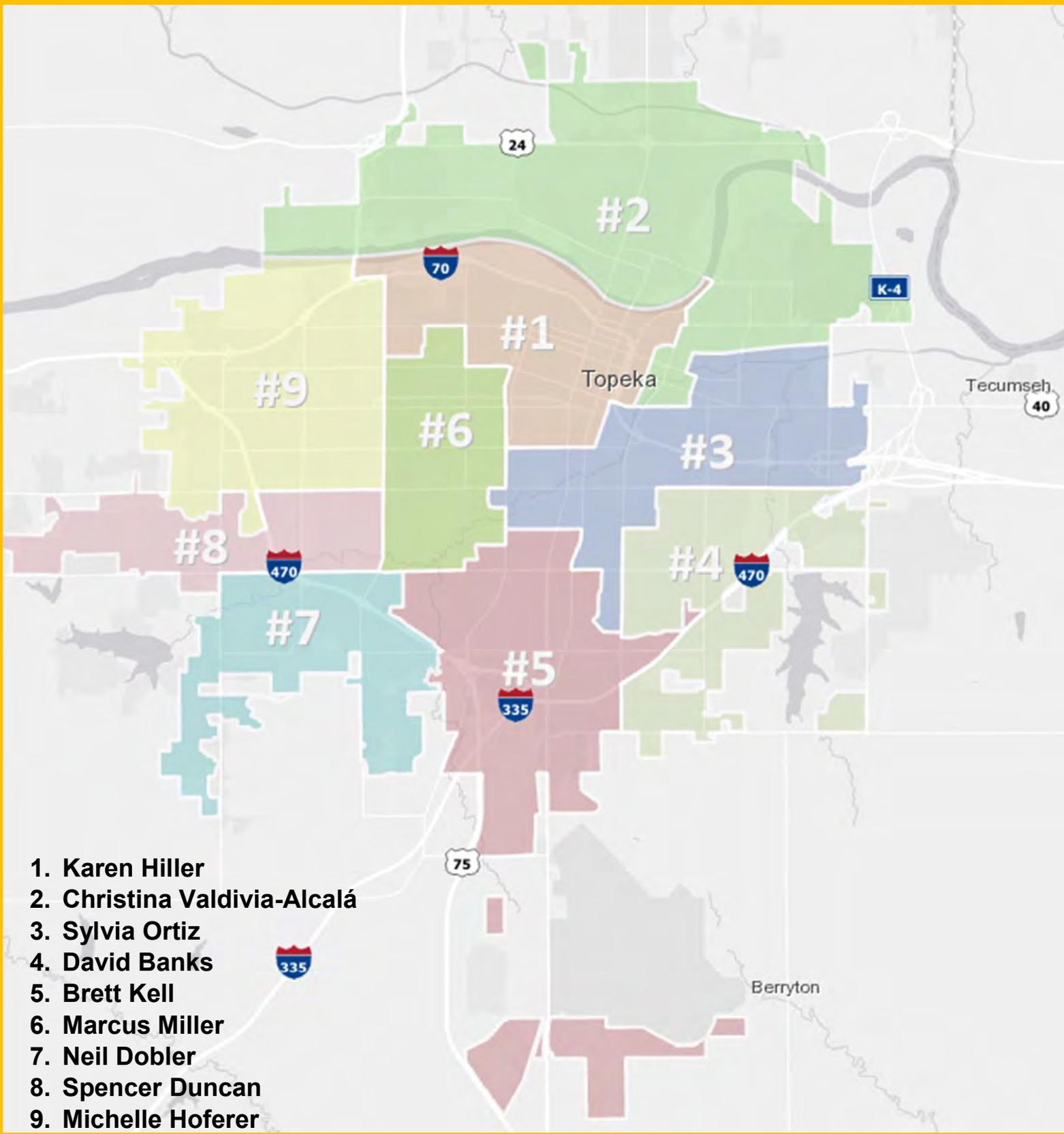


Since 2005, the City of Topeka has operated under a Council-Manager form of government. This system of local government combines the strong political leadership of elected officials with the managerial experience of a professional local government manager.

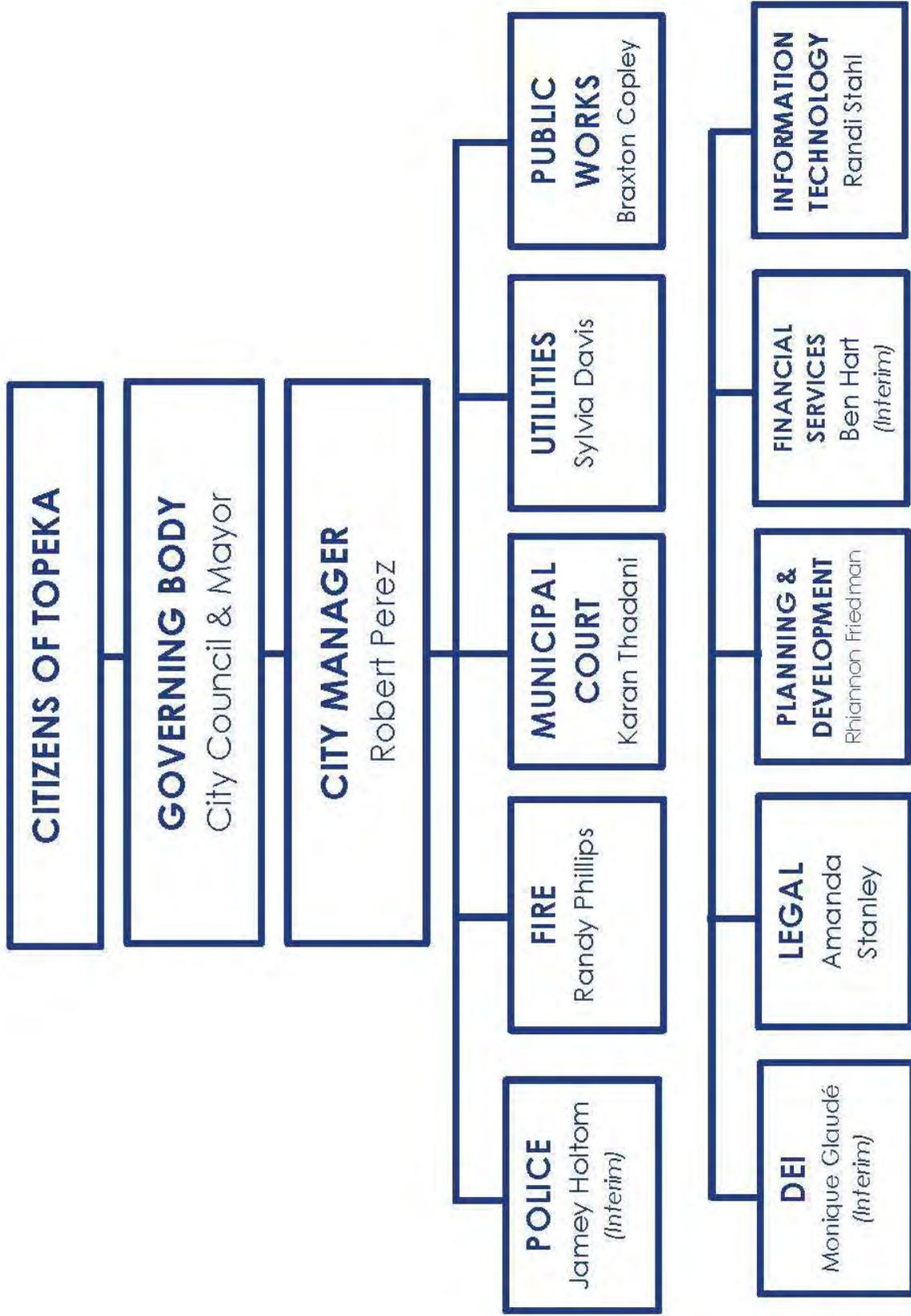
The City is governed by a ten-member Governing Body, including a directly elected Mayor and a nine-member City Council elected by district. Governing Body members serve 4-year staggered terms. A City Manager, appointed by the Governing Body, is responsible for the implementation of the Governing Body's policy and the day-to-day operations of the City.

The Governing Body conducts the business of the City by voting on ordinances, resolutions, applications, major plans, zoning petitions, receiving reports, and other items. The Governing Body elects a Deputy Mayor every year, who presides over Council meetings in the absence of the Mayor, makes committee assignments, and chairs various Council committees.

# GOVERNING BODY



# CITY OF TOPEKA ORGANIZATIONAL CHART



# CITY MANAGER'S LETTER

Honorable Mayor Michael Padilla  
Members of the Topeka City Council  
215 SE 7 Street Topeka, Kansas 66603

Dear Mayor Padilla and City Councilmembers,

I am pleased to present the Fiscal Year 2025 (FY25) Budget for your Governing Body Review. The budget is structurally balanced for FY2025. In the last year and during this budgeting process, we have observed our revenues stabilize compared to budget unlike in previous years where revenues came in greater than budget. Additionally, the City's personnel costs have grown from the last budget cycle. Due to these factors, the City is going to use one-time reserves to cover an initial deficit of \$15m. I am confident in the ability of this budget to meet the current needs of the citizens of Topeka for FY25; however, the City will need policy changes in place for FY26 & FY27 because those one-time reserves will be depleted.

## Budget Issues Facing the Governing Body

### Policy Issues

The initial deficit of the budget if the City used the Revenue Neutral Mill Rate (RNR) would be roughly \$15m. In order to not be in a deficit, the City is recommending the following approvals for this year's budget cycle:

- Increase mill levy by 1 mill from 36.952 to 37.952 mills—which would generate an additional \$1.4 million for the General Fund operations
- Move the Facilities Improvement Repair and Maintenance Program (FIRM) back to being funded by general obligation bonds as opposed to cash. In order to alleviate the operating budget, the City would recommend moving to bonds which would reduce the operating budget by \$2,300,000. **Note:** This budget presents FIRM already being moved out of the operating budget.
- The City currently has \$13.8 million in Unassigned Reserve Fund—in which \$2m of that is encumbered. It is recommended used the remaining \$11.8m to supplement the General Fund.
- Additionally, the City would recommend amending CIP projects to bonding or other revenue sources to free up General Fund operating funds to create this balanced budget. These projects would be:
  - 2024 Traffic Signals move from bonding to Federal Funds Exchange (\$800,000)
  - 2023 Infill Sidewalks move from bonding to Federal Funds Exchange (\$600,000)
  - Move 2024 DREAMS from cash funded to GO bonding (\$1,500,000)—if approved, \$1,500,000 cash would be transferred to the unassigned reserve fund
  - Amend the Fleet Building Project from cash funding to GO Bond funding (\$3,200,000)
- Assume a \$3.1 million vacancy credit. This is an increase from the \$1.7 million credit used in FY24. The purpose of the vacancy credit is to lower the overall budgetary expense so that the tax burden on citizens is more accurate to what the City will actually experience rather than if we budgeted for all positions and no vacancy credits. As of July 22, 2024, the City has 131 vacant positions. Within the General Fund alone, there are 81 vacant positions. At approximately the same time last year, there were 79 vacant positions in the General Fund. Filling the City's vacant positions continues to be a priority of every department. We are fortunate to have City staff that are willing to step into other roles and do things outside of their job description to provide needed service, but to continue to move forward as an organization, we will do all that we can to fill these positions.

# CITY MANAGER'S LETTER

If these recommendations were accepted the City would be just above its 20% target fund balance at the end of FY25, and still have about \$760,000 in the unassigned reserve fund to help with future one-time projects or be used to spend down in the following budget cycle.

## **Economic Factors**

The City's overall assessed value has increased by 4.5% from the prior year assessment rate conducted by Shawnee County. This increase in valuation could allow the City an additional \$2.3 million in revenue if the current mill rate remains the same at 36.952, compared to the RNR rate of 35.341. Collections in sales tax have stabilized in 2024 compared to 2023; for the first four months of this year, collections totaled \$12,645,044, whereas they were \$11,806,088 in the first four months of last year. The city expects conservative sales tax growth in 2025 compared to previous years.

However, while expenses have increased and revenues are not as favorable as previously predicted, the City is seeking ways to cut costs, enhance efficiency, and reduce expenditures wherever possible. I have asked departments to review their fee schedules and ensure they align with market standards for the area.

Although the increase in property valuations has boosted potential revenue, expenses have also risen. At the time of this letter, the City is negotiating with four unions. The rising costs of inflation are driving up expenses for contractual items and commodities purchased by the City. Employee healthcare costs are projected to increase by 14.5% over 2024. These increases have led to an approximate \$13.4 million rise in expenses for the FY25 budget from the previously approved FY24 budget.

To alleviate the burden of property taxes, the City of Topeka will continue the Property Tax Rebate Program (\$300,000), which began in 2024 to assist qualifying residents with property tax relief. This budget proposes moving the program from in-house administration to the CRC to streamline the process for citizens, who currently navigate between the CRC for Utility Rebates and the City for Property Tax relief. Moving this program to the CRC will enhance efficiency for both citizens and staff in the process.

## **Regulatory and Legislative Changes**

The City continues to operate under K.S.A. 70-2088 which requires the Governing Body to hold a public hearing in September if it is to increase property tax beyond the Revenue Neutral Rate (RNR). The Revenue Neutral Rate is the tax rate that would generate the same amount of tax revenue as the previous year. As previously mentioned, this budget assumes the Governing Body will approve increasing the tax levy above the Revenue Neutral Rate. During this legislative session, there were a number of other bills that have the potential to impact the budget that were not signed into law. We expect continued discussion of these bills in future sessions.

## **General Fund**

The General Fund is the City of Topeka's primary operating fund. It finances a number of departments such as City Council, Mayor, Police, Fire, Executive, Public Works, and various others. The General Fund receives the largest portion of the mill levy to support various services throughout the City. It represents approximately one-third of the citywide budget with total planned expenditures of \$128m, an increase of 10.2% from the FY24 budget of \$115m. It is driven by increases in the following:

- Union and Non-Union Increases in Wages (+\$9.4 million)
- Hotel Topeka operating costs (+\$425,000)
- SNCO Inmate Fees (+\$300,000)
- SAAS Fees for the ERP (+\$700,000)
- Vehicle Requests (+\$486,363)
- Engineering (+\$600,000)

# CITY MANAGER'S LETTER

The largest portion of the General Fund is personnel costs at 76% of the total budget. Personnel costs increased by about \$9.4 million or 10.8%. The personnel budget includes the information contained in each finalized union contract along with assumptions regarding any contract in active negotiations. Also included is a 2% pool available as a Cost of Living Adjustment for non-union employees as well as a 3% merit pool for performance. The remaining 24% of non-personnel expenses increased by about \$3.8 million or a 14.5% increase from FY24. As mentioned before, this includes adjustments for increases in inflationary costs.

For FY25, increase in the General Fund is made possible by the utilizing one-time funds in the Unassigned Reserve Fund, a 1 mill increase, and moving a number of cash funded projects to bonding or other funding sources. Previous budgets have accounted for substantial increases in franchise fees and sales tax. The trends staff sees, do not support this continued model and suggest that sales tax will be moderately flat compared to 2024 at this point, with only a 2% increase.

## **Utility Funds**

The combined Utilities funds comprised of Water, Stormwater, and Wastewater reflect the approved rate increases passed in early 2023. The Utilities funds' budgets continue to work towards a 150-year replacement cycle, while spending down cash reserves to levels discussed during rate discussions. Through all budget discussions, the Utilities funds balance the need for improving infrastructure without putting an undue burden on consumers. In 2024, it was determined that the General Fund would give a \$2 million discount to the Utilities funds annual Payment in Lieu of Taxes (PILOT). Each year, the General Fund PILOT fee for the Utilities funds is \$7.5 million. With the change going forward, the PILOT fee will be \$5.5 million. In addition to the PILOT reduction, the 2024 operating budget keeps the City Internal Service Fund fees flat (except for Information Technology charges which increased by 18%) or lower than FY24 for the Utilities funds.

## **Internal Service Funds**

Internal Service Funds, including Information Technology, Fleet, and Facilities, are funded through fees to City departments. Facilities charges have increased significantly in order to account for building utility costs such as electricity and water. This move will allow for centralized billing that assists the Facilities department in making decisions that will help save money in the long-term.

## **Half-Cent Sales Tax Fund**

The City levies a half-cent sales tax for street, curb, gutter, and sidewalk replacement. The FY25 Budget reflects the approved 2025-2034 Capital Improvement Plan (CIP). The Street Maintenance and Project Management services continue to work through changes in project costs and delays to spend available funds on improving City streets. This budget cycle there is \$15m of half-cent sales tax funds dedicated to streets.

## **Risk Funds**

The Risk Management, Health, and Insurance Funds are routinely evaluated to ensure that they reflect current expectations. Property insurance increased 5% from FY24, and health insurance costs increased 14.5% citywide. The City made the decision to self-insure vehicle claims in 2024 which has resulted in a new fund specifically dedicated to vehicle claims.

## **Other Funds**

Other funds, including the Special Liability Fund, and Grant funds continue to fund specific citywide activities. These funds continue to receive steady revenue with expenditure adjustments in accordance with inflationary pressures.

# CITY MANAGER'S LETTER

## Future Budget Policy Considerations for FY 2026 & FY 2027

The City is spending down reserves to fill the operating budget deficit for FY25 this is a one-time use to where the option will not be available for FY26 and FY27. In lieu of sustainable service reductions, the City will ask the Governing Body to consider the following in future budget cycles:

- **Half-Cent Public Safety Tax:** A public safety sales tax is a tax added to purchases within a jurisdiction, with the revenue used for funding law enforcement, fire services, and emergency response. Council approval to set election for public vote.
- **Half-Cent General Use Tax:** A general fund sales tax for city government is a tax on purchases within the city, with the revenue used to fund various municipal services and operations. Council approval to set election for public vote.
- **Fee Schedules:** Departments such as City Clerk, Planning, City Attorney, Fire, Engineering, etc. to see if we need to apply a CPI increase

Each of the Half-Cent Sales Tax initiatives could generate around \$19m to where the City can be financially sound for the upcoming years as well as make greater investment in Governing Body initiatives if both sales taxes were approved. The City will evaluate future revenue enhancements and strategic expense reductions to balance future budget years.

## Conclusion

Decreased revenue growth, rising crucial expenditure categories, inflation, and deferred capital maintenance continue to present challenges to the Budget and the City's long-term financial health. City management remains committed to addressing these challenges and supporting the Governing Body in implementing sustainable long-term solutions.

Respectfully submitted,

Dr. Robert Perez

City Manager



# FY25 BUDGET PUBLIC MEETINGS CALENDAR

## JULY

M	T	W	R	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	<b>30</b>	31				

NOTE: The July 2<sup>nd</sup> meeting is the revenue neutral rate hearing

## AUGUST

M	T	W	R	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	<b>13</b>	14	15	16	17	18
19	<b>20</b>	21	22	23	24	25
26	<b>27</b>	28	29	30	31	

## SEPTEMBER

M	T	W	R	F	S	S
						1
2	<b>3</b>	4	5	6	7	8
9	<b>10*</b>	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

\*Anticipated budget approval date

 FISCAL YEAR 2025 OPERATING BUDGET CALENDAR

## May

- 1st - Budget Kickoff

## June

- 7th - Department budgets due
- Mid-June - Receive property value estimate
- 28th - Finalization of Department budget proposals

## July

- 9th - Revenue Neutral Rate (RNR) hearing date set
- 30th - Budget presented to City Council

## August

- 13th and 20th - Budget presented to City Council

## September

- 3rd - Budget presented to City Council
- 10th - Budget public hearing and adoption



# FINANCIAL SUMMARY



# FINANCIAL SUMMARY

## Expenditures Glossary

The purpose of this section is to describe the major expenditure types for all funds. These major expenditures are divided into **six categories**: Capital Outlay, Commodities, Contractual, Debt, Other Payments, Personnel.

---

**Capital Outlay:** Capital Outlay expenditures include payments that are made for land, building improvements, furniture, motor vehicles, computer software, tools, and equipment.

**Commodities:** Commodities include materials for asphalt, rock, sand, salt, insecticide, fuel, chemicals, and office supplies.

**Contractual:** Contractual costs are expenditures related to the operations of the City. They include items such as property insurance premiums, utility costs, printing services, rent, and maintenance services.

**Debt:** Debt expenditures include the costs of principal and interest for all current outstanding debt and any debt obligations refinanced during the fiscal year.

**Other Payments:** Other Payments include expenditures for debt service payments and operating transfers. The types of expenditures in this category consist of transfers between funds and debt payments that are paid by the Utilities, Parking, and Debt Service funds.

**Personnel:** Personnel costs are expenditures related to employee compensation, including employee benefit costs such as the City's contribution for retirement, social security, and health insurance.

# FINANCIAL SUMMARY

## Revenues Glossary

The purpose of this section is to describe the major revenues of the City. The major revenue sources fall into nine categories: Fees for Service, Franchise Fees, Intergovernmental Revenue, Licenses & Permits, Miscellaneous, Municipal Court, PILOTs, Special Assessments, and Taxes.

---

**Fees for Service:** Fees for Service revenues are those collected in return for a service provided by the City such as water, stormwater, wastewater, and parking.

**Franchise Fees:** Franchise Fees are revenue generated from agreements between the City and local utilities for the use of rights-of-ways. These agreements result in 5-6% of the utility's revenue due to the City.

**Intergovernmental Revenue:** Intergovernmental Revenue is revenue collected by the City that comes from other government agencies such as the State of Kansas and Shawnee County.

**Licenses & Permits:** Licenses and Permits are revenues related to various permitting and licensing services available in the City Clerk and Development Services divisions. These include business licenses and development permits.

**Miscellaneous:** Miscellaneous revenue is all other revenues collected by the City that is not otherwise assigned to a category in this list.

**Municipal Court:** Municipal Court revenue are those fines and fee assessed and collected by the City's judicial system.

**PILOTs:** Payments in Lieu of Taxes (PILOTs) are payments made to the City by various organizations or agencies based on agreements. In these agreements, the City may have granted tax abatements, and PILOTs are a portion of the taxes that may be due to the City.

**Special Assessments:** Special Assessment revenue are the taxes levied against property owners inside an approved improvement district that provide for the construction of certain public projects such as water and sewer lines or streets.

**Taxes:** Tax revenues include ad valorem (property) tax, sales taxes, and motor vehicle tax. Property tax is derived from tax levied on real property, personal property, and state assessed utilities. The City receives three sales taxes, two for direct operations and one for countywide purposes.

# CITYWIDE FUND DETAILS

## Citywide Funds: Detailed Four Year Summary

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> <b>Revenues</b>	<b>\$388,264,315</b>	<b>\$399,062,097</b>	<b>\$341,778,743</b>	<b>\$360,397,435</b>
Fees For Service	\$120,006,743	\$127,915,345	\$141,521,706	\$149,979,065
Sales Tax	\$76,459,883	\$79,429,067	\$83,782,188	\$82,526,552
Ad Valorem Tax	\$53,648,920	\$56,495,487	\$57,210,430	\$61,467,350
Miscellaneous	\$72,227,424	\$45,770,321	\$2,112,480	\$16,609,965
Franchise Fees	\$16,115,074	\$15,263,008	\$17,718,766	\$14,365,512
PILOTS	\$8,010,562	\$8,027,067	\$5,983,664	\$6,040,664
Intergovernmental Revenue	\$23,912,966	\$32,368,539	\$14,549,517	\$6,009,470
Investments from Interest	\$1,817,929	\$16,815,079	\$2,176,500	\$5,808,000
Motor Vehicle	\$5,233,266	\$5,555,993	\$5,211,111	\$5,151,821
Special Assessments	\$4,089,593	\$4,225,091	\$4,203,568	\$4,219,253
Transient Guest Tax	\$2,839,597	\$3,283,923	\$3,798,675	\$4,156,276
Licenses & Permits	\$1,729,354	\$1,820,289	\$1,376,988	\$1,869,257
Fines	\$1,575,380	\$1,518,206	\$1,570,000	\$1,590,000
Municipal Court	\$597,623	\$574,681	\$563,150	\$604,250
<input type="checkbox"/> <b>Expenses</b>	<b>(\$360,199,804)</b>	<b>(\$365,458,594)</b>	<b>(\$390,518,161)</b>	<b>(\$400,307,118)</b>
Capital Outlay	(\$5,613,360)	(\$10,113,331)	(\$3,255,599)	(\$3,259,466)
Commodities	(\$14,127,364)	(\$17,161,878)	(\$18,735,284)	(\$19,321,342)
Other Payments	(\$51,411,629)	(\$52,282,724)	(\$60,148,000)	(\$43,635,411)
Debt	(\$49,179,255)	(\$28,045,485)	(\$43,853,581)	(\$47,023,533)
Personnel	(\$101,168,028)	(\$109,784,930)	(\$122,112,203)	(\$134,488,487)
Contractual	(\$138,700,168)	(\$148,070,246)	(\$142,413,493)	(\$152,578,879)
<b>Total</b>	<b>\$28,064,511</b>	<b>\$33,603,502</b>	<b>(\$48,739,418)</b>	<b>(\$39,909,684)</b>

# CITYWIDE FUND DETAILS

## Expenditure Summary for Citywide Funds

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$105,785,099)	(\$116,007,107)	(\$115,006,998)	(\$128,414,487)
102 - Unassigned Reserve Fund				(\$15,374,383)
110 - Capital Assets	\$0	\$0		
216 - Downtown Bus Improv Dist	(\$215,312)	(\$194,957)	(\$338,608)	(\$203,011)
217 - Topeka Tourism Bid	(\$398,833)	(\$369,397)	(\$402,861)	(\$379,247)
218 - Noto Business Improve District		(\$5,006)	(\$15,000)	(\$15,000)
220 - Tif (Tx Increm Fin) College HI	(\$406,896)	(\$2,200)	(\$250,000)	(\$251,000)
227 - Court Technology Fund	(\$40,816)	(\$44,013)	(\$243,000)	(\$70,000)
228 - Special Alcohol Program	(\$659,892)	(\$567,661)	(\$720,534)	(\$746,025)
229 - Alcohol & Drug Safety	(\$103,797)	(\$115,786)	(\$69,354)	(\$5,743)
231 - Parkland Acquisitions	(\$11,393)	(\$17,886)		
232 - Law Enforcement	(\$444,611)	(\$463,750)	(\$1,527,500)	(\$551,477)
236 - Special Liability	(\$719,792)	(\$1,015,460)	(\$3,429,504)	(\$1,536,190)
271 - Transient Guest Tax	(\$2,029,030)	(\$2,347,597)	(\$2,965,043)	(\$2,018,469)
272 - Tgt - Sunflower Soccer	(\$282,044)	(\$283,313)	(\$548,697)	(\$294,254)
273 - Transient Guest Tax (New)	(\$331,762)	(\$468,903)	(\$379,205)	(\$482,970)
274 - .50% Sales Tax (State To Jedo)	(\$11,332,164)	(\$11,608,064)	(\$14,397,909)	(\$11,956,306)
275 - 0.5% Sales Tax (Jedo Proj)	(\$6,481,591)	(\$7,356,405)	(\$15,244,820)	(\$9,798,500)
276 - Federal Funds Exchange	(\$2,855,342)	(\$499,400)	(\$3,750,000)	(\$2,215,000)
286 - Retirement Reserve	(\$1,582,707)	(\$1,492,940)	(\$4,304,166)	(\$1,127,170)
287 - K P & F Rate Equalization	(\$141,116)	\$0		
288 - Neighborhood Revit Fund	(\$241,931)			
289 - Historic Asset Tourism			(\$16,781)	(\$12,930)
290 - .50% Sales Tax Fund	(\$247,740)			\$0
291 - Special Street Repair	(\$5,182,332)	(\$6,165,267)	(\$8,208,806)	(\$8,273,652)
292 - Sales Tax Street Maint	(\$8,986,051)	(\$17,440,245)	(\$32,660,128)	(\$31,122,760)
294 - Cid - Holliday Square	(\$132,454)	(\$121,348)	(\$138,758)	(\$124,989)
295 - Cid - 12Th & Wanamaker	(\$345,335)	(\$294,834)	(\$358,311)	(\$306,628)
296 - Cid - Cyrus Hotel	(\$99,186)	(\$125,884)	(\$103,376)	(\$130,919)
297 - Cid - Se 29Th	(\$85,187)	(\$92,283)	(\$88,621)	(\$95,513)
298 - Wheatfield Fund	(\$306,593)	(\$354,724)	(\$318,314)	(\$368,913)
299 - City Donations And Gifts				(\$999,800)
301 - Debt Service	(\$37,675,794)	(\$20,558,785)	(\$21,288,611)	(\$18,743,733)
400 - Economic Development	(\$291,297)	(\$326,720)	(\$302,829)	(\$343,056)

# CITYWIDE FUND DETAILS

## Expenditure Summary for Citywide Funds

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
401 - Sherwood Cid	(\$159,589)	(\$323,961)	(\$166,161)	(\$190,623)
402 - Tif - Sherwood Crossing	(\$50,700)	(\$119,021)	(\$100,000)	(\$150,000)
403 - Tif - Wheatfield	(\$794,424)	(\$302,896)	(\$500,000)	(\$500,000)
404 - Cid - Downtown Ramada Inn	(\$115,702)	(\$56,373)		(\$59,191)
406 - Cid - South Topeka		(\$91)		
407 - Eastgate #4 Rhid				(\$50,000)
499 - Economic Dev - Clearing Fund	(\$878)	(\$31,000)		
500 - Metro Trans Authority	(\$5,536,121)	(\$5,983,690)	(\$6,289,534)	(\$6,658,710)
601 - Public Parking	(\$3,376,896)	(\$2,841,272)	(\$3,079,418)	(\$3,464,334)
613 - Information Technology	(\$4,639,802)	(\$5,295,593)	(\$5,970,730)	(\$6,734,468)
614 - Fleet Management	(\$2,212,264)	(\$2,431,674)	(\$3,934,274)	(\$3,675,557)
615 - Facilities Operations	(\$4,458,695)	(\$3,052,773)	(\$3,657,295)	(\$3,519,166)
621 - Water Utility	(\$45,240,555)	(\$43,987,480)	(\$52,593,962)	(\$56,528,377)
623 - Stormwater Utility	(\$10,587,615)	(\$10,884,107)	(\$13,708,172)	(\$12,727,220)
625 - Wastewater Fund	(\$40,010,261)	(\$41,847,637)	(\$45,867,083)	(\$41,111,308)
640 - Property & Vehicle Insurance	(\$2,153,715)	(\$2,724,191)	(\$2,809,643)	(\$2,939,841)
641 - Workers Comp Self Ins	(\$1,356,252)	(\$2,106,426)	(\$2,348,789)	(\$2,434,218)
642 - Group Health Insurance	(\$13,667,625)	(\$15,070,873)	(\$16,174,142)	(\$17,657,460)
643 - Risk Management Reserve			(\$2,000)	(\$2,000)
644 - Unemployment Comp	(\$27,888)	(\$21,993)	(\$81,442)	(\$81,442)
700 - Hud Grants	(\$5,611,045)	(\$5,897,957)	(\$4,583,630)	(\$3,887,505)
710 - Other Grants	(\$1,046,289)	(\$1,195,522)	(\$1,045,567)	(\$1,072,672)
720 - Public Health Emergency Response	(\$10,387,187)	(\$15,735,578)		
730 - Opioid Settlement Fund	(\$2,200)	(\$6,600)	(\$28,585)	(\$362,546)
740 - Economic Development Fund		(\$500,000)	(\$500,000)	(\$538,355)

# CITYWIDE FUND DETAILS

## Expenditure Summary: Total Citywide Funds by Category

Object Category	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
Contractual	(\$138,700,168)	(\$148,070,246)	(\$142,413,493)	(\$152,578,879)
Personnel	(\$101,168,028)	(\$109,784,930)	(\$122,112,203)	(\$134,488,487)
Debt	(\$49,179,255)	(\$28,045,485)	(\$43,853,581)	(\$47,023,533)
Other Payments	(\$51,411,629)	(\$52,282,724)	(\$60,148,000)	(\$43,635,411)
Commodities	(\$14,127,364)	(\$17,161,878)	(\$18,735,284)	(\$19,321,342)
Capital Outlay	(\$5,613,360)	(\$10,113,331)	(\$3,255,599)	(\$3,259,466)
<b>Total</b>	<b>(\$360,199,804)</b>	<b>(\$365,458,594)</b>	<b>(\$390,518,161)</b>	<b>(\$400,307,118)</b>

# CITYWIDE FUND DETAILS

## Revenue Summary for Citywide Funds

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	\$105,633,153	\$115,900,043	\$113,631,143	\$128,414,487
102 - Unassigned Reserve Fund		\$11,706,274		\$0
216 - Downtown Bus Improv Dist	\$183,098	\$178,715	\$204,361	\$184,920
217 - Topeka Tourism Bid	\$400,680	\$369,551	\$416,707	\$384,333
218 - Noto Business Improve District		\$12,650	\$15,000	\$15,000
220 - Tif (Tx Increm Fin) College HI	\$406,896	\$2,165	\$250,000	\$251,000
227 - Court Technology Fund	\$27,907	\$26,332	\$25,000	\$25,000
228 - Special Alcohol Program	\$688,856	\$723,737	\$720,534	\$746,025
229 - Alcohol & Drug Safety	\$27,581	\$16,936	\$25,000	\$22,000
231 - Parkland Acquisitions	\$16,046	\$13,149		
232 - Law Enforcement	\$532,216	\$375,587	\$163,850	\$189,000
236 - Special Liability	\$920,369	\$1,153,167	\$1,015,862	\$1,059,376
271 - Transient Guest Tax	\$2,029,030	\$2,347,597	\$2,716,457	\$2,972,974
272 - Tgt - Sunflower Soccer	\$414,462	\$478,031	\$551,913	\$602,920
273 - Transient Guest Tax (New)	\$396,105	\$458,296	\$530,304	\$580,381
274 - .50% Sales Tax (State To Jedo)	\$11,332,164	\$11,608,064	\$11,397,909	\$11,956,306
275 - 0.5% Sales Tax (Jedo Proj)	\$7,231,770	\$8,237,529	\$7,408,641	\$7,760,018
276 - Federal Funds Exchange	\$1,633,664	\$1,730,053	\$1,500,000	\$1,600,000
286 - Retirement Reserve	\$1,834,747	\$2,195,924	\$1,920,000	\$1,930,000
287 - K P & F Rate Equalization	\$30,935	(\$0)		
291 - Special Street Repair	\$5,516,254	\$5,698,242	\$5,224,260	\$8,204,250
292 - Sales Tax Street Maint	\$18,817,864	\$21,053,623	\$21,442,018	\$20,511,907
294 - Cid - Holliday Square	\$131,437	\$121,015	\$136,694	\$124,645
295 - Cid - 12Th & Wanamaker	\$346,261	\$293,643	\$360,112	\$305,388
296 - Cid - Cyrus Hotel	\$99,899	\$125,311	\$103,895	\$130,324
297 - Cid - Se 29Th	\$85,640	\$91,830	\$89,066	\$95,044
298 - Wheatfield Fund	\$307,609	\$353,787	\$319,914	\$367,939
299 - City Donations And Gifts	\$498,192	\$249,800		
301 - Debt Service	\$38,862,493	\$22,377,973	\$20,067,773	\$20,682,399
400 - Economic Development	\$292,655	\$325,585	\$304,361	\$341,864

# CITYWIDE FUND DETAILS

## Revenue Summary for Citywide Funds

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
401 - Sherwood Cid	\$166,480	\$182,499	\$173,140	\$191,623
402 - Tif - Sherwood Crossing	\$51,735	\$117,986	\$100,000	\$150,000
403 - Tif - Wheatfield	\$523,953	\$573,367	\$500,000	\$500,000
404 - Cid - Downtown Ramada Inn	\$77,682	\$55,709		\$58,494
407 - Eastgate #4 Rhid				\$50,000
499 - Economic Dev - Clearing Fund	\$5,000	\$81,500		
500 - Metro Trans Authority	\$5,536,121	\$5,983,690	\$6,289,534	\$6,658,710
501 - Payroll Clearing	(\$1,589)	(\$1,383)		
561 - Law Enforcement Trust	\$4,082	\$41,526		
601 - Public Parking	\$2,519,410	\$3,190,720	\$2,332,320	\$2,461,570
613 - Information Technology	\$4,114,169	\$4,134,913	\$6,005,081	\$7,039,278
614 - Fleet Management	\$2,034,721	\$2,554,209	\$2,817,180	\$3,039,000
615 - Facilities Operations	\$3,645,790	\$1,440,838	\$3,753,679	\$3,520,000
621 - Water Utility	\$45,790,293	\$55,462,390	\$51,551,802	\$55,145,100
623 - Stormwater Utility	\$10,207,830	\$11,950,661	\$10,857,900	\$11,307,000
625 - Wastewater Fund	\$35,341,768	\$39,931,521	\$39,094,550	\$41,708,225
640 - Property & Vehicle Insurance	\$2,524,821	\$2,790,030	\$2,727,445	\$3,000,000
641 - Workers Comp Self Ins	\$2,574,965	\$3,628,868	\$3,196,224	\$3,146,224
642 - Group Health Insurance	\$12,085,703	\$13,363,020	\$16,174,143	\$16,146,000
643 - Risk Management Reserve	\$3,059	\$22,883	\$10,000	\$0
644 - Unemployment Comp	\$74,731	\$101,209	\$81,565	\$81,565
700 - Hud Grants	\$6,408,589	\$5,980,804	\$4,343,092	(\$4,350,000)
710 - Other Grants	\$1,516,877	\$1,211,248	\$1,230,313	\$1,087,145
720 - Public Health Emergency Response	\$8,364,669	\$16,745,806		
730 - Opioid Settlement Fund	\$30,785	\$369,146		\$0
740 - Economic Development Fund	\$1,038,355	\$500,000		\$0

# SCHEDULE OF FUND BALANCES

Fund Search	2022 Balance	2023 Balance	2024 Projected	2025 Projected
101 - General Fund	\$26,413,585	\$24,102,084	\$22,726,229	\$22,726,230
102 - Unassigned Reserve Fund		\$15,374,383	\$15,374,383	\$0
110 - Capital Assets		\$848,584	\$848,584	\$848,584
216 - Downtown Bus Improv Dist	\$115,606	\$99,364	(\$34,883)	(\$52,974)
217 - Topeka Tourism Bid	\$4,153	\$4,307	\$18,153	\$23,239
218 - Noto Business Improve District		\$7,644	\$7,644	\$7,644
220 - Tif (Tx Increm Fin) College HI		(\$35)	(\$35)	(\$35)
227 - Court Technology Fund	\$258,004	\$240,324	\$22,323	(\$22,677)
228 - Special Alcohol Program	\$47,986	\$204,062	\$204,062	\$204,062
229 - Alcohol & Drug Safety	\$106,321	\$7,470	(\$36,883)	(\$20,626)
231 - Parkland Acquisitions	\$2,646	(\$2,091)	(\$2,091)	(\$2,091)
232 - Law Enforcement	\$1,759,823	\$1,671,660	\$308,010	(\$54,467)
236 - Special Liability	\$3,095,125	\$3,244,561	\$830,918	\$354,104
271 - Transient Guest Tax	\$52,114	\$52,114	(\$196,472)	\$758,033
272 - Tgt - Sunflower Soccer	\$336,772	\$531,490	\$534,706	\$843,372
273 - Transient Guest Tax (New)	\$76,672	\$66,064	\$217,164	\$314,575
274 - .50% Sales Tax (State To Jedo)		\$968,720	(\$2,031,280)	(\$2,031,280)
275 - 0.5% Sales Tax (Jedo Proj)	\$12,211,568	\$13,092,692	\$5,256,513	\$3,218,031
276 - Federal Funds Exchange	\$2,169,764	\$3,400,417	\$1,150,417	\$535,417
286 - Retirement Reserve	\$3,661,858	\$4,404,731	\$2,020,565	\$2,823,395
287 - K P & F Rate Equalization	\$0			
289 - Historic Asset Tourism	\$29,711	\$29,711	\$12,930	\$0
290 - .50% Sales Tax Fund				\$0
291 - Special Street Repair	\$4,042,978	\$3,589,181	\$604,635	\$535,234
292 - Sales Tax Street Maint	\$33,322,579	\$35,422,592	\$24,204,482	\$13,593,629
294 - Cid - Holliday Square	\$704	\$7,786	\$5,722	\$5,378
295 - Cid - 12Th & Wanamaker	\$4,013	\$27,888	\$29,689	\$28,450
296 - Cid - Cyrus Hotel	\$983		\$519	(\$76)
297 - Cid - Se 29Th	\$748		\$445	(\$24)
298 - Wheatfield Fund	\$2,180		\$1,600	\$625
299 - City Donations And Gifts	\$750,000	\$999,800	\$999,800	\$0
301 - Debt Service	\$13,496,490	\$15,301,137	\$14,080,298	\$16,018,964
400 - Economic Development	\$2,623		\$1,532	\$341

# SCHEDULE OF FUND BALANCES

Fund Search ▲	2022 Balance	2023 Balance	2024 Projected	2025 Projected
401 - Sherwood Cid	\$31,289		\$6,978	\$7,979
402 - Tif - Sherwood Crossing	\$1,035	\$0	\$0	\$0
403 - Tif - Wheatfield	\$270,471	(\$0)	(\$0)	(\$0)
404 - Cid - Downtown Ramada Inn	\$812	\$4,442	\$4,442	\$3,745
406 - Cid - South Topeka		(\$91)	(\$91)	(\$91)
407 - Eastgate #4 Rhid				\$0
499 - Economic Dev - Clearing Fund	\$4,122			
500 - Metro Trans Authority		\$0	\$0	\$0
501 - Payroll Clearing	(\$2,585)			
561 - Law Enforcement Trust	\$4,463			
601 - Public Parking	\$4,656,989	\$4,798,094	\$4,050,997	\$3,048,233
613 - Information Technology	\$555,103	(\$439,115)	(\$404,764)	(\$99,954)
614 - Fleet Management	(\$795,776)	\$2,166,230	\$1,049,136	\$412,578
615 - Facilities Operations	(\$1,999,663)	(\$918,159)	(\$821,775)	(\$820,941)
621 - Water Utility	\$63,161,410	\$70,630,964	\$69,588,804	\$68,205,526
623 - Stormwater Utility	\$28,586,871	\$29,292,591	\$26,442,319	\$25,022,100
625 - Wastewater Fund	\$102,828,457	\$99,759,346	\$92,986,813	\$93,583,730
640 - Property & Vehicle Insurance	\$1,061,272	\$1,127,111	\$1,044,913	\$1,105,072
641 - Workers Comp Self Ins	\$8,375,965	\$10,136,724	\$10,984,159	\$11,696,165
642 - Group Health Insurance	\$5,451,331	\$3,995,373	\$3,995,373	\$2,483,914
643 - Risk Management Reserve	\$398,881	\$421,764	\$429,764	\$427,764
644 - Unemployment Comp	\$349,505	\$428,721	\$428,844	\$428,967
700 - Hud Grants	\$170,394		(\$240,538)	(\$8,478,043)
710 - Other Grants	\$12,821		\$184,746	\$199,218
720 - Public Health Emergency Response	\$775,307	\$1,066,415	\$1,066,415	\$1,066,415
730 - Opioid Settlement Fund	\$28,585	\$391,131	\$362,546	(\$0)
740 - Economic Development Fund	\$1,038,355	\$1,038,355	\$538,355	(\$0)

# GENERAL FUND DEPARTMENTS

## Expenditure Summary for General Fund Departments

Department Name	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
Police Department	(\$38,330,239)	(\$42,942,799)	(\$47,392,888)	(\$55,599,702)
Fire Department	(\$31,020,024)	(\$32,881,490)	(\$36,003,280)	(\$38,411,729)
Public Works	(\$7,113,162)	(\$6,790,654)	(\$8,335,471)	(\$8,880,728)
Planning Department	(\$2,681,102)	(\$2,749,575)	(\$3,838,884)	(\$4,298,712)
Misc. Non - Departmental	(\$10,310,127)	(\$5,032,312)	(\$4,083,688)	(\$3,876,900)
Financial Services	(\$5,535,036)	(\$14,764,499)	(\$3,142,881)	(\$3,532,073)
City Manager	(\$1,468,120)	(\$1,784,926)	(\$2,443,303)	(\$3,365,703)
Neighborhood Relations/Code Enforcement	(\$2,240,644)	(\$2,374,631)	(\$2,484,187)	(\$2,769,704)
Municipal Court	(\$1,417,841)	(\$1,700,440)	(\$2,097,035)	(\$2,296,623)
Human Resources	(\$1,429,061)	(\$1,546,103)	(\$2,158,261)	(\$2,133,371)
City Attorney	(\$1,033,533)	(\$1,403,471)	(\$1,743,962)	(\$1,817,465)
Park And Recreation Pass-Through	(\$688,856)	(\$723,737)	(\$720,534)	(\$746,025)
City Council	(\$375,177)	(\$363,489)	(\$391,897)	(\$504,645)
Mayor's Office	(\$143,425)	(\$148,087)	(\$170,727)	(\$181,105)
Topeka Zoological Park	(\$1,998,752)	(\$800,894)	(\$0)	\$0
<b>Total</b>	<b>(\$105,785,099)</b>	<b>(\$116,007,107)</b>	<b>(\$115,006,998)</b>	<b>(\$128,414,487)</b>

# TAX REVENUE BREAKDOWN

## Tax Revenue

The purpose of this section is to breakdown the tax revenue the City of Topeka receives. The City receives four main types of tax revenue: Ad Valorem Tax, Sales Tax, Motor Vehicle Tax, and Transient Guest Tax.

**Ad Valorem (Property Taxes):** The Ad Valorem Tax is one of the largest single revenue streams available to Kansas cities. These revenues are derived from taxes levied on real property, personal property, and state assessed utilities. The Shawnee County Appraiser assigns values to real and personal properties, while the State of Kansas assigns values to state assessed utilities. The City maintains three taxing funds: the General Fund, Debt Service Fund, and Special Liability Fund.

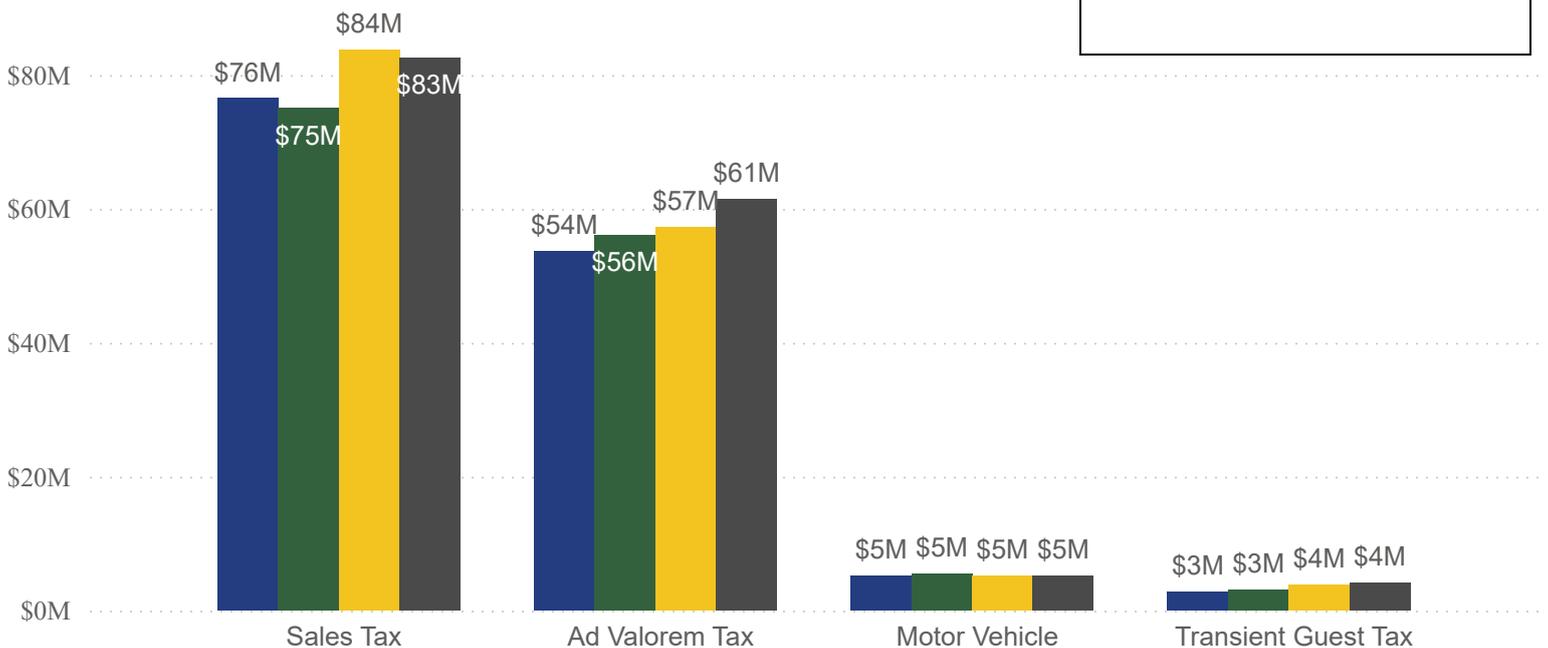
**Sales Tax:** The City of Topeka receives three sales taxes - two for direct operations and one for countywide purposes. In addition to those, the City also manages sales tax for the payment of debt service and pay-as-you-go community improvement districts. The two sales taxes that are utilized for operations are a 1 cent sales tax for the General Fund and a 1/2 cent sales tax utilized for existing street maintenance.

**Motor Vehicles:** The State of Kansas collects taxes when an applicant applies for title on a motor vehicle, trailer, all-terrain vehicle, boat, or outboard motor (unit), regardless of the purchase date. Revenue projections are received from the County.

**Transient Guest Tax:** The Transient Guest Tax (TGT) is charged on hotel nights within the city. The City Council sets the tax rate. The TGT is closely tied to the same factors as sales tax and is sensitive to the broader economy.

### Tax Summary

● 2022 Actuals ● 2023 Budget ● 2024 Budget ● 2025 Budget



**Note:** Chart includes the General Fund (101), Special Liability (236), Transient Guest Taxes (271-273), and Debt Service (301)



# PROPERTY TAX BREAKDOWN

## Property Tax Revenue

Property tax is one of the largest revenue sources for the City. The State of Kansas uses mills to levy property tax. One mill is one dollar per \$1,000 dollars of assessed value. Residential properties pay 11.5% of their value in property taxes. Multiple entities in Shawnee County levy and collect property tax. The below chart illustrates all the entities that levy property tax and their mill rate in 2024.

Entity	2021 Mill Rates	2022 Mill Rates	2023 Mill Rates
Shawnee County	50.999	49.861	48.653
USD 501 TOPEKA	48.385	46.013	44.540
City of Topeka	39.939	38.963	36.952
Topeka SNCO Library	9.706	8.890	8.192
METRO TRANSIT AUTHORITY	4.200	4.200	4.200
Washburn University	3.403	3.451	3.451
METRO TOPEKA AIRPORT AUTHORITY	1.930	1.750	1.750
State of Kansas	1.500	1.500	1.500
<b>Total</b>	<b>160.062</b>	<b>154.628</b>	<b>149.238</b>

# USER FEE BREAKDOWN

## User Fee Revenue

User fees are typically determined with the assistance of rate studies. Rate studies look at the financing needs of the particular utility, the rate base, changes in the number of users, and other factors to determine the rate level necessary to support a particular revenue stream. Customers that are city residents pay a lower rate than those outside the city limits.

**Water Utility:** Water division staff produce estimated revenues based upon approved rates, the number of users, and predicted usage. The City Council establishes the City’s water rates and approved a 8.5% rate increase for 2024.

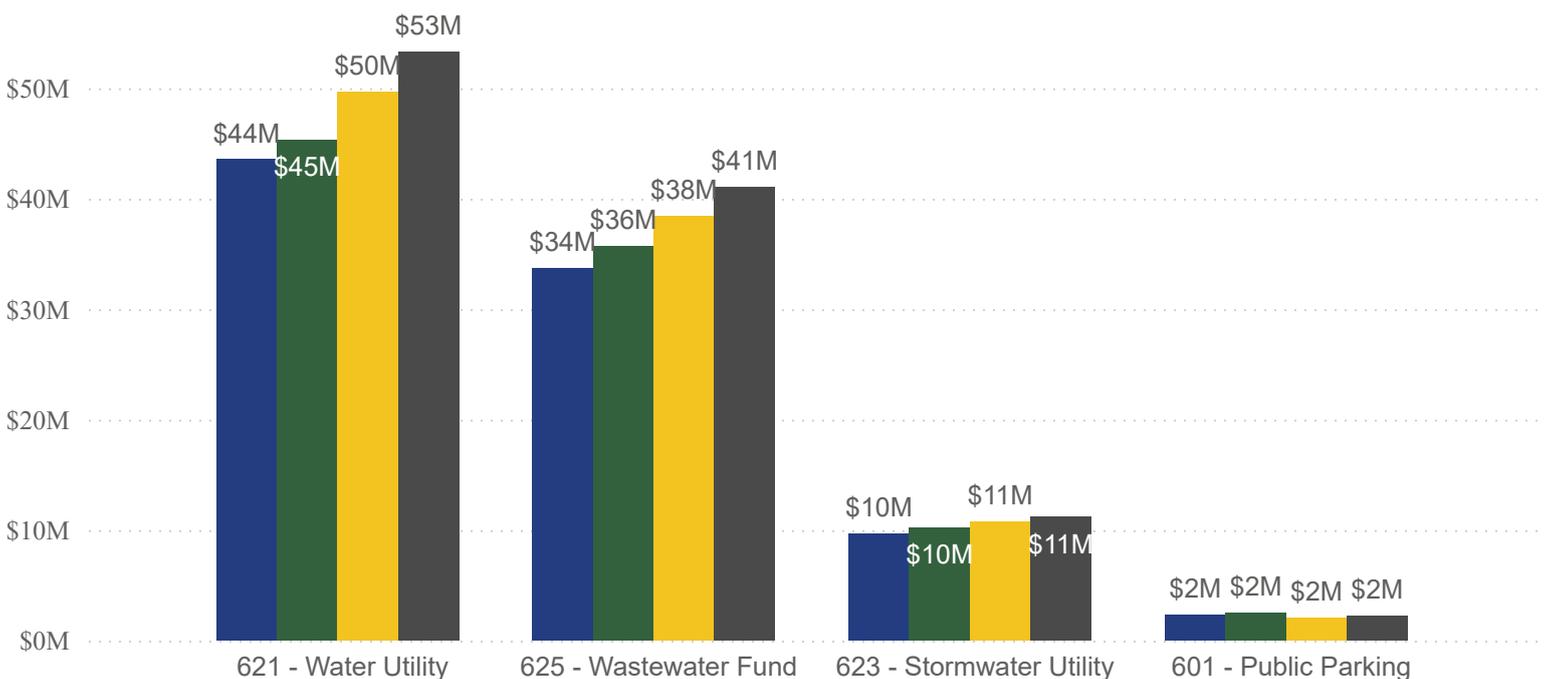
**Wastewater Fund:** Water Pollution Control division staff produce estimated rates based upon approved rates, the number of users, and predicted usage. The City Council establishes the City’s wastewater rates and approved a 7.5% rate increase for 2024.

**Stormwater Utility:** Water Pollution Control division staff produce estimated rates for the Stormwater Utility based upon approved rates, the number of users, and estimated impervious surface. The City Council establishes the City’s stormwater rates and approved a 6.5% rate increase for 2024. This fee is only charged to inside city residents.

**Public Parking:** The City of Topeka owns eight parking garages. Garage stalls are either leased or funded by hourly fees. This revenue is founded on expert-based estimation from an evaluation of trends, current pricing, spaces available, and contracts/agreements.

## User Fee Summary

● 2022 Actuals ● 2023 Budget ● 2024 Budget ● 2025 Budget



# FRANCHISE FEE BREAKDOWN

## Franchise Fee Revenue

Franchise Fees are revenue generated from agreements between the City and local utilities for the use of rights-of-ways. These agreements result in 5-6% of the utility's revenue due to the City.

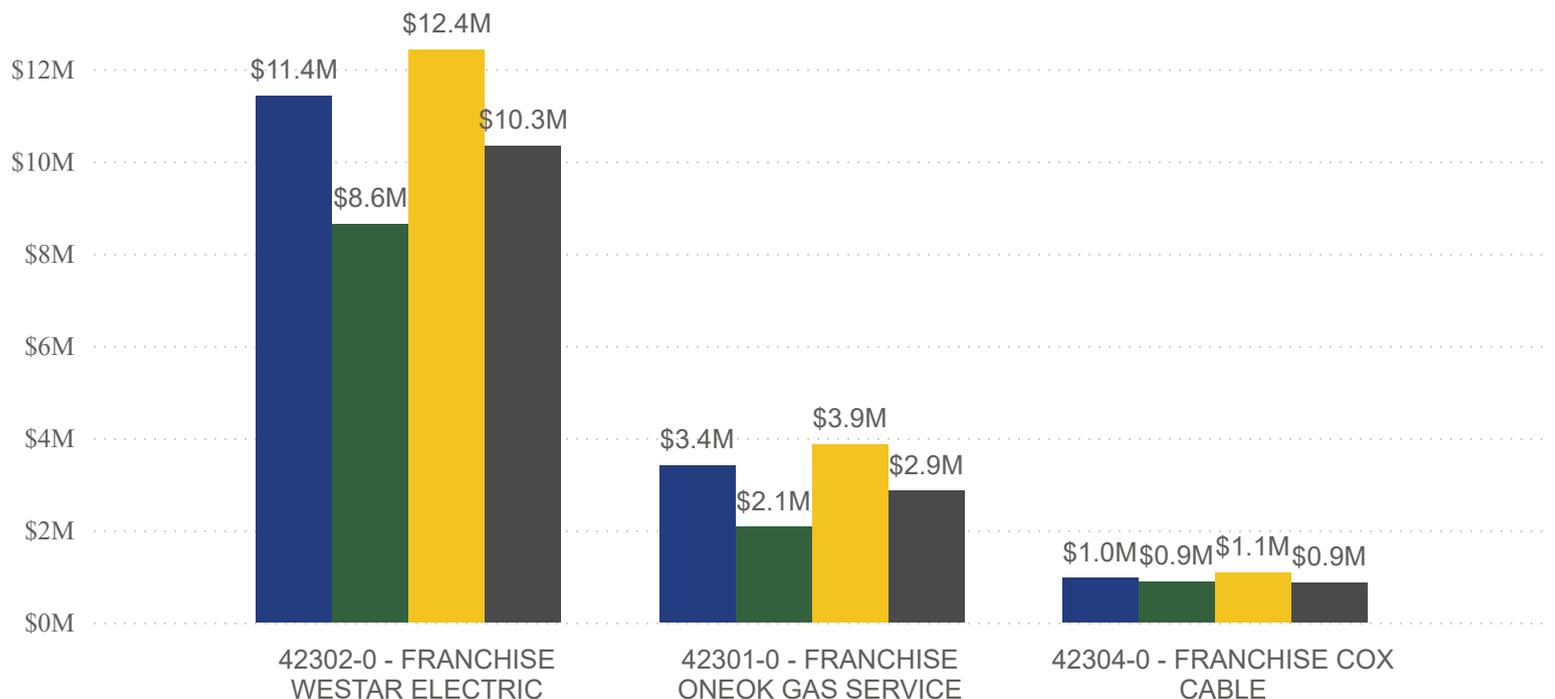
**Franchise Westar Electric:** Electric franchise fees are applied to the gross receipts of electric utilities operating within the City. Currently, the fee for Kaw Valley Electric is 5% and Evergy is 6%. Electric Franchise Fees are dependent on the number of users and usage. This revenue source is affected significantly by changes in the weather, as well as modifications to electric rates permitted by the Kansas Corporation Commission.

**Franchise Oneok Gas Service:** Gas franchise fees are applied to the gross receipts of natural gas utilities operating within the City. Currently, the fee for the sole natural gas utility in Topeka is 5%. Gas Franchise Fees are dependent on the number of users and usage. This revenue source is affected significantly by changes in the weather, changes in the price of wholesale natural gas, as well as modifications to natural gas rates permitted by the Kansas Corporation Commission.

**Franchise Cox Cable:** Cable franchise fees are applied to the gross receipts of cable television utilities operating within the City. Currently, the fee for cable providers in Topeka is 5%. Cable franchise fees are dependent on the number of users and the level of service demanded by those users. This revenue source is affected primarily by changing viewer habits, such as some users “cutting the cord” and dropping cable service and the increasing costs of cable service over time.

## Franchise Fee Summary

● 2022 Actuals ● 2023 Budget ● 2024 Budget ● 2025 Budget



# POSITION CHANGE OVERVIEW

## Full Time Equivalent Positions

Every year the City evaluates the number of Full Time Equivalent (FTE) positions needed to meet City Council Priorities. Below is a four year personnel history for all funds:

Department	2022 Budget	2023 Budget	2024 Budget	2025 Budget
Police Department	361.0	368.0	373.0	372.0
Fire Department	246.0	247.0	247.0	247.0
Public Works	158.0	159.0	155.0	154.0
Water	122.0	121.0	121.0	123.0
Wastewater	77.0	76.0	76.0	76.0
Planning Department	40.0	43.0	49.0	51.0
Financial Services	23.0	26.0	28.0	26.0
IT	16.0	16.0	25.0	26.0
Stormwater	25.0	26.0	26.0	25.0
Municipal Court	20.0	20.0	21.0	21.0
City Attorney	15.0	15.0	18.0	18.0
City Manager	15.0	12.0	13.0	15.0
HR	13.0	13.0	14.0	15.0
City Council	10.0	10.0	10.0	11.0
Community Engagement	0.0	5.0	4.0	4.0
DEI	0.0	0.0	2.0	2.0
Mayor's Office	2.0	2.0	2.0	2.0
Topeka Zoo	3.0	3.0	3.0	0.0
<b>Total</b>	<b>1146.0</b>	<b>1162.0</b>	<b>1187.0</b>	<b>1188.0</b>

# POSITION CHANGE OVERVIEW

## Full Time Equivalent Positions in General Fund Variances

---

1. **General Fund (803.32 to 802.35 FTEs)**
  - a. **10101- City Council – (10 FTEs to 11 FTEs)**
    - i. +1 Executive Assistant
  - b. **10102 - City Manager – (17 FTEs to 20.6 FTEs)**
    - i. +1 Assistant City Manager, +1 Emergency Coordinator, +1.6 Employees Program and Senior Program Coordinator moved from Grant Funded to General Fund
  - c. **10103 – City Attorney – (12.90 FTEs to 12.15 FTEs)**
    - i. Partially moved .75 FTEs out of General Fund into Special Liability Fund
  - d. **10104 – Finance – (27 FTEs to 26 FTEs)**
    - i. Removed 1 Graduate Fellowship Position
  - e. **10105 – Municipal Court – (20.67 FTEs to 21 FTEs)**
    - i. Partially moved .33 into the General Fund from the Special Alcohol Fund (Probation Officer)
  - f. **10106 – Human Resources – (10.0 FTEs to 10.5 FTEs)**
    - i. Moved .5 FTEs (HR Director) out into Health and Workers Compensation Fund, +1.0 FTE Human Resource Assistant
  - g. **10170 – Mayor’s Office – No Change**
  - h. **10120 – Fire Department – No Change**
  - i. **10125 – Police Department – (372 FTEs to 371 FTEs)**
    - i. Moved out 1 FTE into IT which was Senior System Developer
  - j. **10130 – Public Works – (45.25 FTEs to 44.60 FTEs)**
    - i. +3 Equipment Operators from Special Highway Fund, -3.25 FTEs into the Citywide Half-Cent Sales Tax (ETI, Project Manager, 1.25 Engineers) +.6 FTE Deputy Director into General Fund from Facilities, Parking, and Fleet Fund, Removed 1 Accounting Specialist
  - k. **10150 – Zoo – (3 FTEs to 0 FTEs)**
    - i. Removed 3 FTEs
  - l. **10160 – Planning and Development – No Changes**
  - m. **10170 – Code Enforcement – No Changes**

# POSITION CHANGE OVERVIEW

## Full Time Equivalent Positions for Non- General Fund Variances

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Non-General Fund increased 383.68 to 385.65

- 1. Special Alcohol Fund (.33 FTEs to 0 FTEs)**
  - a. Moved .33 FTE of Probation Officer into Municipal Court General Fund
- 2. Special Liability (5.10 FTEs to 5.85 FTEs)**
  - a. Partially moved .75 FTEs into special liability
- 3. Special Highway Fund (61.0 FTEs to 58.0 FTEs)**
  - a. Moved 3 equipment operators into the 10130 – Public Works Budget
- 4. Citywide Half-Cent Sales Tax (1 FTE to 4.25 FTEs)**
  - a. +.25 Engineer from 10130 – Public Works Budget, +1 Project Manager from 10130 – Public Works Budget, +1 Engineering Tech from 10130 – Public Works Budget, +1 Engineer from 10130- Public Works Budget
- 5. 601 – Parking (10.25 – 10.15 FTEs)**
  - a. -.1 FTE Deputy Director into the 10130 – Public Works Budget
- 6. 613 – Information Technology Budget (25.0 FTEs – 26.0 FTEs)**
  - a. +1 Senior System Development Director from PD
- 7. 614 – Fleet Management (22.25 FTEs to 22 FTEs)**
  - a. -.25 Deputy Director into the 10130 – Public Works Budget
- 8. 615 – Facilities (15.25 FTEs to 15 FTEs)**
  - a. -.25 Deputy Director into the 10130 – Public Works Budget
- 9. Utilities (223 FTEs to 224 FTEs)**
  - a. +1 Engineer in Training
- 10. 641 – Workers Compensation Fund (2.0 FTEs to 2.25 FTEs)**
  - a. Added .25 FTEs from 10106- HR (HR Director)
- 11. 642 – Health Fund (2.0 FTEs to 2.25 FTEs)**
  - a. Added .25 FTEs from 10106- HR (HR Director)
- 12. Grant Funds (16.5 FTEs to 15.9 FTEs)**
  - a. Moved .6 FTE into City Manager (Program Coordinator)

# 3-Year Financial Forecast

The City presents a 3-year financial forecast each year during the budget cycle. Below is a table indicating FY25 - FY27 if the mill levy remained current and property valuations increases each year were at 4.5%:

## 3-Year Forecast

Categories	2025	2026	2027
Total Revenues*	\$ 128,414,487	\$ 117,825,122	\$ 121,187,258
Total Expenses	\$ 128,414,487	\$ 135,117,388	\$ 142,627,727
Current Projected Deficit		\$ (17,292,266)	\$ (21,440,469)
<b>Current Projected Fund Balance</b>	<b>\$ 22,726,229</b>	<b>\$ 5,433,963</b>	<b>\$ (16,006,506)</b>

Current Projected Percentage	17.70%	4.61%	-13.21%
Target Percentage	20%	20%	20%
Minimum Percentage	15%	15%	15%

Categories	2025	2026	2027
Proposed Public Safety Tax Revenue**		\$ 19,000,000	\$ 19,000,000
Proposed General Use Sales Tax Revenue***		\$ 19,000,000	\$ 19,000,000
Possible Revenues		\$ 155,825,122	\$ 159,187,258
<b>Potential Projected Surplus</b>		<b>\$ 20,707,734</b>	<b>\$ 16,559,531</b>

Potential Fund Balance	\$ 22,726,229	\$ 43,433,963	\$ 59,993,494
Percentage	17.70%	32.15%	42.06%
Minimum Percentage	15%	15%	15%

\*Assumes current mill @ 36.952

\*\* Public Safety Sales Tax to ONLY be used on Public Safety Expenditures

\*\*\*General Use Sales Tax to be used for any General Fund Expenditures

The City is going to explore the following ways to generate revenue:

**Half-Cent Public Safety Tax:** A public safety sales tax is a tax added to purchases within a jurisdiction, with the revenue used for funding law enforcement, fire services, and emergency response. **Council approval to set election for public vote.**

**Half-Cent General Use Tax\*:** A general fund sales tax for city government is a tax on purchases within the city, with the revenue used to fund various municipal services and operations. **Council approval to set election for public vote.**

# STATISTICAL SECTION

## Employment

The City has a consistent employer base due to a diverse business community ranging from federal and state government to distribution centers and manufacturing facilities, complimented by a full range of retail and service businesses. The State of Kansas is the top employer with 9,919 employees. Stormont-Vail Health Care follows next at 4,400 employees.

The unemployment rate is a measure of prevalence of unemployment and is calculated as a percentage by dividing the number of unemployed individuals by all individuals currently in the labor force or actively seeking employment and willing to work. Data can be found on the Bureau of Labor Statistics website.

Top Ten Employers	Employees	Percentage of Total City Employment
State of Kansas	9,919	8.71%
Stormont-Vail Health Care	4,400	3.86%
Hills Pet Nutrition Inc	3,439	3.02%
Unified School District # 501	2,500	2.20%
Blue Cross Blue Shield of Kansas	2,026	1.78%
BNSF Railway Company	1,931	1.70%
Washburn University	1,596	1.40%
Colmery-O'Neil VA Medical Center	1,544	1.36%
University of Ks Health Systems- St Francis Campus	1,334	1.17%
Security Benefit Group of Companies	1,000	0.88%

# STATISTICAL SECTION

## Tax Base

The top taxpayer in Topeka is Evergy Kansas Central Inc./Westar at \$86,878,337. The other top taxpayers are between \$6,700,000 and \$15,000,000 in value.

Top Ten Taxpayers	Taxable Assessed Value
Evergy Kansas Central Inc/Westar	\$86,878,337
Kansas Gas Service/Utility	\$15,219,383
Target Corporation	\$13,759,075
Burlington Northern/Santa Fe/Utility	\$13,465,027
Walmart Properties and Sam's Club	\$12,990,099
Blue Cross/Blue Shield/Ks Hospital Serv/Insurance	\$7,942,074
Big Heart Pet Brands	\$7,697,469
Frito Lay/Manufacturing	\$7,383,209
ARC HDTPAKS001 LLC/Distribution (Home Depot)	\$6,769,795
Security Benefit Life/Insurance	\$6,733,280

## Assessed Value of Taxable Property

The City's tax base remained relatively stable through the 2004-2009 recession and total assessed value has trended upward ever since. The assessed value continued to rise through 2020 Covid-19 effects.

Year	Total Value of Taxable Property
2012	\$1,106,396,833
2014	\$1,126,187,327
2015	\$1,133,023,721
2013	\$1,135,205,618
2016	\$1,163,193,458
2017	\$1,178,734,089
2018	\$1,252,639,786
2019	\$1,267,354,837
2020	\$1,303,411,607
2021	\$1,354,782,081
2022	\$1,459,642,715
2023	\$1,582,549,889



# DEPARTMENTS



# MAYOR & CITY COUNCIL

The Mayor is the City's chief elected officer. The Mayor is elected at-large and serves a four-year term. The Mayor makes policy recommendations to the City Council and votes on all matters before the City Council except for those issues that the Mayor has veto power in. The Mayor serves on the Washburn Board of Regents and other local, state, and national boards. In addition, the Mayor makes appointments to the 27 boards, commissions, and authorities for the City.

The City Council is responsible for setting the policy directives of the City. The Council serves as a resource for citizens and neighborhood groups by providing vision, leadership, and strategic planning. They set priorities to guide the adoption of the annual operating budget and Capital Improvement Plan.

## Department Budget History

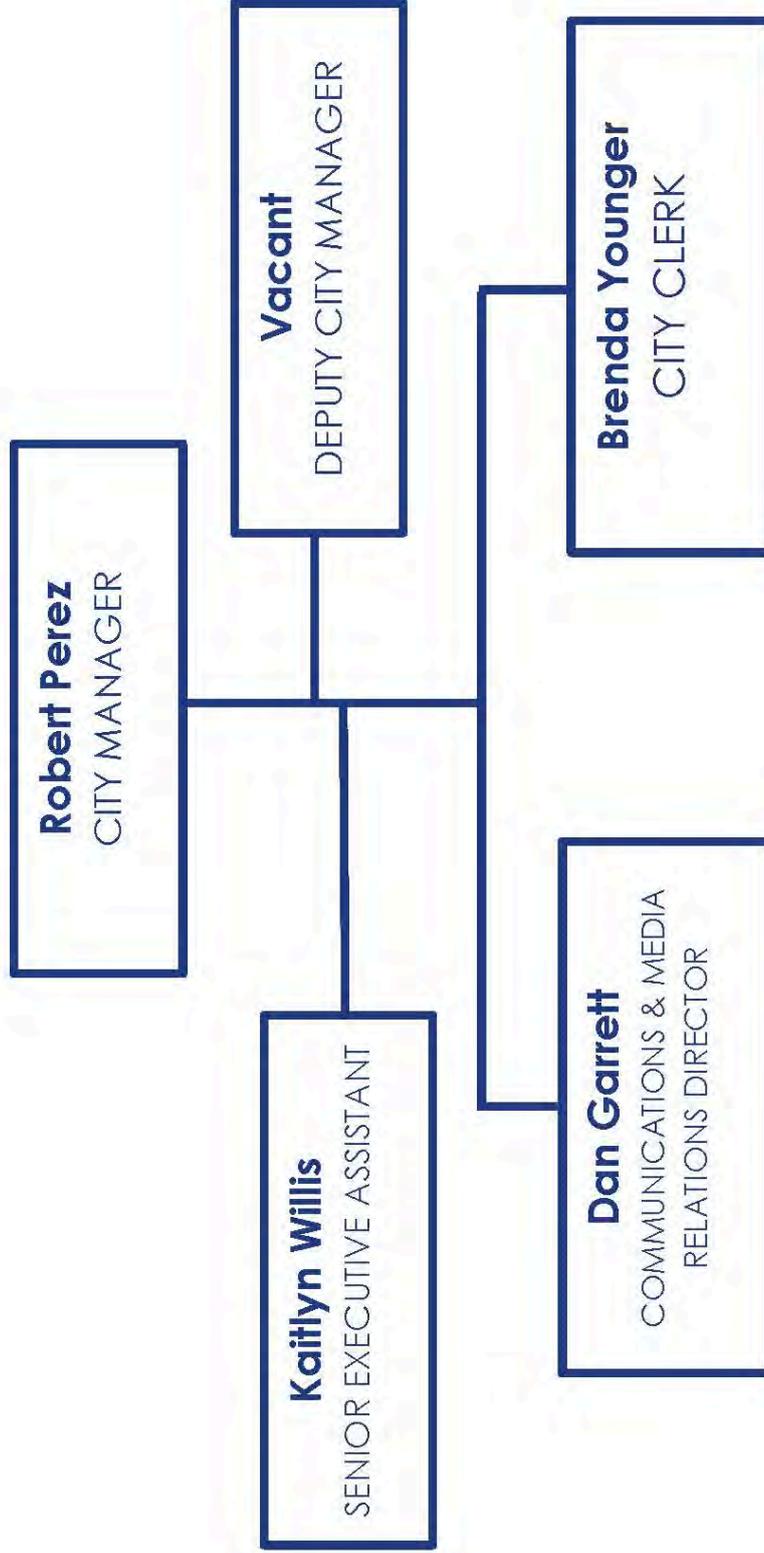
Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$518,602)	(\$511,576)	(\$562,624)	(\$685,750)
<b>Total</b>	<b>(\$518,602)</b>	<b>(\$511,576)</b>	<b>(\$562,624)</b>	<b>(\$685,750)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▲
<input type="checkbox"/> Expenses	<b>(\$518,602)</b>	<b>(\$511,576)</b>	<b>(\$562,624)</b>	<b>(\$685,750)</b>
Personnel	(\$458,086)	(\$454,925)	(\$474,126)	(\$577,749)
Contractual	(\$56,138)	(\$50,842)	(\$81,833)	(\$100,352)
Commodities	(\$4,379)	(\$5,808)	(\$6,664)	(\$7,650)
<b>Total</b>	<b>(\$518,602)</b>	<b>(\$511,576)</b>	<b>(\$562,624)</b>	<b>(\$685,750)</b>

## Changes from 2024 Budget

- Added +1 FTE (Executive Assistant)
- Increased Education/Travel budget (\$9,000)

# CITY MANAGER'S OFFICE



The City Manager's Office is responsible for the performance and productivity of all other City departments. It is composed of the City Clerk and Communications Divisions. It is responsible for delivering the highest level of quality information on policy, services and activities of Topeka government



# CITY MANAGER

The City Manager's office is responsible for ensuring the effective implementation, administration, and evaluation of City programs that have been established through the policy directives of the Governing Body. The City Manager's office aims to provide vision, leadership, and strategic planning for the preparation of the annual operating budget and Capital Improvement Project (CIP) program. The City Manager's office also serves as a resource for citizens and neighborhood groups. The City Manager's office directs the City Clerk and Communications divisions.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▲
<input type="checkbox"/> 101 - General Fund	<b>(\$1,467,791)</b>	<b>(\$1,765,642)</b>	<b>(\$1,889,589)</b>	<b>(\$2,529,989)</b>
City Manager	(\$778,593)	(\$929,113)	(\$752,210)	(\$1,332,474)
Communications	(\$420,046)	(\$506,170)	(\$769,933)	(\$785,445)
City Clerk	(\$269,153)	(\$330,360)	(\$367,446)	(\$412,070)
<b>Total</b>	<b>(\$1,467,791)</b>	<b>(\$1,765,642)</b>	<b>(\$1,889,589)</b>	<b>(\$2,529,989)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▲
<input type="checkbox"/> Expenses	<b>(\$1,467,791)</b>	<b>(\$1,765,642)</b>	<b>(\$1,889,589)</b>	<b>(\$2,529,989)</b>
Personnel	(\$938,067)	(\$1,362,145)	(\$1,473,336)	(\$2,060,072)
Contractual	(\$473,131)	(\$324,918)	(\$321,186)	(\$367,418)
Commodities	(\$56,593)	(\$78,521)	(\$91,755)	(\$99,400)
Capital Outlay			(\$3,313)	(\$3,000)
Other Payments		(\$58)		(\$100)
<b>Total</b>	<b>(\$1,467,791)</b>	<b>(\$1,765,642)</b>	<b>(\$1,889,589)</b>	<b>(\$2,529,989)</b>

## Changes from 2024 Budget

- Added 2 FTE's for City Manager (Assistant City Manager and an Emergency Manager Coordinator)
- Increased Individual and Contractual Services (\$30,000) – This amount covers the cost of Granicus, the software that replaces NOVUS for assembling agendas. The remaining \$15,000 was allocated to lobbying services

# CITY MANAGER: CITY CLERK

## Accomplishments

- Recorded, transcribed and distributed 478 pages of Governing Body meeting minutes
- Processed and distributed 39 Governing Body meeting agenda packets consisting of 16,726 pages
- Approved 300 Business Licenses consisting of 27 different categories
- Issued 83 Special Event Permits in collaboration with City Departments
- Processed and distributed 137 Ordinances and Resolutions approved by the Governing Body
- Processed and distributed 1,038 Administrative Contracts.
- Received 229 Open Records Request
- Provided training for City Department Record Custodians

## Performance Measures

Performance Measure	2021	2022	2023	Target
% of administrative contracts signed and distributed within three business days	N/A	New Measure	95	95
% of City Council meeting minutes drafted, presented for approval and posted to the website by next regular Council meeting	94	86	99	95
% of licenses and/or permits submitted to workflow within 24 hours	N/A	New Measure	99	95
% of ordinances codified within 14 business days of effective date	98	98	98	95
% of ordinances/resolutions posted to the public website within 3 business days of approval by the Governing Body	99	99	99	95
Number of Business Licenses Approved	518	426	300	N/A
Number of Special Event Permits Approved	59	75	83	N/A
Percentage of KORA requests distributed to departments for response within 24 hours.	N/A	New Measure	98	95

## Goals

- Respond to the legislative needs of the Governing Body and their constituents
- Consistent and responsive customer service
- Administer records management training for the City of Topeka to effectively maintain custody of City Documents. A Viable records management program ensures that each department can maximize its operational goals by making information more readily available for service delivery.

# CITY MANAGER: COMMUNICATIONS

## Accomplishments

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- Hire and onboard the new Language Access Coordinator
- Administer the Affordable Connectivity Outreach Grant Program, and help spread awareness about digital equity resources in partnership with the Community Engagement and the TSC – Get Digital Coalition
- Upgrade City4 system to provide more enhanced, clear visuals
- Continued promotion of the Changing our Culture on Property Maintenance initiative coverage and education campaign

## Performance Measures

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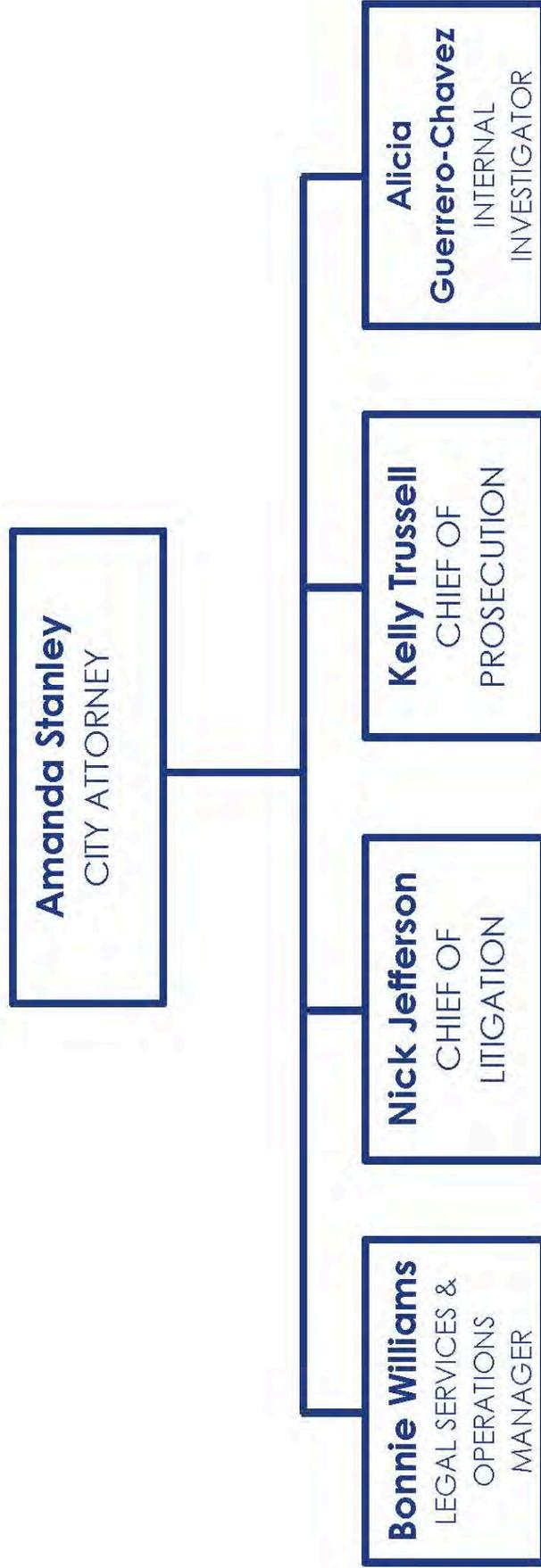
Performance Measure	2022	2023	Target
Branding and Image	53400	120300	130200
City4	107	92	93
Community Collaboration and Other Media Relations	N/A	34	41

## Goals

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- Produce a day-in-the-life video once a month for different departments
- Create more in-house content for Channel 4
- Continue implementation of Language Access Plan

# CITY ATTORNEY'S OFFICE



The mission of the Legal Department is to provide efficient legal services of the highest standard to the City of Topeka, as embodied by the city manager, governing body, city employees, boards and commissions, to achieve success.



# CITY ATTORNEY

The City Attorney's Office provides legal advice and services to the city organization and departments. There are three divisions within the department: Civil Litigation, General Government, and Criminal Prosecution. The Civil Litigation division pursues claims on behalf of the City and defends city officials and employees. The General Government division provides legal advice and representation to the City. The Criminal Prosecution division prosecutes alleged violations of City ordinances in the Municipal Court and appeals in the district and appellate courts.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$1,033,533)	(\$1,403,471)	(\$1,743,962)	(\$1,817,465)
236 - Special Liability	(\$719,792)	(\$1,015,460)	(\$1,429,504)	(\$1,536,190)
<b>Total</b>	<b>(\$1,753,325)</b>	<b>(\$2,418,931)</b>	<b>(\$3,173,466)</b>	<b>(\$3,353,655)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	<b>(\$1,753,325)</b>	<b>(\$2,418,931)</b>	<b>(\$3,173,466)</b>	<b>(\$3,353,655)</b>
Personnel	(\$1,452,392)	(\$1,924,092)	(\$2,204,052)	(\$2,313,917)
Contractual	(\$276,037)	(\$468,035)	(\$938,114)	(\$1,004,238)
Commodities	(\$24,896)	(\$26,805)	(\$31,300)	(\$35,500)
<b>Total</b>	<b>(\$1,753,325)</b>	<b>(\$2,418,931)</b>	<b>(\$3,173,466)</b>	<b>(\$3,353,655)</b>

## Changes from 2024 Budget

- Miscellaneous Contingency removed from 2025 budget for the Special Liability Fund
- Added additional software license for 2025 to replace current, outdated software (\$46,000)

# CITY ATTORNEY

## Accomplishments

- Processed and evaluated over 100 tort claims made against the City
- Created innovative new trainings on the 4th amendment for Department Heads
- Utilized technology to redeploy limited resources due to staffing shortages and to provide better metrics and tracking on a wide array of legal requests
- Successfully testified in opposition to multiple pieces of legislation that would have had a negative impact on our community
- Continued to expand the domestic violence prosecution program and received federal grant money to assist in this necessary work
- Helped serve as a conduit between departments working on code and zoning issues to ensure cases were being looked at holistically

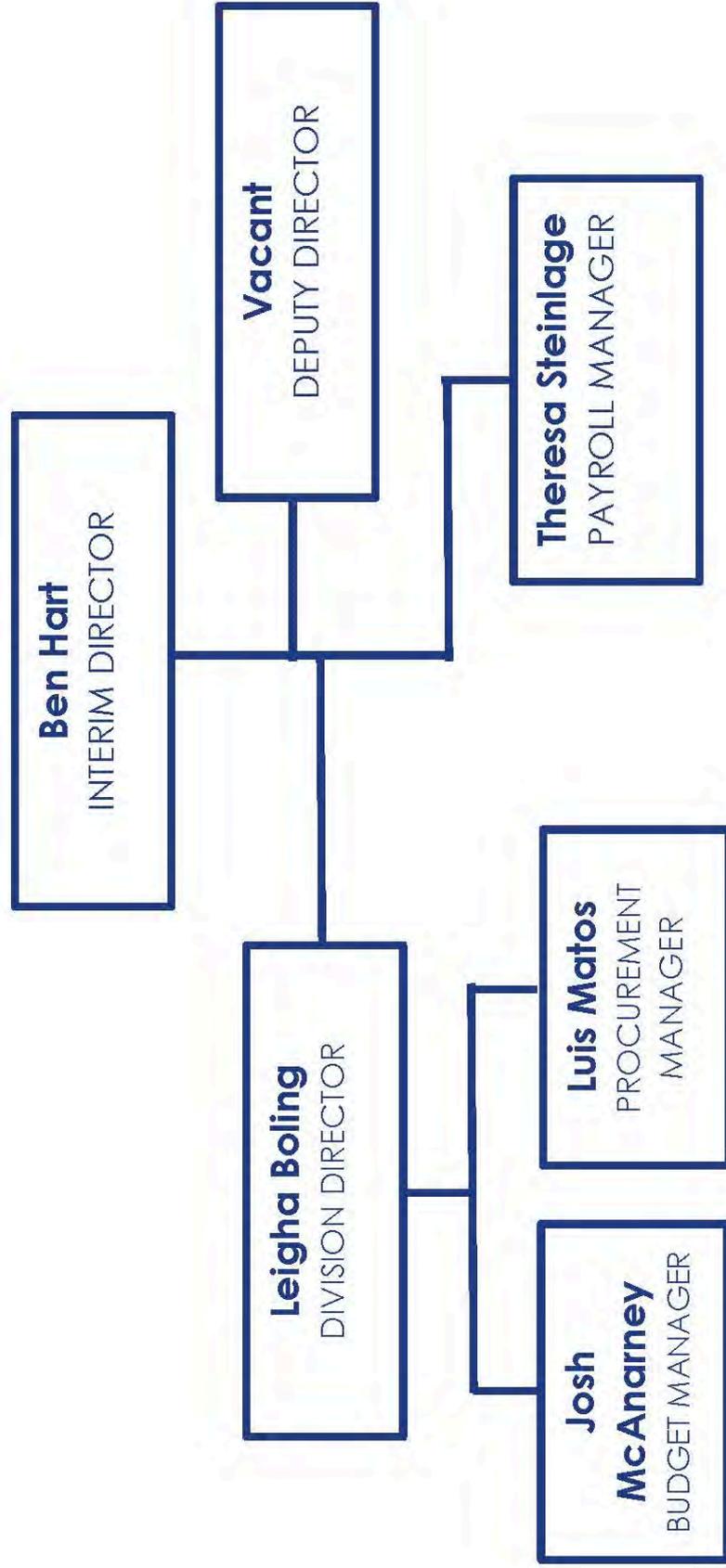
## Performance Measures

Performance Measure	2021	2022	2023	Target
Amount Paid to Claimants by the City	21568	54758	56326	N/A
Dollar Amount of Claims Sought by Claimant	12.8 million	1.2 million	107 million	N/A
Number of Claims Filed Against the City	93	106	130	N/A
Property Maintenance Code Violation Cases Closed with Compliance Obtained	567	283	229	300
Property Maintenance Code Violation Cases Convicted	5	4	17	N/A
Property Maintenance Code Violation Cases Filed	896	376	387	300

## Goals

- Identify areas of various liability risk and work with the relevant departments to improve processes or increase training
- Continue to build strong relationship with the City's state legislative delegation to ensure the City has a voice in issues affecting local governments
- Create additional city-wide employee trainings on emerging issues
- Implement a new law practice management system
- Continue to build and improve victim-oriented domestic violence prosecutions
- Increase the number of code violation corrections by owner

# FINANCIAL SERVICES



Our mission is to provide accurate, timely, clear and complete financial information and support to city departments, citizens and the community at large.



# FINANCIAL SERVICES

The Administrative & Financial Services department includes the Central Accounting, Budget and Performance Management, Payroll, and Contracts and Procurements divisions. This department maintains transparency of City finances and purchases. This department also reports on the finances of several divisions including grants.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget ▲	2025 Budget
☐ 101 - General Fund	<b>(\$5,534,926)</b>	<b>(\$14,764,411)</b>	<b>(\$3,142,881)</b>	<b>(\$3,532,073)</b>
Central Accounting & Cash	(\$5,036,950)	(\$14,203,870)	(\$2,544,704)	(\$2,909,327)
Contracts And Procurement	(\$497,976)	(\$560,541)	(\$598,177)	(\$622,746)
<b>Total</b>	<b>(\$5,534,926)</b>	<b>(\$14,764,411)</b>	<b>(\$3,142,881)</b>	<b>(\$3,532,073)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▲
☐ Expenses	<b>(\$5,534,926)</b>	<b>(\$14,764,411)</b>	<b>(\$3,142,881)</b>	<b>(\$3,532,073)</b>
Personnel	(\$1,950,579)	(\$2,271,157)	(\$2,577,195)	(\$2,839,630)
Contractual	(\$441,058)	(\$589,720)	(\$550,586)	(\$674,793)
Commodities	(\$10,427)	(\$18,355)	(\$15,100)	(\$17,650)
Debt	(\$132,867)			
Other Payments	(\$2,999,995)	(\$11,885,179)		\$0
<b>Total</b>	<b>(\$5,534,926)</b>	<b>(\$14,764,411)</b>	<b>(\$3,142,881)</b>	<b>(\$3,532,073)</b>

## Changes from 2024 Budget

- Increase in bank fees and Columbia Capital Financial Advising Contract (\$10,000)
- In 2025 there will be an increase in the cost of audit services (\$10,000)
- Additional Software Contractual Increases (\$55,000)
- Adding Property Tax Rebate Program to CRC (\$50,000)

# FINANCIAL SERVICES

## Accomplishments

- Began transition to electronic file storage
- Conducted multiple workshops to educate potential vendors and expand the businesses that contract with the City
- The Procurement Division successfully applied for and was awarded a \$15,000 grant to participate in the National League of Cities' (NLC) City Inclusive Entrepreneurship Program (CIE).
- Revised contract templates to streamline the drafting process for agreements, facilitating a more efficient review by the city's legal department.

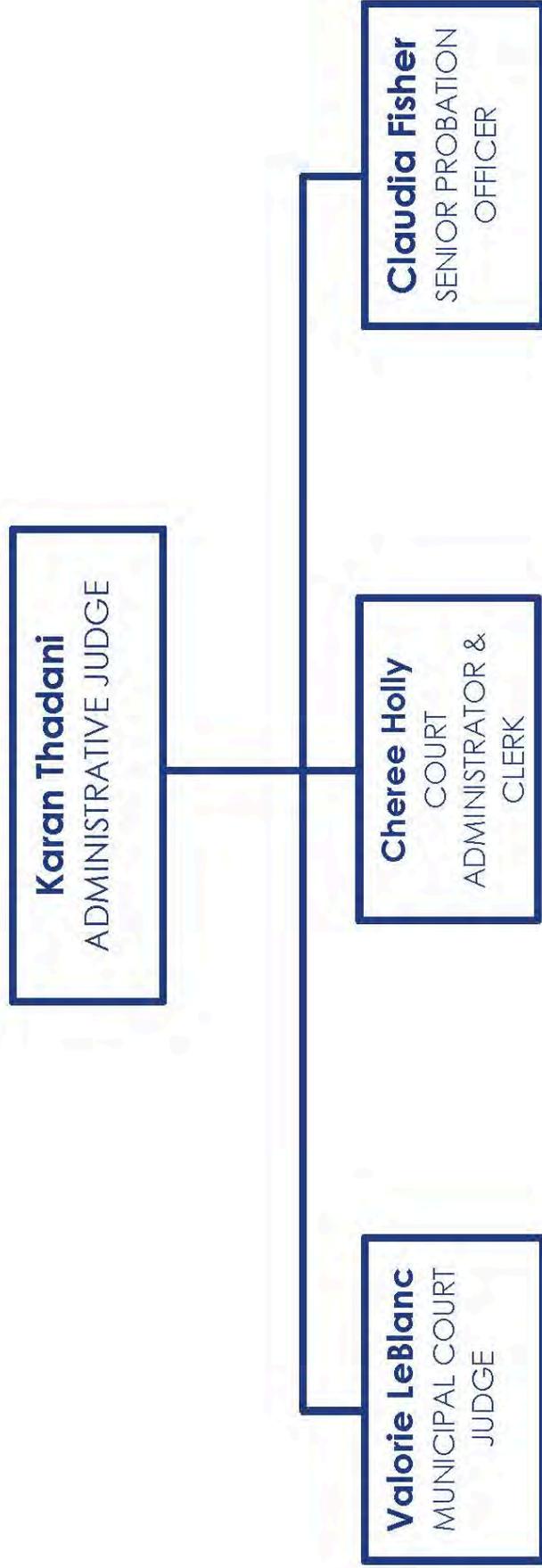
## Performance Measures

Performance Measure	2021	2022	2023	Target
Audit opinion	Unmodified	Unmodified	Unmodified	Unmodified
Deposits processed	4998	4455	5277	5000
Diverse vendor spending (%)	6	22.7	19.24	20
General fund as % of total budget	27	28	31	20
Invoices paid	31803	30111	31526	31000
M/W/DBE utilization (%)	45.41	41.095	40.91	40
Number of awarded bids	196	195	178	190
Number of bid protests	N/A	0	2	0
Percentage of time federal, state, and KPERS deposits are submitted on time	100	100	100	100
Percentage of time the 2-day standard for uploading the bank ACH file is met	96	96	100	100
S&P Bond Rating	AA	AA	AA	AA

## Goals

- Successfully navigate the testing and implementation of the new ERP
- Put into service Earned Wage Access
- Complete a successful audit
- Host a workshop for vendors to learn about the City's process for making qualification-based selections that are not based on prices
- Successfully host a second annual Supplier Diversity Expo with the support of area sponsors and anchor procurement agencies
- Develop more specification templates that City staff can use to be more efficient when building specifications for bids on materials or services

# MUNICIPAL COURT



The Topeka Municipal Court, through its judges and staff, adjudicates traffic infractions and misdemeanor offenses alleged to have occurred within the Topeka city limits pursuant to applicable provisions of City Ordinance, various state laws and court rules and collects fines and fees.



# MUNICIPAL COURT

The Municipal Court handles traffic infractions and misdemeanor offenses as well as the Probation and Alcohol & Drug Program. The Probation and Alcohol & Drug Assessment and Referral Program division provides supervision to defendants for various misdemeanor offenses as well as tracks community services and house arrest defendants.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> 101 - General Fund	<b>(\$1,417,841)</b>	<b>(\$1,700,440)</b>	<b>(\$2,097,035)</b>	<b>(\$2,296,623)</b>
Municipal Court	(\$1,249,124)	(\$1,457,633)	(\$1,653,166)	(\$1,828,180)
Probation	(\$168,717)	(\$242,807)	(\$443,868)	(\$468,444)
<b>Total</b>	<b>(\$1,417,841)</b>	<b>(\$1,700,440)</b>	<b>(\$2,097,035)</b>	<b>(\$2,296,623)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$1,417,841)</b>	<b>(\$1,700,440)</b>	<b>(\$2,097,035)</b>	<b>(\$2,296,623)</b>
Personnel	(\$1,011,283)	(\$1,269,613)	(\$1,621,084)	(\$1,735,303)
Contractual	(\$403,257)	(\$419,850)	(\$461,551)	(\$547,320)
Commodities	(\$3,302)	(\$10,219)	(\$11,900)	(\$11,500)
Capital Outlay		(\$758)	(\$2,500)	(\$2,500)
<b>Total</b>	<b>(\$1,417,841)</b>	<b>(\$1,700,440)</b>	<b>(\$2,097,035)</b>	<b>(\$2,296,623)</b>

## Changes from 2024 Budget

→ Increase in professional audit/legal services for 2025 budget (\$65,000)



# MUNICIPAL COURT

## Accomplishments

- 200.5 community services hours completed through Probation Department
- Assisted Kansas Legal Services with several driver's license clinics held in Shawnee County
- Awarded Department of Justice's - Violence Against Women Grant with the help of city's grant writing and probation divisions
- Advanced the changing our culture of property maintenance initiative by using the LLC ordinance to order judgments in 31 cases

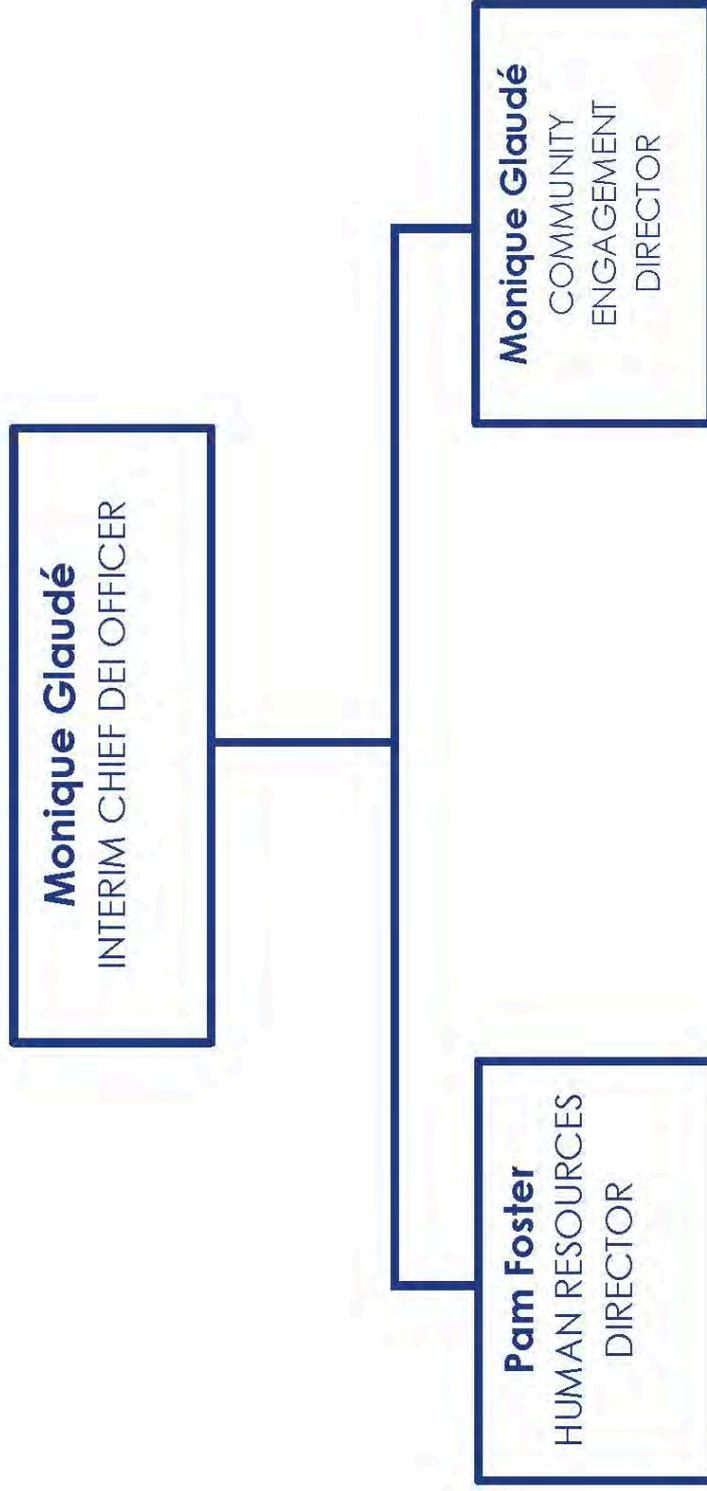
## Performance Measures

Performance Measure	2021	2022	2023	Target
# of admissions into program	9	8	10	10
# of Community Service hours	N/A	N/A	200.5	200
# of referrals completed	21	21	35	25
% of cases scheduled for Arraignment brought before the Court within 45 days	90		90	95
% of cases scheduled for Trial brought before the Court within 60 days	100		100	100

## Goals

- Relocate operations to Municipal Court after 6 months of a temporary court set-up in TPAC due to HVAC renovations
- Relocate Probation Division to 1st floor of City Hall after 6 months of a temporary office set-up in the City Hall basement due to HVAC renovations
- Continue with community outreach through KLS DL clinics
- Fully staff probation division and hire new FTE approved for budget year 2024

# DIVERSITY, EQUITY, & INCLUSION



The Diversity Equity and Inclusion (DEI) Office is responsible for the development, implementation, and incorporation of proactive diversity, equity, and inclusion strategies throughout all aspects of the city. It is composed of offices of Human Resources and Community Engagement



# DIVERSITY EQUITY & INCLUSION

The City of Topeka's Diversity Equity and Inclusion (DEI) Office was established in December 2022. The DEI Office is responsible for the development, implementation, and incorporation of proactive diversity, equity, and inclusion strategies throughout all aspects of the city.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget ▲	2025 Budget
101 - General Fund		(\$5,866)	(\$292,686)	(\$335,430)
<b>Total</b>		<b>(\$5,866)</b>	<b>(\$292,686)</b>	<b>(\$335,430)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses		<b>(\$5,866)</b>	<b>(\$292,686)</b>	<b>(\$335,430)</b>
Personnel		(\$5,866)	(\$241,941)	(\$279,189)
Contractual			(\$47,246)	(\$52,741)
Commodities			(\$3,500)	(\$3,500)
<b>Total</b>		<b>(\$5,866)</b>	<b>(\$292,686)</b>	<b>(\$335,430)</b>

## Changes from 2024 Budget

→ No material changes for 2025

# HUMAN RESOURCES

The Human Resources department provides core administrative services which support all employees through close coordination with the City Manager and departments. The primary functional areas include: recruitment, position classification, compensation, employee relations, labor relations, benefit programs, risk management, occupational health, wellness programs, employee training and development, HRIS administration for the Lawson and IntelliTime, and employee recognition.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$1,429,061)	(\$1,546,103)	(\$2,158,261)	(\$2,133,371)
<b>Total</b>	<b>(\$1,429,061)</b>	<b>(\$1,546,103)</b>	<b>(\$2,158,261)</b>	<b>(\$2,133,371)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	<b>(\$1,429,061)</b>	<b>(\$1,546,103)</b>	<b>(\$2,158,261)</b>	<b>(\$2,133,371)</b>
Personnel	(\$852,335)	(\$924,448)	(\$1,205,460)	(\$1,209,350)
Contractual	(\$558,099)	(\$581,363)	(\$923,876)	(\$892,221)
Commodities	(\$18,627)	(\$40,292)	(\$28,925)	(\$31,800)
<b>Total</b>	<b>(\$1,429,061)</b>	<b>(\$1,546,103)</b>	<b>(\$2,158,261)</b>	<b>(\$2,133,371)</b>

## Changes from 2024 Budget

- Increased ClearCo contract (\$65,000)
- Fire Physicals increased (\$78,000)
- Training and Development (\$60,000)
- Moved .5 FTEs from General Fund to risk funds

# HUMAN RESOURCES

## Accomplishments

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- Implement electronic on-boarding process for new hire candidates
- Restructure New Hire Orientation process

## Performance Measures

---

Performance Measure	2021	2022	2023 ▲
Employee Workers' Compensation Claims Paid	1205958	1248165	1298000
Employee Health Care Claims & Administrative Fees	11984923	12530600	13221500
Annual Turnovers	141	180	180
Annual Retirements	35	35	45
Employees Attended Training and Education Opportunities	197	960	750

## Goals

---

- Prepare for Enterprise Resource Program conversation. Assist with the implementation with a primary focus on the employee data, position requisition and performance evaluation components of the system
- Develop an improved repository for Position Descriptions
- In collaboration with departments review and update position descriptions to ensure an accurate reflection of current organizational needs regarding minimum qualifications
- Review and improve the position requisition process

# COMMUNITY ENGAGEMENT

The Division of Community Engagement is devoted to empowering residents through education and neighborhood leadership development. Community Engagement works to increase dialog between local government and residents. Through these outreach programs, Community Engagement hopes to encourage all Topeka neighborhoods to take an active part in their own improvements.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund		(\$13,417)	(\$261,027)	(\$500,283)
<b>Total</b>		<b>(\$13,417)</b>	<b>(\$261,027)</b>	<b>(\$500,283)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▣ Expenses		<b>(\$13,417)</b>	<b>(\$261,027)</b>	<b>(\$500,283)</b>
Personnel		(\$11,795)	(\$195,049)	(\$365,058)
Contractual		(\$1,510)	(\$58,629)	(\$127,475)
Commodities		(\$112)	(\$7,350)	(\$7,750)
<b>Total</b>		<b>(\$13,417)</b>	<b>(\$261,027)</b>	<b>(\$500,283)</b>

## Changes from 2024 Budget

→ Additional neighborhood support budgeted for 2025 (\$50,000)

# COMMUNITY ENGAGEMENT

## Accomplishments

- Administered programming in low-to-moderate income neighborhoods
- TSC Get Digital program:
  - Panelist for the 2023 New Mexico Tech Summit.
  - 60+ initiative – distributed computer devices to 786 L-M-I neighbors
  - Connected 334 neighbors to FREE digital literacy training
- Facilitated the 2024 DREAMS 3 Workshop
- Keep America Beautiful Event – Coordinated a successful employee clean-up effort resulting in the removal of 4.7 tons of illegally dumped waste
- Community sponsor for the 2023 Poverty Simulation Discussion

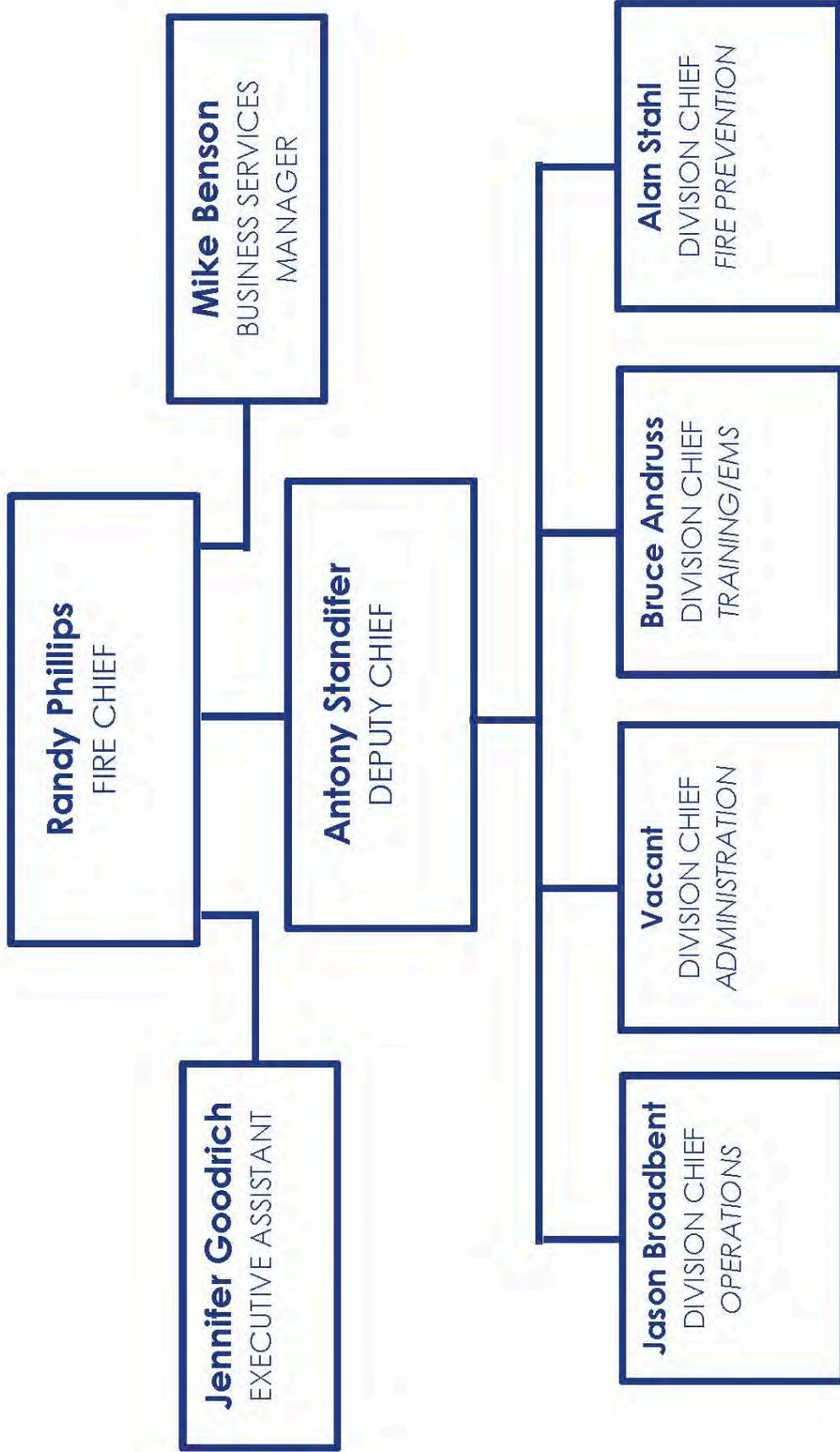
## Performance Measures

Performance Measure	2021	2022	2023	Target
# of Community Events	N/A	6	4	10
# of Community partners related to community building	N/A	42	48	100
# of Households that received NIA newsletters	N/A	31127	31318	40000
# of Neighborhood Walk-n-Talks	N/A	3	3	5
# of neighbors that received CE resource bags			3268	5000

## Goals

- Implement a community e-blast that will be a valuable resource, distributing quality-of-life-enhancing information directly to the recipient's inbox
- Foster inclusive participation
- Strengthen community relationships
- Enhance youth engagement

# FIRE DEPARTMENT



Our mission is to save lives and protect property by providing excellence and leadership in fire, rescue, emergency medical response, fire prevention and public education.



# FIRE

The Fire department supplies fire and medical services throughout the City of Topeka. The Fire Administration division provides customer service and resources to support the Fire department. The City's Fire Prevention, Training, Operations, and Emergency Medical Services (EMS) divisions aid in maintaining security throughout City neighborhoods.

## Department Budget History

---

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$31,020,024)	(\$32,881,490)	(\$36,003,280)	(\$38,411,729)
<b>Total</b>	<b>(\$31,020,024)</b>	<b>(\$32,881,490)</b>	<b>(\$36,003,280)</b>	<b>(\$38,411,729)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	(\$31,020,024)	(\$32,881,490)	(\$36,003,280)	(\$38,411,729)
Personnel	(\$27,601,507)	(\$29,391,949)	(\$31,696,624)	(\$33,789,909)
Debt	(\$191,909)	(\$200,494)	(\$183,583)	\$0
Contractual	(\$2,227,020)	(\$2,457,564)	(\$3,186,222)	(\$3,558,221)
Commodities	(\$999,587)	(\$822,255)	(\$829,350)	(\$993,600)
Capital Outlay	\$0	(\$9,228)	(\$107,500)	(\$70,000)
<b>Total</b>	<b>(\$31,020,024)</b>	<b>(\$32,881,490)</b>	<b>(\$36,003,280)</b>	<b>(\$38,411,729)</b>

## Changes from 2024 Budget

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- Radio lease was paid of early with use of Unassigned Reserve fund which is why debt decreased
- Education/Travel increased (\$31,000)
- Maintenance of equipment (\$50,000)
- Office computers equipment (\$13,000)
- Uniforms (\$70,000)
- Protective Gear (\$25,000)
- Repair Parts (\$17,500)



# FIRE

## Accomplishments

---

### Fire Administration

- Assisted with review of TFD budget structure and made suggestions for more accurate tracking of budgetary resources.
- Assist City Administration with successful completion of bargaining unit contract negotiations.
- Completed ISO evaluation process with overall score improvement of 5 points
- Continued review of all TFD policies and procedures in Lexipol software system to increase overall department efficiencies.
- Completed installation of new alerting systems in all TFD stations
- Developed plans for remodel and update of fire station 9

### Fire Prevention: Inspections and Investigations

- Implemented new fire inspections software system.
- Designed and implemented a new burn permit process that allows for more rapid approval and delivery of burn permits utilizing less staff time.
- Took over fuel station inspections from the state fire marshal
- Inspected all food trucks with a city license
- In conjunction with the Property Maintenance Division began joint fire inspections of Apartments buildings with interior exits.
- Successfully completed inspection of all fireworks stands.
- o Hired new Fire Investigator and enrolled him in the Topeka Police Department Academy to complete necessary Law Enforcement Training
- Became members of the Northeast Kansas Multi-County Arson Taskforce

### Fire Prevention: Public Education

- Delivered an updated annual Citizen's Academy
- Assisted with Camp Courage
- Completed fire education programs in most 501 schools
- Recorded fireworks safety videos with the Kansas Fireworks Association for statewide distribution

### Training Division

- 16 personnel trained and certified as Hazardous Materials Technicians
- 15 new firefighters graduated from recruit academy
- Established improved method for evaluating recruits' proficiency with firefighting skills during the recruit academy
- Improved Training score used to determine ISO rating
- Implemented and provided training to all personnel on our new Fire/EMS reporting system (Emergency Networking)

### Fire Operations: Suppression

- Delivery of two new fire apparatus
- Reduction in total number fire related deaths
- Conducted Officer Development Program (ODP) for 15 personnel
- Certified 2 additional instructors, as well as 15 additional personnel in Blue Card Incident Command Management System
- Reduced the absenteeism rate of TFD personnel EMS Division

### EMS Division

- Completed AEMT training for 7 personnel, and EMT training for 4 new recruits
- Work started with I.T. to build QA/QI database
- Joint QA/Qi process with AMR
- 7 personnel trained as American Heart Association ACLS and/or BLS instructors
- Started additional quarterly training for our ALS personnel

# FIRE

## Performance Measures

Performance Measure	2021	2022	2023	Target
Average "chute time" of TFD units to emergent calls of all types	N/A	New Measure	96 seconds	90 seconds
Average "response time" of TFD units to emergent calls of all types	N/A	New Measure	322 seconds	240 seconds
Average response time of TFD units to emergent level BLS calls	374 seconds	305 seconds	285 seconds	285 seconds
Citizen's Academy			20	20
Clearance rate of arson cases investigated within the city	N/A	New Measure	0.27	0.4
Completion of TFD recruit academy for new hires	14	15	19	18
Number of arson fires within the city	85	51	44	35
Number of duty related injuries to suppression personnel	N/A	30	19	0
Number of investigation personnel with law enforcement certification	1	2	3	4
Number of personnel certified to the AEMT and/or Paramedic level	N/A	21	27	27
Number of recertification hours completed for EMS certifications for TFD personnel	3046	3730	4547	4000
Number of requests for fire extinguisher training within the community	0	2	17	25
Number of USD 501 schools receiving fire safety program education	2	4	17	15
Personnel in the Officer Development Program	0	15	15	15
Successful completion of all plans reviews in accordance with time constraints established as part of overall city review	685	569	778	575
Total number of fatalities related to fires	N/A	6	4	0
Total number of inspections in apartment buildings	321	307	143	150
Total Number of Training Hours Delivered	59012	58372	60486	60000
Total response time of less than 480 seconds to Delta/Echo ALS level calls	N/A	New Measure	N/A	>90%
Total time to start emergency treatment from dispatch time	N/A	New Measure	In Development	
Total time to start treatment from dispatch time	N/A	New Measure	In Development	

# FIRE

## Goals

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### Fire Administration

- Finalize the review of all TFD policies and procedures through the Lexipol software system to increase overall department efficiencies
- Transition to Emergency Networking reporting software for the utilization of their inventory program for more accurate tracking of the age and location of specific items
- Assist with other city departments in the transition of various new software being implemented
- Complete manufacturing process and delivery of multiple fire apparatus
- Complete remodel of fire station 9
- Continue recruiting and retention efforts to ensure a workforce more reflective of the community as a whole.

### Fire Prevention: Inspections and Investigations

- Inspect 90+% of apartments with interior/common corridors
- Inspect 95% of all assembly occupancies with an occupant load of >300
- Inspect 50% of assembly occupancies >50
- Permit all mobile food vendors operating within city limits
- Implement Permitting and Plan Review Module for precise tracking and validation
- Inspect 100% of MOU list for OSFM
- Reduce the total number of arson fires within the city
- Clearance rate of 40% for arson fires within the city
- Complete new fire investigator training

### Fire Prevention: Public Education

- Completion of an annual Citizens' Academy
- Completion of fire safety program in all USD 501 elementary schools.
- Implement new fire extinguisher trainer system
- Completion of all requests for fire extinguisher training within the city.

### Training Division

- Provide training required to meet ISO standards
- Provide education hours to all personnel required to meet EMS continuing education requirements of the Board of EMS
- Train additional recruit firefighters
- Continue to increase hands-on training to TFD personnel (both fire and EMS training)
- Continue development of two new Training Officers

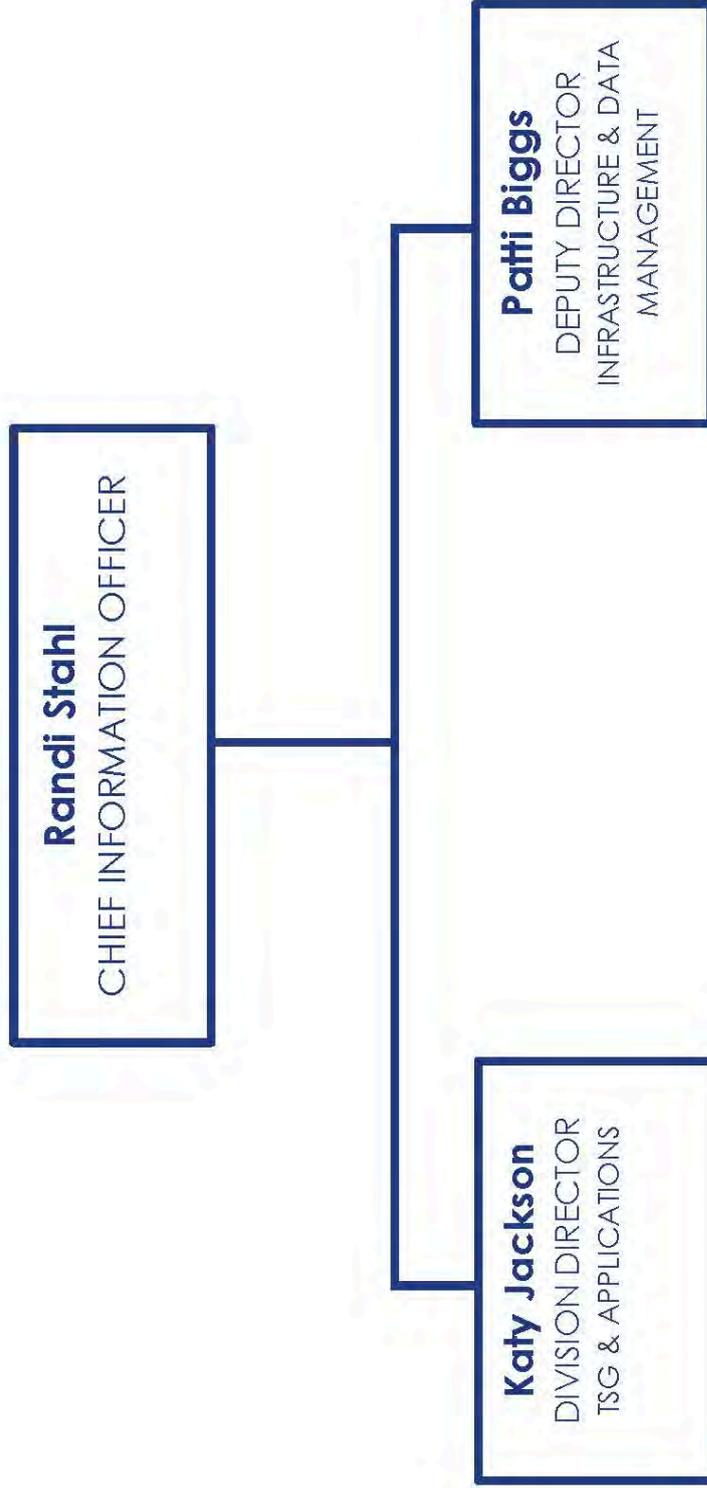
### Fire Operations: Suppression

- Decrease average response time of TFD units to emergent calls of all types.
- Reduce total number of fatalities related to fires to 0.
- Reduce number of duty related injuries to fire personnel.
- Reduce average "turn-out time" (out of the station) of TFD units to emergent calls of all types.
- Increase number of TFD personnel certified in Blue Card Incident Management System.
- Delivery of Camp Courage.
- Delivery of Officer Development Program ODP

### EMS Division

- Increase number of current fire companies to ALS response level
- Work with local hospitals to develop patient outcomes section in Emergency Networking
- Improve management and tracking of EMS equipment and supplies
- Continue working to establish tracking benchmarks associated with cardiac arrest calls
  - Start tracking program for the following in cardiac arrest calls
    - Time unit dispatched
    - Time CPR started
    - Time first defibrillation delivered
    - Return of spontaneous circulation (ROSC)

# INFORMATION TECHNOLOGY



The Information Technology Department is responsible for all Telecommunications, Computing and Business System functions and to provide critical information systems and services of the highest quality to assure availability of accurate, reliable, and timely information necessary for the support and operation within the computing enterprise of the City of Topeka.



# INFORMATION TECHNOLOGY

The Information Technology Department delivers information technology services to all City departments. The IT Department contains three divisions: Business Systems, Computing, and Telecommunications. The IT Business Systems consists of back-end support, application implementation, data analytics, and web development. The IT Computing division consists of data networking services, computer systems and help desk support services, server and network storage systems, and information security systems. The IT Telecommunications Program consists of four primary services that include outside plant fiber optic system, structured cabling services, leased telephone circuit services, and telephone system services.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
613 - Information Technology	(\$4,636,382)	(\$5,292,172)	(\$5,970,730)	(\$6,734,468)
<b>Total</b>	<b>(\$4,636,382)</b>	<b>(\$5,292,172)</b>	<b>(\$5,970,730)</b>	<b>(\$6,734,468)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$4,636,382)</b>	<b>(\$5,292,172)</b>	<b>(\$5,970,730)</b>	<b>(\$6,734,468)</b>
Personnel	(\$1,888,085)	(\$2,075,887)	(\$2,822,067)	(\$3,158,763)
Other Payments		(\$0)		\$0
Debt	(\$413,089)			
Contractual	(\$2,287,118)	(\$3,146,743)	(\$3,071,025)	(\$3,499,645)
Commodities	(\$48,090)	(\$22,641)	(\$77,638)	(\$76,060)
Capital Outlay		(\$46,902)		\$0
<b>Total</b>	<b>(\$4,636,382)</b>	<b>(\$5,292,172)</b>	<b>(\$5,970,730)</b>	<b>(\$6,734,468)</b>

## Changes from 2024 Budget

→ Prices in technology have increased computer cost 25% over the last 18 months (\$400,000)

# INFORMATION TECHNOLOGY

## Accomplishments

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- Successfully completed the integration of the Technical Support Group division into the IT department
- Continually support City staff with technology issues as they arose
- Provided continual telecommunications service to City departments throughout the HVAC relocation project.
- Successfully worked with staff to resolve citizen SeeClickFix tickets

## Performance Measures

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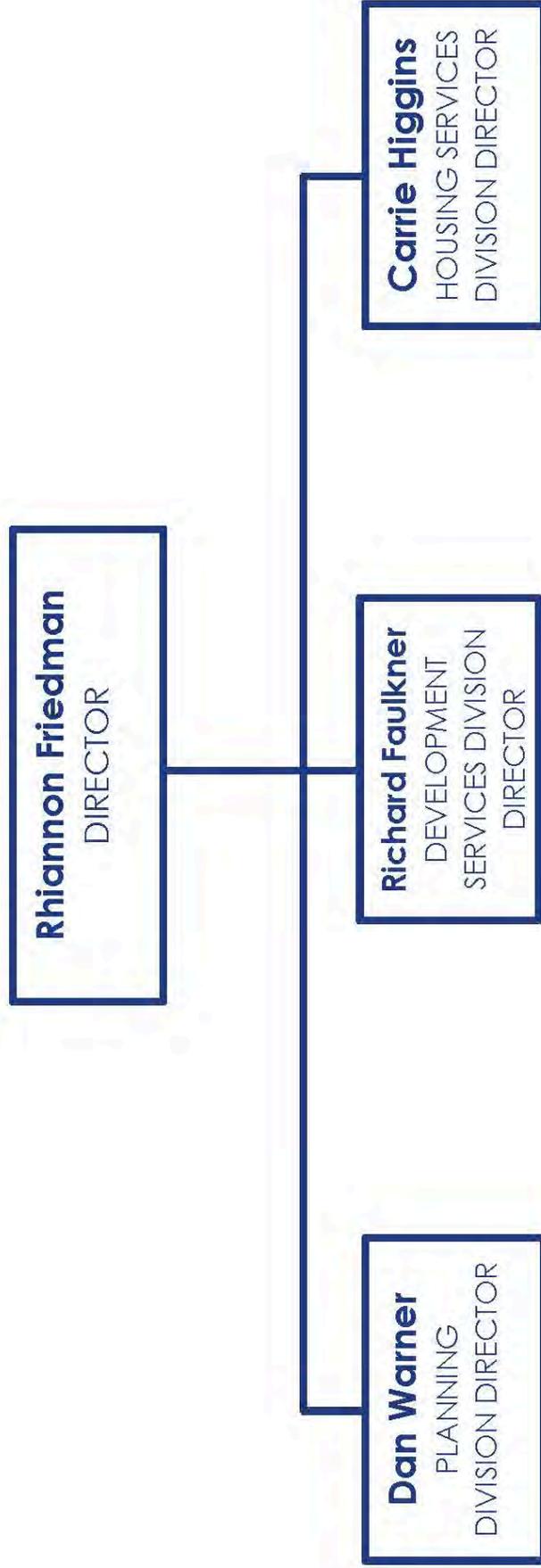
Performance Measure	2021	2022	2023	Target
Complete migration to OneDrive	N/A	N/A		In Development
ERP Implementation Plan Document creation	N/A	N/A		In Development
Number of support tickets resolved	N/A	N/A		In Development
Published IT Department Strategic Plan	N/A	N/A		In Development

## Goals

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- Continue upgrades of GIS software and maps to increase capability of decision making for infrastructure projects within the city
- Continue migration to the new Microsoft environment for Microsoft applications utilized by city staff in all areas of the city
- Continue to migrate required retention of data in on-premises file storage (to OneDrive)
- Continue with refining our continuity of operations, disaster recovery and security approaches
- Continue implementation of ERP/Work Order software
- Continue to modernize data tracking and reporting systems for support to end users
- Update the long-term IT Strategic Plan with short and long-term objectives that address the vision of the city and describes the desired outcomes of the IT Department
- Continue to evaluate and gain efficiencies, address the diverse community and staff needs, consider, cost controls, limited staffing, and best practices from city governments in all facets of data management, infrastructure, application management/development, security, and accessibility

# PLANNING AND DEVELOPMENT



The Planning team assists in creating a sustainable and vibrant city by engaging the community in current, comprehensive, and transportation planning and development. Major activities of the Planning Services Division include land use planning, zoning administration, neighborhood revitalization, Comprehensive Plan elements, annexation, regional transportation planning and historic preservation. The Development Services Division is responsible for the permitting, inspection and enforcement of all construction activity and Housing Services is responsible for creating affordable housing opportunities.



# PLANNING & DEVELOPMENT

The Planning & Development department includes the Planning, Development Services, and Housing Services divisions and supports the land development and shelter needs of the community. The Planning division is made up of three functions: comprehensive planning, current planning, and transportation planning. The Development Services division includes three functional areas: permits, inspections, and licensing. The Housing Services division includes housing development, homeless programs, and social services.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> 101 - General Fund	<b>(\$2,681,102)</b>	<b>(\$2,749,575)</b>	<b>(\$3,838,884)</b>	<b>(\$4,298,712)</b>
Planning - Development Services	(\$1,861,914)	(\$1,826,603)	(\$2,243,244)	(\$2,347,332)
Planning Department	(\$819,187)	(\$917,656)	(\$1,250,999)	(\$1,382,033)
Housing Division		(\$5,316)	(\$344,642)	(\$569,348)
<b>Total</b>	<b>(\$2,681,102)</b>	<b>(\$2,749,575)</b>	<b>(\$3,838,884)</b>	<b>(\$4,298,712)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$2,681,102)</b>	<b>(\$2,749,575)</b>	<b>(\$3,838,884)</b>	<b>(\$4,298,712)</b>
Personnel	(\$2,166,087)	(\$2,406,747)	(\$3,259,323)	(\$3,545,501)
Contractual	(\$486,300)	(\$315,797)	(\$548,431)	(\$603,382)
Commodities	(\$28,715)	(\$27,031)	(\$31,130)	(\$31,900)
Capital Outlay				(\$117,929)
<b>Total</b>	<b>(\$2,681,102)</b>	<b>(\$2,749,575)</b>	<b>(\$3,838,884)</b>	<b>(\$4,298,712)</b>

## Changes from 2024 Budget

→ No material changes for 2025 budget.



# PLANNING & DEVELOPMENT

## Accomplishments

- Expanded the Equity.Access.Shelter program to include a Housing Navigator and improved data entry in the HMIS system allowing the use of coordinated entry for services.
- Completed Accessory Dwelling Unit text amendment
- Completed updates to the Neighborhood Health Map and the Neighborhood Revitalization Plan
- Completed zoning code amendments related to incentivizing attainable housing projects
- Maintained 99% on inspection completed as scheduled
- Adopted the 2021 International Residential Code

## Performance Measures

Performance Measure	2021	2022	2023	Target
Weatherization - number of homes	9	20	28	30
Voluntary Demolition - number of homes	5	1	1	5
TOTO- Number of newly owned homes receiving rehab	4	6	6	10
Shelter Plus Care- Households served	330	530	430	400
Rapid Rehousing - Households served	186	53	36	40
Property Code Repairs - number of homes	16	16	24	12
Number of renters receiving deposit assistance	60	71	53	50
Neighborhoods and Properties Surveyed and Adopted as Historic Districts or Neighborhood Conservation Districts (NCD)	215	150	65	169
Miles of Sidewalks	714	726	747	750
Miles of Separated Bikeways	25	28	32	45
Miles of Bikeways	76	79	97	105
Major Rehab - number of homes	1	1	3	9
Infill - number of new duplexes for rentals	1	1	1	1
Homelessness Prevention- Households served	282	69	65	75
Exterior Rehab - number of homes	1	1	1	5
Emergency Rehab - number of homes	32	42	50	55
Credit Counseling - number of households served	145	156	156	200
CHDO - number of new duplexes for rentals	2	2	3	1
Cases closed at violation	N/A	14	27	21
Cases closed at courtesy	N/A	34	58	46
Cases closed at court	N/A	1	0	3
Accessibility modifications - number of homes	31	25	26	25

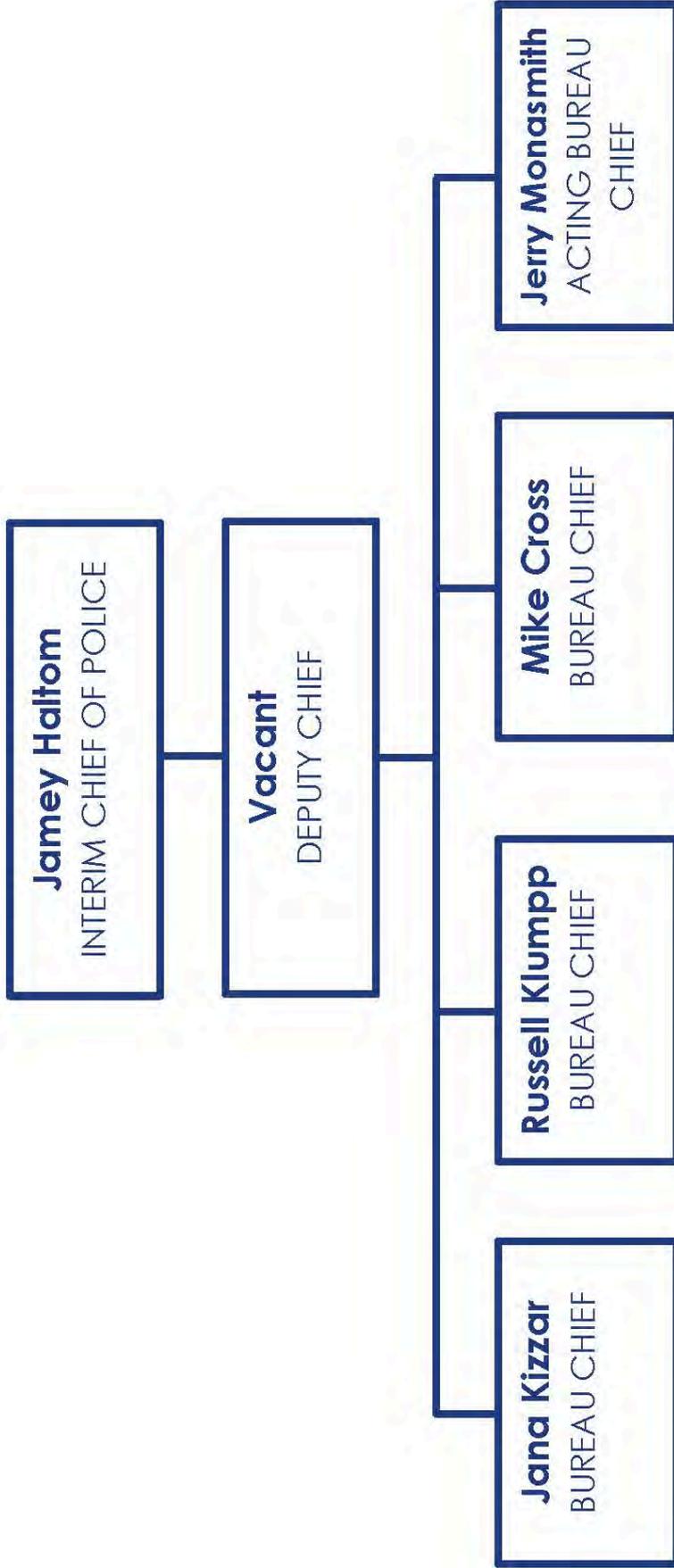
# PLANNING & DEVELOPMENT

## Goals

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- Transition EAS to Built for Zero
- Implement the findings of the Homeless Innovation Project
- Complete additional Missing Middle text amendments to the zoning code
- Begin implementing projects associated with the Safe Routes to School Plan
- Implement 2-year licensing
- Staff trade boards to full capacity
- Adopt the 2024 international building code, uniform plumbing code, and uniform mechanical code

# POLICE DEPARTMENT



The Topeka Police Department is committed to providing a safe environment for citizens who live, work and play in our capital city. We will constantly evaluate and improve our efforts to partner with our community with the goal of improving the quality of life in Topeka, Kansas.



# POLICE

The Police department maintains safety and prevents criminal activity throughout the City of Topeka. The Police department's Executive Bureau maintains the overall integrity and security of the department. The department also runs several other divisions including Criminal Investigation, Field Operations, Community Outreach, and Property Maintenance.

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> 101 - General Fund	<b>(\$40,570,883)</b>	<b>(\$45,317,430)</b>	<b>(\$49,877,076)</b>	<b>(\$58,369,406)</b>
Police Department	(\$38,330,239)	(\$42,942,799)	(\$47,392,888)	(\$55,599,702)
Neighborhood Relations/Code Enforcement	(\$2,240,644)	(\$2,374,631)	(\$2,484,187)	(\$2,769,704)
<b>Total</b>	<b>(\$40,570,883)</b>	<b>(\$45,317,430)</b>	<b>(\$49,877,076)</b>	<b>(\$58,369,406)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$40,570,883)</b>	<b>(\$45,317,430)</b>	<b>(\$49,877,076)</b>	<b>(\$58,369,406)</b>
Personnel	(\$33,423,832)	(\$37,108,610)	(\$40,679,515)	(\$48,066,100)
Contractual	(\$5,240,624)	(\$5,308,970)	(\$6,365,121)	(\$6,911,751)
Commodities	(\$1,445,353)	(\$2,131,893)	(\$2,253,199)	(\$2,408,068)
Capital Outlay	(\$461,074)	(\$767,958)	(\$579,240)	(\$983,487)
<b>Total</b>	<b>(\$40,570,883)</b>	<b>(\$45,317,430)</b>	<b>(\$49,877,076)</b>	<b>(\$58,369,406)</b>

## Changes from 2024 Budget

- Increase in contract with VALEO for Behavioral Health Unit (\$60,000)
- Commodities increased to cover Axon Camera/Taser upgrade (105,000)
- Capital Outlay purchases to include 12 Front Line Vehicles, 2 Animal Control Trucks, and 2 Detective Vehicles (\$300,000)
- Fuel Increase (\$17,000)
- Personnel Increase is based off the current status of the FOP Contract

# POLICE

## Accomplishments

- Successful implementation of Kansas River Bank Clean up.
- Expanded community partnerships through Topeka Civic Theater Public Safety Team Summer Camp Scholarship.
- Transition to Interim Police Chief.
- Exceeded the national homicide clearance rate.
- Implemented innovative recruitment strategies for new recruits and lateral transfers.
- Acquired new incident command trailer after nearly a two-year project.

## Performance Measures

Performance Measure	2021	2022	2023	Target
Attendance of Commanders at community meetings	198	454	640	600
Burglary cases cleared (%)	11	12	12	N/A
Homicide cases cleared (%)	93	78	80	N/A
Number of abatements	1115	970	979	1200
Number of calls for service	86646	84716	88024	N/A
Number of calls for service - Animal Control	4112	4890	5040	N/A
Number of cases presented to the grand jury	271	836	735	N/A
Number of City ID's issued	N/A	630	997	1000
Number of criminal cases referred to the City Attorney's Office	427	262	388	400
Number of fatality accidents	15	7	7	N/A
Number of firearms test fired	530	570	531	N/A
Number of hiring/testing opportunities	18	25	40	45
Number of inspections	16406	32072	28552	26000
Number of investigative reports processed	90623	90457	97531	95000
Number of mental health service calls responded to	1844	1525	1616	N/A
Number of NIBIN leads	87	138	331	N/A
Number of non-fatality accidents	2857	3322	3489	N/A
Number of victims served by the in house advocate	3357	2451	3404	N/A
Number of volunteer hours	6095.5	6772.95	6694.25	7000

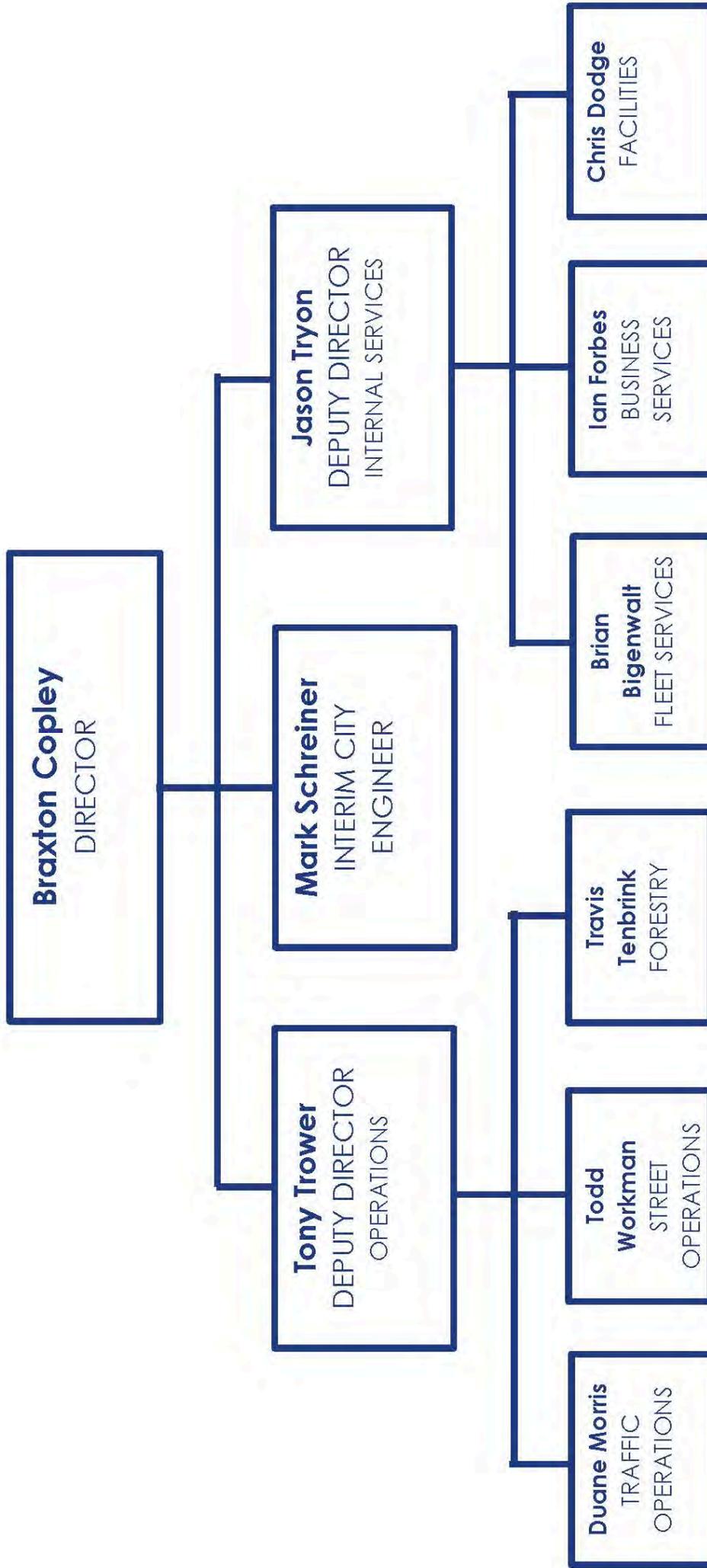
# POLICE

## Goals

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- Expand investigative capabilities through the use of NIBIN technology
- Meet or exceed the national homicide clearance rate
- Decrease vacancies in sworn personnel through innovative recruitment and retention efforts
- Increase investigative abilities through partnership with the Real Time Crime Center
- Expand investigative capabilities through the expansion of the UAS program
- Continue to grow community partnerships through direct involvement on board and program representation

# PUBLIC WORKS



Our mission is to enhance the community by providing and maintaining quality infrastructure and public services. Our vision is to create an environment conducive to the development of sustainable economic growth that will improve the quality of life for future generations.



# PUBLIC WORKS

The Public Works department runs several divisions to help maintain and construct infrastructure in the City. The Administration division operates and maintains the City's infrastructure including streets, parking, traffic signals, signs and markings, forestry, bridges, city facilities, and fleet services. The Engineering division reviews and administers all public street improvement projects, inspects work performed in each public right-of-way, maintains and controls all survey data within the city, and manages the city bridge inspection and maintenance program.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
101 - General Fund	(\$7,113,162)	(\$6,790,654)	(\$8,335,471)	(\$8,880,728)
275 - 0.5% Sales Tax (Jedo Proj)	(\$6,481,591)	(\$7,356,405)	(\$15,244,820)	(\$9,798,500)
276 - Federal Funds Exchange	(\$2,855,342)	(\$499,400)	(\$3,750,000)	(\$2,215,000)
291 - Special Street Repair	(\$5,182,332)	(\$6,165,267)	(\$8,208,806)	(\$8,273,652)
292 - Sales Tax Street Maint	(\$8,986,051)	(\$17,440,245)	(\$32,660,128)	(\$31,122,760)
601 - Public Parking	(\$2,647,479)	(\$2,903,549)	(\$3,079,418)	(\$2,805,138)
614 - Fleet Management	(\$2,173,652)	(\$2,503,097)	(\$3,934,274)	(\$3,675,557)
615 - Facilities Operations	(\$4,492,786)	(\$3,056,947)	(\$3,657,295)	(\$3,519,166)
<b>Total</b>	<b>(\$39,932,395)</b>	<b>(\$46,715,564)</b>	<b>(\$78,870,211)</b>	<b>(\$70,290,502)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	<b>(\$39,932,395)</b>	<b>(\$46,715,564)</b>	<b>(\$78,870,211)</b>	<b>(\$70,290,502)</b>
Personnel	(\$9,627,985)	(\$10,929,507)	(\$12,772,627)	(\$13,473,813)
Other Payments	(\$1,667,998)	\$10,409	(\$13,750,000)	(\$5,175,500)
Debt	(\$635,269)	(\$846,223)	(\$815,622)	(\$620,603)
Contractual	(\$26,079,662)	(\$33,322,388)	(\$46,233,796)	(\$47,798,762)
Commodities	(\$1,751,927)	(\$1,302,095)	(\$3,805,120)	(\$2,209,274)
Capital Outlay	(\$169,554)	(\$325,760)	(\$1,493,046)	(\$1,012,550)
<b>Total</b>	<b>(\$39,932,395)</b>	<b>(\$46,715,564)</b>	<b>(\$78,870,211)</b>	<b>(\$70,290,502)</b>

# PUBLIC WORKS

## Changes from 2024 Budget

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### General Fund

→ Increase in \$600,000 in engineering consultant fees

### Countywide Half-Cent Sales Tax (JEDO)

→ With the 17th Street Project being pushed out projected expenses for FY25 have decreased (\$1,500,000)

### Federal Funds Exchange

→ Increase in FFE funded projects (\$575,000)

### Special Street Repair

→ Increase in construction services (\$100,000)

### Citywide Half-Cent Sales Tax

→ Spending reflect CIP Authority

### Fleet

→ No material changes

### Facilities

→ No material changes

## Accomplishments

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### Transportation Operations

- Updated the 8th Street corridor from Topeka Blvd to Madison with pedestrian actuated intersections
- Implemented pilot solar street light program
- Reached full staffing capacity for street maintenance
- Introduced into practice applying brine mix for winter weather events
- Maintained 80% completion rate of forestry work orders within a 90-day window
- Arbor Day planting with Governor and Kansas Arborist Association

### Facilities

- Completed City Hall Boiler conversion and TPAC air handling unit and continue to work on HVAC replacement
- Replaced various mechanical features at the Law Enforcement Center and Fire Department Facilities
- Replaced roofs at Fire Stations 4 and 7 and the Water Distribution Building

### Fleet

- Delivered reports on vehicle and equipment asset management
- Achieved nearly full staffing
- Year to date (6/13/24) value of surplus items sold on Govdeals.com was \$82,344

### Parking

- Repaired/replaced lighting in parking garages
- Increased adoption of app based pay to 38.2%
- ADA accessible parking and door openers installed at Coronado Garage

# PUBLIC WORKS

## Goals

### Transportation Operations

- Implement an asset/GIS based program
- Assist with the safe route to school program to include the upgrade of all school flashers and signage to meet the latest industry standards.
- Upgrade street maintenance fleet and other equipment
- Initiate new training program for motor grader and paver
- Continue Tree City USA recognition
- Develop tree planting plan and funding source

### Facilities

- Complete TPAC HVAC replacement
- Improve accessibility of City facilities

### Fleet

- Increase enrollment in the City's vehicle and equipment replacement fund
- Prepare Light Duty Fleet Shop for transition to next location
- Maintain fleet readiness above 90%

### Parking

- Modernize garages through the ongoing repair program and utilize new technologies
- Improve financial sustainability through increasing occupancy and reducing past due accounts
- Improve and maintain customer service

## Performance Measures

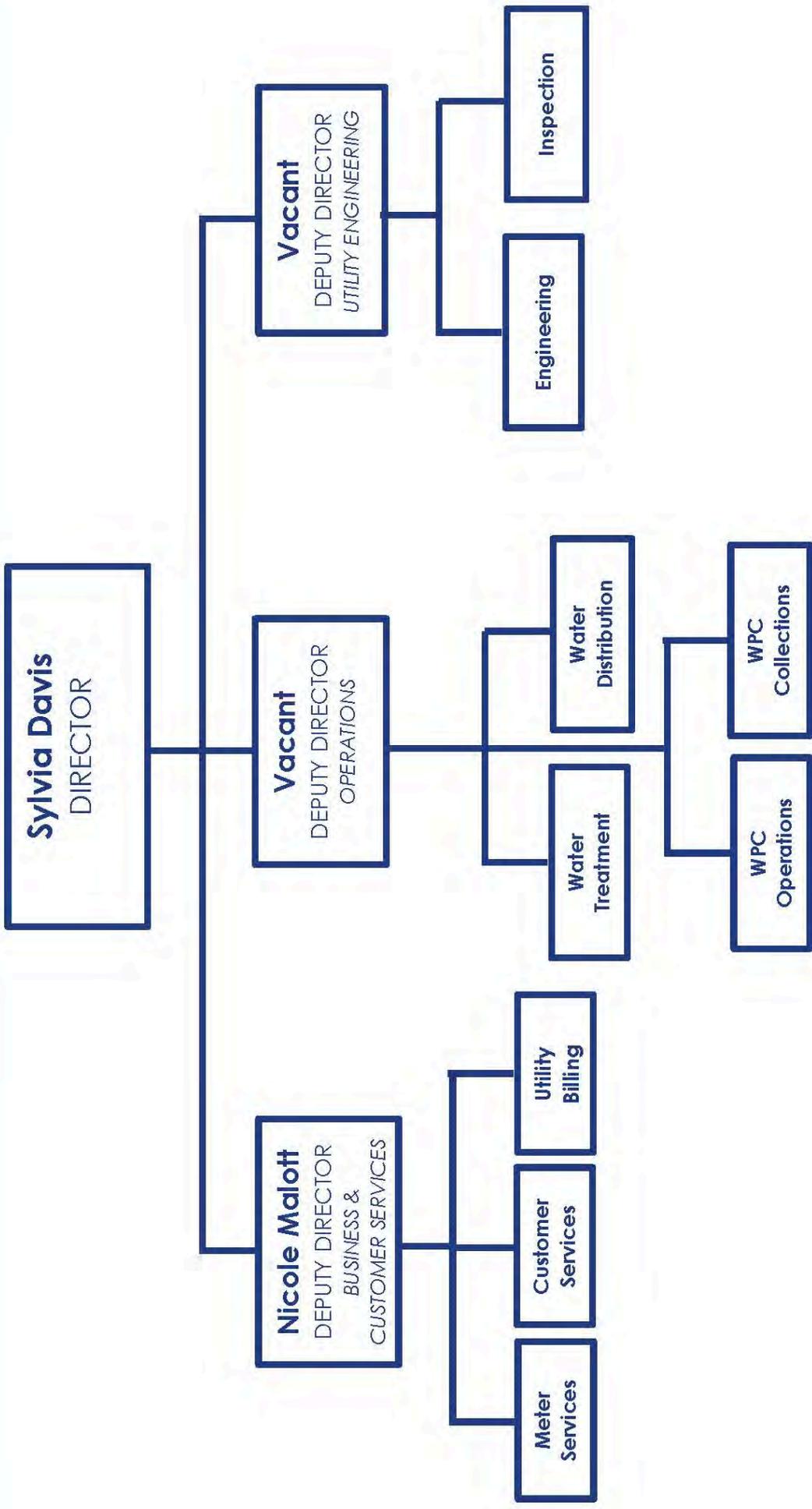
Performance Measure	2021	2022	2023	Target
# of Crosswalks converted per year	N/A	50	50	54
Average Age of Asset	N/A	9.55 years	8.63 years	3-5 years
Crack Sealing Linear Feet	118200	129000	100195	130000
Number of Alleys Maintained (blocks)	369	220	277	300
Number of Emergency Work Orders	N/A	410	537	400
Number of Long Lines Marked per Year	N/A	285	285	285
Number of Miles Aggregate Alley Maintained	40	23	29	40

# PUBLIC WORKS

## Performance Measures Continued

Performance Measure	2021	2022	2023	Target
Number of Non-Emergency Work Orders	N/A	778	1148	1000
Number of Potholes Filled	27088	33332	36580	30000
Number of scheduled maintenance work orders	265	443	443	440
Number of scheduled maintenance work orders	N/A	242	242	231
Number of Signs Installed per Year	1327	1250	1250	1200
Number of trees pruned or raised	1500	1000	1216	1100
Number of trees removed	312	300	320	300
Number of Winter Weather Events Managed	11	13	4	5
Number of Work Orders	57	80	25	25
Number of Work Orders	N/A	79	79	N/A
Preventative Maintenance vs. Corrective Maintenance (%)	N/A	75% (CM) 25% (PM)		75% (PM) 25% (CM)
Preventative vs. Corrective Maintenance (%)	40 PM/60 CM	34 PM/66CM	39 PM/61 CM	80 PM/20 CM
Project Closeout within 30 days				1
Signalized Intersections Replaced	3	3	3	3
Street Sweeping Lane Miles	3735	4305	3081	4300
Streetlight Outage Complaint	N/A	66	66	50
Tons of Bulk Deicing Material	2260	4030	1284	4000
Vehicle Availability	0.946	0.9457	0.9229	>90
Work Order Completion Rate within 90 days	N/A	81.9	84.2	80

# UTILITIES



From river to river, we manage water—protecting the health and safety of our community.



# WATER

The Water Utility produces our community's safe drinking water and manages all operations and maintenance of the water system in order to supply water to Topeka, Shawnee County, and surrounding areas.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
621 - Water Utility	(\$41,138,970)	(\$40,916,874)	(\$52,593,962)	(\$56,528,377)
<b>Total</b>	<b>(\$41,138,970)</b>	<b>(\$40,916,874)</b>	<b>(\$52,593,962)</b>	<b>(\$56,528,377)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$41,138,970)</b>	<b>(\$40,916,874)</b>	<b>(\$52,593,962)</b>	<b>(\$56,528,377)</b>
Personnel	(\$7,860,171)	(\$8,444,351)	(\$10,892,607)	(\$11,604,432)
Other Payments	(\$34,842)	(\$4,157)	(\$9,124,425)	(\$8,007,100)
Debt	(\$13,741,622)	(\$11,280,698)	(\$10,704,226)	(\$13,592,479)
Contractual	(\$11,871,956)	(\$11,633,998)	(\$12,284,960)	(\$12,816,876)
Commodities	(\$7,630,379)	(\$9,553,671)	(\$9,187,745)	(\$10,107,490)
Capital Outlay			(\$400,000)	(\$400,000)
<b>Total</b>	<b>(\$41,138,970)</b>	<b>(\$40,916,874)</b>	<b>(\$52,593,962)</b>	<b>(\$56,528,377)</b>

## Changes from 2024 Budget

- Commodities budget increase of approximately 10% is driven by an increase in water quality testing and inflation in prices of lab supplies and materials used for water treatment and distribution. (\$1,100,000)
- Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers (\$2,800,000)

# WATER

## Accomplishments

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*\*(2024 metrics are through June 30, 2024)*

### Water main breaks repaired

→ 2023 - 680

→ 2024\* - 286 YTD

→ **Meet or exceeded all KDHE requirements for safe, clean drinking water ; Completed five of the recommended Risk & Resiliency improvements**

→ **Zero findings on 2023 financial audit**

→ **14,351 LF of water mains replaced or rehabilitated in 2023 including:**

SW Gage Blvd from SW 10 St to SW Huntoon St

SW 21 from SW Washburn Ave to SW Fillmore St

**9,473 LF of water main replaced or rehabilitated in 2024\* YTD**

### Customer Service

→ 2023 Customers Assisted:

Answered 120,362 calls to 368-3111

Assisted 31,215 walk-in customers at City Express

Responded to 4,042 on-line inquiries

→ 2024\* Customers Assisted - YTD

Answered 62,690\* calls to 368-3111

Assisted 15,116\* walk-in customers at City Express

Responded to 4,603\* on-line inquiries

→ Maintained improved Call Center service level

### Meter Services:

→ Service Orders:

2023 - 50,696 complete

2024\* - 22,661 completed YTD

→ Water Meter Exchanges

2023 – 7,299 completed

2024\* – 980 completed YTD

### Utility Billing

→ Utility Bills Generated for City Utilities & SNCO Solid Waste

2023 - 734,263 bills generated

2024\* - 375,940 generated YTD

→ 4.3% increase in paperless customer accounts in 2023

# WATER

## Performance Measures

Performance Measure	2021	2022	2023	Target
Accounts Receivable invoices paid in timely manner according to City policy (%)	N/A	New Measure	100	95
Average AMI reading captured	N/A	New Measure	52573	N/A
Average gallons of water distributed daily	21.35 MG/day	23.63 MG/day	24.42 MG/day	N/A
Billing accuracy, as a percentage	0.0215	0.0223	0.023	0.05
Call Center Service Level (%)	77.4	71.7	74.25	90
Drinking water compliance rate	100	100	100	100
Highest number of gallons of water distributed	34.77 MG	36.77 MG	37.82 MG	N/A
Length of time to repair water main breaks (hours)	N/A	5	5.5	< 5
Linear Feet of sanitary sewer mains replaced or rehabilitated per year	16430	18368	5630	17000
Linear Feet of storm sewer mains replaced or rehabilitated per year	16430	3009	12749	8000
Linear Feet of water mains replaced or rehabilitated per year	9283	14610	14531	12000
Number of bills generated	711548	731238	734263	730000
Number of calls received	121461	112928	120362	N/A
Number of hydrants receiving preventative maintenance	419	40	3	1000
Number of large meters tested	N/A	New Measure	3	In Development
Number of meters replaced	11431	10126	7299	10800
Number of paper suppressed accounts	N/A	New Measure	24346	In Development
Number of payments processed via CSR	N/A	New Measure	47855	N/A
Number of SCADA staff call back events	N/A	21	47	N/A
Number of service orders completed	N/A	61839	59382	60000
Number of skipped meter readings	1308	928	511	850
Number of valves receiving preventative maintenance	1041	32	3	1500

# WATER

## Performance Measures

Performance Measure ▲	2021	2022	2023	Target
Number of walk-in customers	34889	33202	31215	N/A
Purchasing card transactions approved and closed according to City policy (%)	N/A	New Measure	100	95
Remote site communications up time (percentage)	N/A	New Measure	99.95	100

## Goals

### Begin Water Treatment Plant Rehabilitation projects:

- West Intake Rehabilitation Construction
- Chemical Building Rehabilitation Construction
- East Plant Basin Rehabilitation Design
- Begin design stage of painting Quincy Water tower
- Meet or exceeded all KDHE requirements for safe, clean drinking water
- Improve time required to repair broken water mains to 5 hours or less
- Resume preventative maintenance for hydrants and valves

### Complete ongoing meter exchange program

- 1,534 remaining to exchange

### Complete water main replacement or rehabilitation projects at:

- SW Randolph Ave from SW 22<sup>nd</sup> St. to SW 24th St.
- SW Moundview
- SW Stoneybrook
- Montara Neighborhood Phase I
- SW Boswell
- Gemini & Aries

### Customer Service:

- Increase electronic customer communication by 3% over prior year
- Improve and maintain Call Center service level

### Meter Services:

- Complete ongoing meter exchange program
- Test 7 large meters

### Utility Billing:

- Increase paperless customer accounts by 2% over prior year
- Maintain billing accuracy rate of at least 99.95%
- Increase proactive customer contact regarding continuous consumption/ possible leak event by 3% over prior year

# STORMWATER

The Stormwater Utility operates and maintains the City's flood protection and drainage systems. Services of the Stormwater Utility are primarily managed by the Water Pollution Control division. Services include stormwater collection system maintenance, levee system operations and maintenance, and best management practices (BMP).

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
623 - Stormwater Utility	(\$6,701,741)	(\$7,121,712)	(\$13,708,172)	(\$12,727,220)
<b>Total</b>	<b>(\$6,701,741)</b>	<b>(\$7,121,712)</b>	<b>(\$13,708,172)</b>	<b>(\$12,727,220)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	<b>(\$6,701,741)</b>	<b>(\$7,121,712)</b>	<b>(\$13,708,172)</b>	<b>(\$12,727,220)</b>
Personnel	(\$1,487,041)	(\$1,765,598)	(\$2,347,212)	(\$2,453,053)
Other Payments			(\$6,275,991)	(\$4,786,200)
Debt	(\$2,285,765)	(\$1,910,144)	(\$2,188,192)	(\$2,567,519)
Contractual	(\$2,646,036)	(\$3,132,486)	(\$2,323,441)	(\$2,361,487)
Commodities	(\$254,352)	(\$313,485)	(\$223,335)	(\$258,961)
Capital Outlay	(\$28,547)		(\$350,000)	(\$300,000)
<b>Total</b>	<b>(\$6,701,741)</b>	<b>(\$7,121,712)</b>	<b>(\$13,708,172)</b>	<b>(\$12,727,220)</b>

## Changes from 2024 Budget

- Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers (\$379,000)
- Commodities increase (\$35,000)

# STORMWATER

## Accomplishments

**\*(2024 metrics are through June 30, 2024)**

- 71,262 LF of Storm Sewer pipes cleaned in 2023  
2024\* - 2,623 LF YTD
- 8,676 Stormwater Inlets cleaned and inspected in 2023  
2024\* - 3,227 YTD
- 12,749 LF of Stormwater mains replaced or rehabilitated in 2023  
2024\* - 1,722 LF YTD

Performance measures for 2024 are on track to be met:

- Mowing of levees to control unwanted vegetation
- Conducting 130 outfall inspections
- Conducting four controlled burns
- Participating in four public involvement events
- Coordinate one public event
- Collect 12 bi-weekly stream samples for detecting illicit discharge
- Annual and bi-annual inspections of ditches and channels
- Annual maintenance and exercising of levee sluice gates, and relief wells

## Performance Measures

Performance Measure	2021	2022	2023	Target
Completed Outfall Inspections	N/A	113	130	100
Controlled Burns Conducted	N/A	2	3	3
Erosion & Sediment Control Submittals Reviewed	N/A	339	422	400
Linear feet of storm sewer mains cleaned	112710	43225	71262	100000
Number of storm sewer inlets inspected and cleaning	13401	14607	8676	6572
Percentage of Levee maintenance and exercising of levee sluice gates, and relief wells completed	100	100	100	100
Stream Samples Collected	N/A	23	25	12

# STORMWATER

## Goals

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- Meet 2025 Performance Metrics
- Conduct 130 outfall inspections
- Conduct four controlled burns
- Participate in four public involvement events, such as trash cleanup, citizen's academy, etc. and coordinate one
- Apply for grants to assist with EFS projects and operations

# WASTEWATER

The Wastewater Utility collects and treats wastewater at three treatment plants to protect the health and safety of our community. Services of the Wastewater Utility are primarily managed by the Water Pollution Control division.

## Department Budget History

Fund Search ▲	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
625 - Wastewater Fund	(\$28,346,554)	(\$28,700,292)	(\$45,867,083)	(\$41,111,308)
<b>Total</b>	<b>(\$28,346,554)</b>	<b>(\$28,700,292)</b>	<b>(\$45,867,083)</b>	<b>(\$41,111,308)</b>

Main Type ▼	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Expenses	<b>(\$28,346,554)</b>	<b>(\$28,700,292)</b>	<b>(\$45,867,083)</b>	<b>(\$41,111,308)</b>
Personnel	(\$4,811,924)	(\$5,401,479)	(\$6,397,876)	(\$6,959,796)
Other Payments	(\$31,989)	(\$32,894)	(\$17,915,584)	(\$7,864,110)
Debt	(\$9,461,463)	(\$8,568,417)	(\$8,813,347)	(\$11,724,199)
Contractual	(\$12,228,480)	(\$12,595,048)	(\$10,366,591)	(\$11,673,653)
Commodities	(\$1,812,698)	(\$2,102,454)	(\$2,073,685)	(\$2,539,551)
Capital Outlay			(\$300,000)	(\$350,000)
<b>Total</b>	<b>(\$28,346,554)</b>	<b>(\$28,700,292)</b>	<b>(\$45,867,083)</b>	<b>(\$41,111,308)</b>

## Changes from 2024 Budget

→ Increase of approximately 13% in the contractual budget and 22% increase in commodities for wastewater are a result of shifting of WPC SCADA operations from the Capital Improvement Program to the operations budget and transitioning to a predictive budgeting practice for Shawnee County Wastewater Treatment based on historical costs. Shawnee County expenses are billed back to the County.

# WASTEWATER

## Accomplishments

\*(2024 metrics are through June 30, 2024)

→ **Sanitary Sewer mains cleaned**

2023 - 813,927 LF

2024\* - 560,220 LF YTD

→ **Sanitary Sewer mains replaced or rehabilitated**

12,749 LF in 2023

→ Televiser sanitary sewer mains for current condition

→ Increased biosolids processing by 21%

→ Increased land application by 33%

→ Maintained Compliance with City NPDES Permit requirements

→ Adhered to State and Federal regulations and The Clean Water Act, regarding the treatment and release of wastewater

→ Completed the change of controllers at 31 Wastewater Stations

→ Replaced controllers at the Sherwood Wastewater Plant

→ Reduced calls regarding wastewater odor by 12%

## Performance Measures

Performance Measure	2021	2022	2023	Target
Linear footage of 6" to 15" gravity mains cleaned	1.13 million	974949	813927	1.12 million
Number of bypass events over 8 hours without secondary treatment	11	4	1	0
Number of gallons of wastewater treated	6.9 billion	6.6 billion	5.2 billion	N/A
Number of occurrences resulting in Notice of Violation	10	20	4	0
Response time to customer calls	97	99.5	98	100
The number of system back-up calls	N/A	New Measure	210	N/A

# WASTEWATER

## Goals

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- Rehabilitation of the Grant Jefferson and Shunga Pump Stations & Force Mains
- Complete Plant modifications at North Topeka Wastewater Treatment Plant
- Increase biosolids processing by 7%
- Increase land application by 12%
- Maintain Compliance with City NPDES Permit requirements
- Adhere to State and Federal regulations and The Clean Water Act, regarding the treatment and release of wastewater
- Reduce calls regarding wastewater odor by 8%

# MISC. NON-DEPARTMENTAL

The Non-Departmental budget within the City's General Fund exists primarily to post expenses that are citywide in nature and not generated through the actions of a specific department

## Department Budget History

Fund Search	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▲
<input type="checkbox"/> 101 - General Fund	<b>(\$10,310,127)</b>	<b>(\$5,032,312)</b>	<b>(\$4,083,688)</b>	<b>(\$3,876,900)</b>
Prisoner Care	(\$759,963)	(\$945,977)	(\$800,000)	(\$1,100,000)
Social Service Grants	(\$596,135)	(\$546,708)	(\$752,379)	(\$752,500)
Topeka Performance Center	(\$240,284)	(\$404,340)	(\$718,561)	(\$721,860)
Non Departmental - Hotel		(\$691,691)		(\$425,000)
Misc. Non - Departmental	(\$8,016,049)	(\$2,181,061)	(\$1,337,748)	(\$402,530)
Cemeteries	(\$369,696)	(\$222,535)	(\$295,000)	(\$295,000)
Franchise Fee Program	(\$100,000)	(\$100,000)	(\$180,000)	(\$180,010)
Equipment & Improv Nondept	(\$228,000)	\$60,000		
<b>Total</b>	<b>(\$10,310,127)</b>	<b>(\$5,032,312)</b>	<b>(\$4,083,688)</b>	<b>(\$3,876,900)</b>

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget ▼
<input type="checkbox"/> Expenses	<b>(\$10,310,127)</b>	<b>(\$5,032,312)</b>	<b>(\$4,083,688)</b>	<b>(\$3,876,900)</b>
Personnel			\$1,774,863	\$3,154,048
Capital Outlay	(\$516,702)	(\$101,392)		\$0
Other Payments	(\$5,981,189)	(\$239,630)	(\$1,600,000)	(\$232,000)
Commodities	(\$2,559)	(\$313,539)		(\$425,000)
Contractual	(\$3,809,677)	(\$4,377,750)	(\$4,258,551)	(\$6,373,948)
<b>Total</b>	<b>(\$10,310,127)</b>	<b>(\$5,032,312)</b>	<b>(\$4,083,688)</b>	<b>(\$3,876,900)</b>

## Changes from 2024 Budget

→ See next page for itemized list of expenses for FY2025

# MISC. NON-DEPARTMENTAL

## Itemized List of 2025 Non-Departmental Expenses

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**Below are list of material expenditures in the Misc. Non-Departmental Expense Budget:**

- Cemeteries Contract: \$295,000
- TPAC Contract: \$150,000
- Franchise Fees Rebate with CRC: \$180,010
- Social Service Grants with United Way Administration: \$470,000
- Safe Streets: \$61,000
- Kansas Children's Services: \$60,000
- YWCA Northeast Kansas: \$20,000
- Housing & Credit Counseling: \$57,000
- SAVE: \$75,000
- SNCO Prisoner Care: \$1,100,000
- Hotel Operating Expenses: \$425,000
- Arts Connect: \$30,000
- Downtown Topeka Redevelopment Grant: \$150,000
- NOTO Funding: \$50,000
- Pocket Park Contract & Downtown Topeka Foundation Contract: \$102,350
- SAAS Fees: \$700,000
- Eviction Defense Contract: \$90,000
- Property Tax Rebate Program: \$300,000
- Utility Rebate Program: \$74,500
- WSU Fire Study: \$30,000
- Lawson License: \$460,000



# FUNDS SUMMARY



# FUNDS WITH DEPARTMENTAL BUDGET IMPACTS

Funds											
Department	General	Special Liability	Alcohol & Drug Safety	Risk Funds	Special Street Repair	Half Cent Sales Tax	Public Parking	Fleet Management	Facilities Operations	IT Fund	Utilities Funds
Mayor & City Council											
City Manager											
Legal											
Finance											
Municipal Court											
DEI											
HR											
Community Engagement											
Fire											
Police											
Public Works											
Planning & Development											
Information Technology											
Utilities											

# 101 - GENERAL FUND

The General Fund is the City of Topeka's primary operating fund. It finances a number of departments such as City Council, Mayor, Police, Fire, Executive, Public Works, and various others. The General Fund receives the largest portion of the mill levy to support various services throughout the City.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$26,413,585	\$24,102,084	\$22,726,229	\$22,726,230

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$105,633,153</b>	<b>\$115,900,043</b>	<b>\$113,631,143</b>	<b>\$128,414,487</b>
Sales Tax	\$37,623,100	\$39,013,156	\$42,082,474	\$40,569,000
Ad Valorem Tax	\$30,353,728	\$35,597,172	\$34,956,561	\$38,050,281
Franchise Fees	\$16,080,722	\$15,228,457	\$17,684,415	\$14,331,161
Miscellaneous	\$532,879	\$604,951	\$314,111	\$12,029,065
PILOTS	\$7,906,170	\$7,930,388	\$5,907,664	\$5,937,664
Fees For Service	\$4,165,986	\$4,378,649	\$4,110,068	\$4,426,854
Investments from Interest	\$823,131	\$4,761,336	\$550,000	\$4,335,000
Motor Vehicle	\$3,014,163	\$3,201,631	\$3,327,645	\$3,309,405
Licenses & Permits	\$1,627,712	\$1,719,408	\$1,236,488	\$1,781,757
Intergovernmental Revenue	\$1,377,713	\$1,447,474	\$1,441,068	\$1,492,050
Fines	\$1,287,105	\$1,233,003	\$1,235,000	\$1,275,000
Municipal Court	\$521,067	\$510,974	\$488,150	\$537,250
Special Assessments	\$319,677	\$273,444	\$297,500	\$340,000
<input type="checkbox"/> Expenses	<b>(\$105,785,099)</b>	<b>(\$116,007,107)</b>	<b>(\$115,006,998)</b>	<b>(\$128,414,487)</b>
Debt	(\$324,777)	(\$200,494)	(\$183,583)	\$0
Other Payments	(\$7,861,693)	(\$10,994,307)	(\$1,600,000)	(\$232,100)
Capital Outlay	(\$977,776)	(\$881,250)	(\$697,803)	(\$1,184,166)
Commodities	(\$3,185,188)	(\$3,611,597)	(\$3,419,832)	(\$4,222,418)
Contractual	(\$20,202,871)	(\$19,834,924)	(\$21,160,129)	(\$25,390,488)
Personnel	(\$73,232,794)	(\$80,484,535)	(\$87,945,650)	(\$97,385,315)
<b>Total</b>	<b>(\$151,946)</b>	<b>(\$107,064)</b>	<b>(\$1,375,855)</b>	<b>\$1</b>

# 101 - GENERAL FUND

## Material Changes from FY24 Budget to FY 2025 Budget

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### Material Changes in Revenues

- **Property Valuation Increases are increasing at slower rate then in previous budgets:**
  - 2022** – 3.77% over 2021
  - 2023** – 8.78% over 2022
  - 2024** – 4.59% over 2023
  
- **General Fund Sales Tax Collections through 5 months are 1.70% in FY24 vs. FY23:**
  - 2022** – \$14,725,090
  - 2023** – \$15,907,955 (Increase of 8.03% to 2022)
  - 2024** – \$16,177,677 (Increase of 1.70% to 2023)
  
- **Franchise Fees are decreasing from prior years:**
  - 2022** – \$16,080,722
  - 2023** – \$15,228,457 (5.3% Decrease from 2022)
  - 2024** – Preliminary Projections \$14,801,063

### Material Changes in Expenses

- Personnel Expense Increases = +\$9,215,725
- Hotel Operating Loss = +\$425,000
- SNCO Inmate Fees = +\$300,000
- SAAS Fees = +\$700,000
- Vehicle Requests = +\$486,363
- Engineering = +\$600,000

# 102 - UNASSIGNED RESERVE FUND

The City shall maintain a minimum unassigned fund balance equal to fifteen percent (15%) of the General Fund revenues and a target unassigned fund balance of twenty percent (20%) of the General Fund revenues. In the event that the unassigned fund balance exceeds twenty percent (20%) at the end of the fiscal year, those excess funds shall be moved to the Unassigned Reserve Fund.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
	\$15,374,383	\$15,374,383	\$0

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
☐ Revenues		\$11,706,274		\$0
Miscellaneous		\$11,706,274		\$0
☐ Expenses				(\$15,374,383)
Other Payments				(\$15,374,383)
<b>Total</b>		\$11,706,274		(\$15,374,383)

## Notable Information

→ The City plans on using unassigned reserves to supplement the general fund operating budget for FY25 ; if the City raised the mill levy by1 it would leave \$ in the unassigned reserve \$763,000 if the City kept a 20% fund balance

# 216 - DOWNTOWN BUSINESS DIST.

The Downtown Business Improvement fund accounts for assessments that are levied against tenants within the downtown business improvement district.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$115,606	\$99,364	\$80,117	\$62,026

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$183,098</b>	<b>\$178,715</b>	<b>\$204,361</b>	<b>\$184,920</b>
Special Assessments	\$196,501	\$178,666	\$204,361	\$184,920
Investments from Interest	(\$13,403)	\$0		\$0
Miscellaneous		\$48		\$0
<input type="checkbox"/> Expenses	<b>(\$215,312)</b>	<b>(\$194,957)</b>	<b>(\$223,608)</b>	<b>(\$203,011)</b>
Contractual	(\$215,312)	(\$194,957)	(\$223,608)	(\$203,011)
<b>Total</b>	<b>(\$32,214)</b>	<b>(\$16,242)</b>	<b>(\$19,247)</b>	<b>(\$18,091)</b>

## Notable Information

→ No material changes in FY25 budget

# 217 - TOPEKA TOURISM IMPROV.

The Tourism Business Improvement fund accounts for assessments that are levied against lodging facilities within the City of Topeka to provide for improvements and promotion of the downtown plaza development area.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$4,153	\$4,307	\$18,153	\$23,239

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▼				
<input type="checkbox"/> Revenues	<b>\$400,680</b>	<b>\$369,551</b>	<b>\$416,707</b>	<b>\$384,333</b>
Special Assessments	\$400,680	\$369,551	\$416,707	\$384,333
<input type="checkbox"/> Expenses	<b>(\$398,833)</b>	<b>(\$369,397)</b>	<b>(\$402,861)</b>	<b>(\$379,247)</b>
Contractual	(\$398,833)	(\$369,397)	(\$402,861)	(\$379,247)
<b>Total</b>	<b>\$1,847</b>	<b>\$154</b>	<b>\$13,846</b>	<b>\$5,086</b>

## Notable Information

→ No material changes in FY25 budget

# 218 - NOTO BUSINESS IMPROV.

The NOTO Improvement fund accounts for assessments that are levied against tenants within the NOTO business improvement district.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
	\$7,644	\$7,644	\$7,644

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues		<b>\$12,650</b>	<b>\$15,000</b>	<b>\$15,000</b>
Special Assessments		\$13,050	\$15,000	\$15,000
Investments from Interest		(\$400)		\$0
<input type="checkbox"/> Expenses		<b>(\$5,006)</b>	<b>(\$15,000)</b>	<b>(\$15,000)</b>
Contractual		(\$5,006)	(\$15,000)	(\$15,000)
<b>Total</b>		<b>\$7,644</b>	<b>\$0</b>	<b>\$0</b>

## Notable Information

→ No material changes in FY25 budget

# 227 - COURT TECHNOLOGY FUND

The Court Technology fund collects fees in addition to existing mandatory court costs for upgrading the court's electronic records and payment system.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$258,004	\$240,324	\$202,323	\$157,323

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▣ Revenues	<b>\$27,907</b>	<b>\$26,332</b>	<b>\$25,000</b>	<b>\$25,000</b>
Municipal Court	\$27,907	\$26,332	\$25,000	\$25,000
▣ Expenses	<b>(\$40,816)</b>	<b>(\$44,013)</b>	<b>(\$63,000)</b>	<b>(\$70,000)</b>
Contractual	(\$39,963)	(\$43,712)	(\$40,000)	(\$45,000)
Commodities	(\$854)		(\$3,000)	(\$5,000)
Capital Outlay		(\$302)	(\$20,000)	(\$20,000)
<b>Total</b>	<b>(\$12,910)</b>	<b>(\$17,681)</b>	<b>(\$38,000)</b>	<b>(\$45,000)</b>

## Notable Information

→ No material changes in FY25 budget

# 228 - SPECIAL ALCOHOL FUND

The Special Alcohol fund is collected and distributed in accordance with state statute K.S.A. 79-41a04. Revenues come from a 10% tax on the sale of liquor and must be spent towards drug and alcohol abuse programs.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$47,986	\$204,062	\$204,062	\$204,062

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$688,856</b>	<b>\$723,737</b>	<b>\$720,534</b>	<b>\$746,025</b>
Intergovernmental Revenue	\$688,856	\$723,737	\$720,534	\$746,025
<input type="checkbox"/> Expenses	<b>(\$659,892)</b>	<b>(\$567,661)</b>	<b>(\$720,534)</b>	<b>(\$746,025)</b>
Contractual	(\$659,892)	(\$567,661)	(\$720,534)	(\$746,025)
<b>Total</b>	<b>\$28,964</b>	<b>\$156,076</b>	<b>\$0</b>	<b>\$0</b>

## Notable Information

→ No material changes in FY25 budget

# 229 - ALCOHOL DRUG & SAFETY FUND

The Alcohol and Drug Safety fund receives revenue through Municipal Court fees and supports the probation officer who interacts directly with alcohol and drug safety cases.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$106,321	\$7,470	\$117	\$16,374

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
☐ Revenues	<b>\$27,581</b>	<b>\$16,936</b>	<b>\$25,000</b>	<b>\$22,000</b>
Municipal Court	\$27,581	\$16,936	\$25,000	\$22,000
☐ Expenses	<b>(\$103,797)</b>	<b>(\$115,786)</b>	<b>(\$32,354)</b>	<b>(\$5,743)</b>
Personnel	(\$99,198)	(\$111,532)	(\$26,010)	\$0
Contractual	(\$927)	(\$1,179)	(\$1,743)	(\$1,143)
Commodities	(\$3,672)	(\$3,075)	(\$4,600)	(\$4,600)
<b>Total</b>	<b>(\$76,216)</b>	<b>(\$98,850)</b>	<b>(\$7,354)</b>	<b>\$16,257</b>

## Notable Information

→ No material changes in FY25 budget

# 232 - LAW ENFORCEMENT FUND

This fund was established for collecting revenues through donations, federal monies, license fees, warrant fees, and Municipal Court fees. The purpose is to subsidize crime prevention activities including training, canine and officer equipment, and prevention programs.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$1,759,823	\$1,671,660	\$1,258,010	\$895,533

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<b>Revenues</b>	<b>\$532,216</b>	<b>\$375,587</b>	<b>\$163,850</b>	<b>\$189,000</b>
Municipal Court	\$21,068	\$20,439	\$25,000	\$20,000
Miscellaneous	\$388,246	\$169,598	\$15,000	\$20,000
Licenses & Permits	\$14,500	\$17,500	\$14,500	\$17,500
Investments from Interest	\$9,331	\$53,076	\$9,100	\$36,500
Intergovernmental Revenue	\$256	\$24,750	\$250	\$5,000
Fines	\$98,816	\$90,223	\$100,000	\$90,000
<b>Expenses</b>	<b>(\$444,611)</b>	<b>(\$463,750)</b>	<b>(\$577,500)</b>	<b>(\$551,477)</b>
Contractual	(\$326,466)	(\$332,853)	(\$536,911)	(\$518,588)
Commodities	(\$15,658)	(\$29,720)	(\$40,589)	(\$32,889)
Capital Outlay	(\$102,486)	(\$101,176)		\$0
<b>Total</b>	<b>\$87,605</b>	<b>(\$88,163)</b>	<b>(\$413,650)</b>	<b>(\$362,477)</b>

## Notable Information

→ No material changes in FY25 budget

# 236 - SPECIAL LIABILITY FUND

The Special Liability fund is utilized to defend the City in court for cases, such as workers compensation, and claims against the City.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$3,095,125	\$3,244,561	\$2,830,918	\$2,354,104

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$920,369</b>	<b>\$1,153,167</b>	<b>\$1,015,862</b>	<b>\$1,059,376</b>
PILOTS	\$3,797	\$4,220	\$1,000	\$3,000
Motor Vehicle	\$80,075	\$85,626	\$82,148	\$79,229
Miscellaneous	\$1,125		\$2,000	\$0
Investments from Interest	\$24,163	\$183,099		\$0
Ad Valorem Tax	\$811,209	\$880,221	\$930,714	\$977,147
<input type="checkbox"/> Expenses	<b>(\$719,792)</b>	<b>(\$1,015,460)</b>	<b>(\$1,429,504)</b>	<b>(\$1,536,190)</b>
Personnel	(\$555,822)	(\$706,582)	(\$680,635)	(\$773,301)
Contractual	(\$161,229)	(\$304,940)	(\$743,369)	(\$755,890)
Commodities	(\$2,741)	(\$3,938)	(\$5,500)	(\$7,000)
<b>Total</b>	<b>\$200,576</b>	<b>\$137,707</b>	<b>(\$413,643)</b>	<b>(\$476,814)</b>

## Notable Information

→ Moved .75 FTEs to be paid out of the special liability fund from the general fund for FY25

# 271 - TRANSIENT GUEST TAXES

These funds account for revenues received from a transient guest tax imposed on hotel and motel room rentals. This tax is utilized for the promotion of conventions and tourism in the City of Topeka.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$52,114	\$52,114	\$803,528	\$1,758,033

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$2,029,030</b>	<b>\$2,347,597</b>	<b>\$2,716,457</b>	<b>\$2,972,974</b>
Transient Guest Tax	\$2,029,030	\$2,347,597	\$2,716,457	\$2,972,974
<input type="checkbox"/> Expenses	<b>(\$2,029,030)</b>	<b>(\$2,347,597)</b>	<b>(\$1,965,043)</b>	<b>(\$2,018,469)</b>
Other Payments	(\$198,053)	(\$229,148)	(\$200,000)	(\$236,022)
Contractual	(\$1,830,977)	(\$2,118,449)	(\$1,765,043)	(\$1,782,447)
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$751,414</b>	<b>\$954,505</b>

## Notable Information

→ No material changes in FY25 budget

# 272 - TRANSIENT GUEST TAXES SS

This fund accounts for revenues received from transient guest tax and pays towards improvements at Sunflower Soccer.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$336,772	\$531,490	\$784,706	\$1,093,372

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▼				
<input type="checkbox"/> Revenues	<b>\$414,462</b>	<b>\$478,031</b>	<b>\$551,913</b>	<b>\$602,920</b>
Transient Guest Tax	\$414,462	\$478,031	\$551,913	\$602,920
<input type="checkbox"/> Expenses	<b>(\$282,044)</b>	<b>(\$283,313)</b>	<b>(\$298,697)</b>	<b>(\$294,254)</b>
Contractual	(\$282,044)	(\$283,313)	(\$298,697)	(\$294,254)
<b>Total</b>	<b>\$132,418</b>	<b>\$194,718</b>	<b>\$253,217</b>	<b>\$308,666</b>

## Notable Information

→ No material changes in FY25 budget

# 273 - TRANSIENT GUEST TAXES (NEW)

This fund accounts for revenues received from transient guest tax and distributes funds to four community entities.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$76,672	\$66,064	\$217,164	\$314,575

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▣ Revenues	<b>\$396,105</b>	<b>\$458,296</b>	<b>\$530,304</b>	<b>\$580,381</b>
Transient Guest Tax	\$396,105	\$458,296	\$530,304	\$580,381
▣ Expenses	<b>(\$331,762)</b>	<b>(\$468,903)</b>	<b>(\$379,205)</b>	<b>(\$482,970)</b>
Contractual	(\$331,762)	(\$468,903)	(\$379,205)	(\$482,970)
<b>Total</b>	<b>\$64,343</b>	<b>(\$10,608)</b>	<b>\$151,099</b>	<b>\$97,411</b>

## Notable Information

→ No material changes in FY25 budget

# 274-275 - COUNTYWIDE HALF CENT SALES TAX

This fund tracks sales tax being received from the state and transferred to the Joint Economic Development Organization (JEDO) for the funding of economic development and countywide infrastructure as authorized by voters in April of 2016.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$12,211,568	\$14,061,411	\$11,225,232	\$9,186,750

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$18,563,934</b>	<b>\$19,845,593</b>	<b>\$18,806,550</b>	<b>\$19,716,324</b>
Sales Tax	\$18,385,654	\$19,142,062	\$18,806,550	\$19,716,324
Investments from Interest	\$106,397	\$703,531		\$0
Miscellaneous	\$71,882			\$0
<input type="checkbox"/> Expenses	<b>(\$17,813,755)</b>	<b>(\$18,964,469)</b>	<b>(\$21,642,729)</b>	<b>(\$21,754,806)</b>
Capital Outlay		(\$290)		(\$1,000)
Contractual	(\$17,813,755)	(\$18,964,179)	(\$21,642,729)	(\$21,753,806)
<b>Total</b>	<b>\$750,179</b>	<b>\$881,124</b>	<b>(\$2,836,179)</b>	<b>(\$2,038,482)</b>

## Notable Information

→ Project concepts that are beginning include SW Huntoon St. - Gage Blvd. to Harrison St. and SW Topeka Blvd. -15th - 21st St.

# 276 - FEDERAL FUNDS EXCHANGE

Federal Funds Exchange is a voluntary program that allows local agencies to trade all or part of its federal fund allocation in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars. The available funds are determined annually by KDOT for use on specific types of transportation improvement projects including, but not limited to, roadway construction, reconstruction, and pavement preservation.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$2,169,764	\$3,400,417	\$1,150,417	\$535,417

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$1,633,664</b>	<b>\$1,730,053</b>	<b>\$1,500,000</b>	<b>\$1,600,000</b>
Miscellaneous	\$5,594			\$0
Investments from Interest	\$19,624	\$187,339		\$0
Intergovernmental Revenue	\$1,608,446	\$1,542,714	\$1,500,000	\$1,600,000
<input type="checkbox"/> Expenses	<b>(\$2,855,342)</b>	<b>(\$499,400)</b>	<b>(\$3,750,000)</b>	<b>(\$2,215,000)</b>
Other Payments	(\$2,857,698)	(\$499,400)	(\$3,750,000)	(\$2,215,000)
Contractual	\$2,356			\$0
<b>Total</b>	<b>(\$1,221,678)</b>	<b>\$1,230,653</b>	<b>(\$2,250,000)</b>	<b>(\$615,000)</b>

## Notable Information

→ Projects include annual bridge maintenance program, SW Fairlawn RD. - 28th St. to 23rd St., and SE Sardou Avenue over Union Pacific Railroad

→ This budget will amend the 2024 Traffic Signal Replacement Program and the 2023 Infill Sidewalk Program from GO Bonds as a funding source to FFE

# 286 - RETIREMENT RESERVE FUND

The Retirement Reserve fund provides revenues for and absorbs those accrued sick leave, vacation, and other related costs of City employees upon their retirement.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$3,661,858	\$4,404,731	\$5,520,565	\$6,323,395

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$1,834,747</b>	<b>\$2,195,924</b>	<b>\$1,920,000</b>	<b>\$1,930,000</b>
Investments from Interest	(\$802)	\$182,757	\$20,000	\$30,000
Fees For Service	\$1,835,549	\$2,013,167	\$1,900,000	\$1,900,000
<input type="checkbox"/> Expenses	<b>(\$1,582,707)</b>	<b>(\$1,492,940)</b>	<b>(\$804,166)</b>	<b>(\$1,127,170)</b>
Personnel	(\$1,534,301)	(\$1,475,346)	(\$786,996)	(\$1,110,000)
Other Payments	(\$30,689)			
Contractual	(\$17,717)	(\$17,594)	(\$17,170)	(\$17,170)
<b>Total</b>	<b>\$252,040</b>	<b>\$702,983</b>	<b>\$1,115,834</b>	<b>\$802,830</b>

## Notable Information

→ No material changes in FY25 budget

# 289 - HISTORIC ASSET FUND

Prior to 2017, this fund provided funding for acquisitions, rehabilitation, and preservation of historical landmarks or historic resources located within the City. The funding source was Transient Guest Tax (TGT). The allocation from TGT expired in 2016, so the only funds spent will be carried over from prior year grants.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$29,711	\$29,711	\$12,930	\$0

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses			<b>(\$16,781)</b>	<b>(\$12,930)</b>
Contractual			(\$16,781)	(\$12,930)
<b>Total</b>			<b>(\$16,781)</b>	<b>(\$12,930)</b>

## Notable Information

→ No material changes in FY25 budget

# 291 - SPECIAL HIGHWAY FUND

The Special Highway fund receives the motor fuel taxes from the State of Kansas and pays for street improvements and staffing to maintain those assets throughout the City.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$4,042,978	\$3,589,181	\$604,635	\$535,234

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$5,516,254</b>	<b>\$5,698,242</b>	<b>\$5,224,260</b>	<b>\$8,204,250</b>
Miscellaneous	\$44,784	\$28,769	\$30,000	\$3,025,000
Investments from Interest	\$26,354	\$170,955		\$0
Intergovernmental Revenue	\$5,445,116	\$5,498,518	\$5,194,260	\$5,179,250
<input type="checkbox"/> Expenses	<b>(\$5,182,332)</b>	<b>(\$6,165,267)</b>	<b>(\$8,208,806)</b>	<b>(\$8,273,652)</b>
Personnel	(\$2,866,615)	(\$3,257,167)	(\$4,470,695)	(\$4,553,507)
Other Payments		(\$500,000)		\$0
Contractual	(\$1,562,113)	(\$1,449,995)	(\$2,012,323)	(\$2,148,045)
Commodities	(\$753,604)	(\$758,158)	(\$1,425,788)	(\$1,572,100)
Capital Outlay		(\$199,947)	(\$300,000)	\$0
<b>Total</b>	<b>\$333,922</b>	<b>(\$467,025)</b>	<b>(\$2,984,546)</b>	<b>(\$69,402)</b>

## Notable Information

→ The Special Highway Tax is projected to be over encumbered in 2025 due to flat revenue vs. rising commodity and personnel cost. Staff is actively looking for ways to make transfers into the funds to plug the deficit and/or cut costs to lower the deficit in order to keep the fund balance positive. Three million will be transferred into the fund from the Citywide Half-Cent Sales Tax.

# 292 - CITYWIDE HALF-CENT SALES TAX

The Citywide Half-Cent Sales Tax fund provides for street improvements on existing streets, gutter, curbs, sidewalks, alleys, and street lighting . This sales tax was approved by voters. This report reflects actual dollars expended year to date and does not include encumbered funds or prior obligations.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$33,322,579	\$35,422,592	\$29,204,482	\$18,593,629

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$18,817,864</b>	<b>\$21,053,623</b>	<b>\$21,442,018</b>	<b>\$20,511,907</b>
Sales Tax	\$18,811,505	\$19,506,578	\$21,262,018	\$20,481,907
Miscellaneous	\$23,789	\$25,615	\$30,000	\$30,000
Investments from Interest	(\$17,429)	\$1,521,235	\$150,000	\$0
Fees For Service		\$195		\$0
<input type="checkbox"/> Expenses	<b>(\$8,986,051)</b>	<b>(\$17,440,245)</b>	<b>(\$27,660,128)</b>	<b>(\$31,122,760)</b>
Personnel	(\$129,391)	(\$291,039)	(\$183,254)	(\$623,049)
Other Payments				(\$3,000,000)
Contractual	(\$8,725,535)	(\$16,965,940)	(\$25,614,474)	(\$27,209,710)
Commodities	(\$150,383)	(\$183,266)	(\$1,842,400)	(\$270,000)
Capital Outlay	\$19,258		(\$20,000)	(\$20,000)
<b>Total</b>	<b>\$9,831,813</b>	<b>\$3,613,378</b>	<b>(\$6,218,110)</b>	<b>(\$10,610,853)</b>

## Notable Information

→ Projects the 50/50 Sidewalk Program, 2025 Pavement Management Program, 2025 Alley Repair Program, 2025 Curb and Gutter Program, and 2025 Street Lighting Program

# 299 - AFFORDABLE HOUSING TRUST

A special revenue fund established in 2020 to account for revenue and expenses related to affordable housing

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$750,000	\$999,800	\$999,800	\$0

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> <b>Revenues</b>	<b>\$498,192</b>	<b>\$249,800</b>		
Miscellaneous	\$498,192	\$249,800		
<input type="checkbox"/> <b>Expenses</b>				<b>(\$999,800)</b>
Other Payments				(\$999,800)
<b>Total</b>	<b>\$498,192</b>	<b>\$249,800</b>		<b>(\$999,800)</b>

## Notable Information

→ No material changes in FY25 budget

# 301 - DEBT SERVICE FUND

The Debt Service fund pays for the general obligation and revenue bonds, excluding utilities, that the City has incurred. This fund pays these expenses by levying taxes, special assessments, making transfers, and receiving STAR bond sales tax revenue.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$13,496,490	\$15,301,137	\$14,080,298	\$16,018,964

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$38,862,493</b>	<b>\$22,377,973</b>	<b>\$20,067,773</b>	<b>\$20,682,399</b>
Special Assessments	\$3,087,662	\$3,317,495	\$3,230,000	\$3,230,000
Sales Tax	\$131,960	\$217,894	\$143,964	\$144,000
PILOTS	\$77,145	\$66,432	\$75,000	\$75,000
Motor Vehicle	\$1,638,236	\$1,739,899	\$1,294,252	\$1,248,264
Miscellaneous	\$17,071,261	\$1,977,346	\$238,869	\$240,000
Investments from Interest	\$43,484	\$749,277	\$125,000	\$125,000
Intergovernmental Revenue	\$323,225	\$413,881	\$270,000	\$250,000
Ad Valorem Tax	\$16,489,520	\$13,895,751	\$14,690,687	\$15,370,135
<input type="checkbox"/> Expenses	<b>(\$37,675,794)</b>	<b>(\$20,558,785)</b>	<b>(\$21,288,611)</b>	<b>(\$18,743,733)</b>
Debt	(\$37,487,439)	(\$20,343,399)	(\$21,148,611)	(\$18,518,733)
Contractual	(\$188,355)	(\$215,385)	(\$140,000)	(\$225,000)
<b>Total</b>	<b>\$1,186,699</b>	<b>\$1,819,189</b>	<b>(\$1,220,838)</b>	<b>\$1,938,666</b>

## Notable Information

- 2025 Bonded Projects includes 2025 - 2027 Fire Fleet Replacements, 2023-2024 DREAMS Projects, 2023-2024 Neighborhood Infrastructure, and new curb and gutter on 21st to 29th on Topeka Blvd.
- Debt Service Fund Mill Levy is flat at 10.717

## 220, 402, 403, 405 - TAX INCREMENT FINANCING

The Tax Increment Financing fund was established to monitor the amount of property and sales taxes received for tax increment financing (TIF) districts created for redevelopment of blighted areas. Areas include College Hill, Wheatfield Village, Sherwood Crossing, and South Topeka.

### Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$271,506	(\$35)	(\$35)	(\$35)

### Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Expenses	<b>(\$1,252,020)</b>	<b>(\$424,117)</b>	<b>(\$850,000)</b>	<b>(\$901,000)</b>
Contractual	(\$845,124)	(\$421,917)	(\$600,000)	(\$650,000)
Other Payments	(\$406,896)	(\$2,200)	(\$250,000)	(\$251,000)
<input type="checkbox"/> Revenues	<b>\$982,584</b>	<b>\$693,518</b>	<b>\$850,000</b>	<b>\$901,000</b>
Ad Valorem Tax	\$982,584	\$693,518	\$850,000	\$901,000
<b>Total</b>	<b>(\$269,436)</b>	<b>\$269,401</b>	<b>\$0</b>	<b>\$0</b>

### Notable Information

→ No material changes in FY25 budget

## 294, 295, 296, 297, 298, 400, 401, 404, 406 - COMMUNITY IMPROVEMENT DISTRICTS

The Community Improvement District fund provides for the use of public financing for projects within a prescribed district to strengthen economic development, employment opportunities, enhance tourism, or upgrade older real estate.

### Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$43,352	\$40,025	\$50,837	\$46,327

### Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
☐ Revenues	\$1,507,664	\$1,549,377	\$1,487,182	\$1,615,321
Sales Tax	\$1,507,664	\$1,549,377	\$1,487,182	\$1,615,321
☐ Expenses	(\$1,535,344)	(\$1,696,219)	(\$1,476,370)	(\$1,619,831)
Contractual	(\$1,535,344)	(\$1,696,219)	(\$1,476,370)	(\$1,619,831)
<b>Total</b>	<b>(\$27,679)</b>	<b>(\$146,841)</b>	<b>\$10,812</b>	<b>(\$4,510)</b>

### Notable Information

→ No material changes in FY25 budget

# 407 - EASTEGATE RHID

The Kansas Reinvestment Housing Incentive District (RHID) program was designed to aid cities, counties, and developers in building houses within Kansas communities by assisting in the financing of eligible improvements through the incremental increase in real property taxes created by a housing development. The first approved RHID is Eastgate Subdivision No. 4.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
			\$0

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▼				
☐ Revenues				<b>\$50,000</b>
Ad Valorem Tax				\$50,000
☐ Expenses				<b>(\$50,000)</b>
Other Payments				(\$50,000)
<b>Total</b>				<b>\$0</b>

## Notable Information

→ No material changes in FY25 budget

# 500 - TOPEKA METRO

The Topeka Metropolitan Transit Authority provides bus service within the Topeka city limits and works with other organizations to meet mass transit needs.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
	\$0	\$0	\$0

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$5,536,121</b>	<b>\$5,983,690</b>	<b>\$6,289,534</b>	<b>\$6,658,710</b>
PILOTS	\$23,450	\$26,027		\$25,000
Motor Vehicle	\$500,792	\$528,836	\$507,066	\$514,923
Ad Valorem Tax	\$5,011,878	\$5,428,826	\$5,782,468	\$6,118,787
<input type="checkbox"/> Expenses	<b>(\$5,536,121)</b>	<b>(\$5,983,690)</b>	<b>(\$6,289,534)</b>	<b>(\$6,658,710)</b>
Contractual	(\$5,536,121)	(\$5,983,690)	(\$6,289,534)	(\$6,658,710)
<b>Total</b>	<b>(\$0)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Notable Information

→ Topeka Metro is keeping their mill levy flat @ 4.20 compared to last year

# 601- PUBLIC PARKING FUND

The Parking fund supports all on-street and garage parking that the City owns. Revenues are utilized to support ongoing maintenance and debt service payments of the parking garages.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$4,656,989	\$4,798,094	\$4,050,997	\$3,048,233

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$2,519,410</b>	<b>\$3,190,720</b>	<b>\$2,332,320</b>	<b>\$2,461,570</b>
Fees For Service	\$2,293,264	\$2,183,530	\$2,075,320	\$2,222,570
Miscellaneous	\$27,934	\$730,043	\$22,000	\$14,000
Fines	\$189,460	\$194,980	\$235,000	\$225,000
Investments from Interest	\$8,752	\$82,167		\$0
<input type="checkbox"/> Expenses	<b>(\$3,376,896)</b>	<b>(\$2,841,272)</b>	<b>(\$3,079,418)</b>	<b>(\$3,464,334)</b>
Commodities	(\$25,076)	(\$24,303)	(\$173,028)	(\$39,230)
Capital Outlay	(\$164,090)	(\$98,144)	(\$67,796)	(\$84,300)
Debt	(\$634,763)	(\$124,749)	(\$815,622)	(\$620,603)
Other Payments	(\$728,282)	(\$659,196)		(\$659,196)
Personnel	(\$612,730)	(\$708,642)	(\$691,715)	(\$659,461)
Contractual	(\$1,211,955)	(\$1,226,237)	(\$1,331,257)	(\$1,401,545)
<b>Total</b>	<b>(\$857,487)</b>	<b>\$349,448</b>	<b>(\$747,098)</b>	<b>(\$1,002,764)</b>

## Notable Information

→ No material changes in FY25 budget

# 613 - INFORMATION TECHNOLOGY

The information technology needs of the City are funded through this internal service fund.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$555,103	(\$439,115)	(\$404,764)	(\$99,954)

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$4,114,169</b>	<b>\$4,134,913</b>	<b>\$6,005,081</b>	<b>\$7,039,278</b>
Fees For Service	\$4,055,840	\$4,099,793	\$5,970,730	\$7,004,927
Franchise Fees	\$34,352	\$34,552	\$34,351	\$34,351
Miscellaneous	\$23,977	\$568		\$0
<input type="checkbox"/> Expenses	<b>(\$4,639,802)</b>	<b>(\$5,295,593)</b>	<b>(\$5,970,730)</b>	<b>(\$6,734,468)</b>
Debt	(\$413,089)			
Other Payments	(\$3,421)	(\$3,421)		\$0
Commodities	(\$48,090)	(\$22,641)	(\$77,638)	(\$76,060)
Capital Outlay		(\$46,902)		\$0
Personnel	(\$1,888,085)	(\$2,075,887)	(\$2,822,067)	(\$3,158,763)
Contractual	(\$2,287,118)	(\$3,146,743)	(\$3,071,025)	(\$3,499,645)
<b>Total</b>	<b>(\$525,634)</b>	<b>(\$1,160,680)</b>	<b>\$34,352</b>	<b>\$304,810</b>

## Notable Information

→ Fund balance is negative because of unfunded pension liability

# 614 - FLEET FUND

The Fleet fund pays for maintenance and repair of all City vehicles.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
(\$795,776)	(\$317,521)	(\$1,434,615)	(\$2,071,172)

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$2,034,721</b>	<b>\$2,554,209</b>	<b>\$2,817,180</b>	<b>\$3,039,000</b>
Miscellaneous	\$997	\$216,163		\$0
Fees For Service	\$2,033,724	\$2,338,046	\$2,817,180	\$3,039,000
<input type="checkbox"/> Expenses	<b>(\$2,212,264)</b>	<b>(\$2,431,674)</b>	<b>(\$3,934,274)</b>	<b>(\$3,675,557)</b>
Personnel	(\$1,718,691)	(\$1,757,573)	(\$1,906,960)	(\$2,013,155)
Other Payments	(\$56,068)	(\$228,015)		\$0
Debt	(\$1,641)			
Contractual	(\$349,688)	(\$463,747)	(\$838,570)	(\$670,059)
Commodities	(\$61,455)	(\$57,012)	(\$88,744)	(\$92,344)
Capital Outlay	(\$24,722)	\$74,672	(\$1,100,000)	(\$900,000)
<b>Total</b>	<b>(\$177,543)</b>	<b>\$122,536</b>	<b>(\$1,117,094)</b>	<b>(\$636,557)</b>

## Notable Information

→ Fund balance is negative because of unfunded pension liability

# 615 - FACILITIES FUND

The Facilities fund pays for all maintenance of facilities throughout the City of Topeka.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
(\$1,999,663)	(\$3,231,892)	(\$3,135,508)	(\$3,134,675)

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$3,645,790</b>	<b>\$1,440,838</b>	<b>\$3,753,679</b>	<b>\$3,520,000</b>
Miscellaneous	\$2,304,219	\$11,821		\$0
Fees For Service	\$1,341,571	\$1,429,017	\$3,753,679	\$3,520,000
<input type="checkbox"/> Expenses	<b>(\$4,458,695)</b>	<b>(\$3,052,773)</b>	<b>(\$3,657,295)</b>	<b>(\$3,519,166)</b>
Personnel	(\$661,248)	(\$1,099,299)	(\$1,064,199)	(\$1,093,754)
Other Payments	\$54,765	\$42,300		\$39,500
Contractual	(\$3,750,096)	(\$1,897,459)	(\$2,433,096)	(\$2,385,413)
Commodities	(\$169,106)	(\$138,740)	(\$160,000)	(\$79,500)
Capital Outlay	\$66,990	\$40,425		
<b>Total</b>	<b>(\$812,904)</b>	<b>(\$1,611,935)</b>	<b>\$96,384</b>	<b>\$834</b>

## Notable Information

→ Fund balance is negative because of unfunded pension liability

# 621 - WATER FUND

The Water fund supports all water operations throughout the City and surrounding areas. Fees for Service are the primary revenue for the Water fund, and expenses are utilized for operations, capital improvements, and debt service.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$63,161,410	\$70,630,964	\$69,588,804	\$68,205,526

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$45,790,293</b>	<b>\$55,462,390</b>	<b>\$51,551,802</b>	<b>\$55,145,100</b>
Miscellaneous	\$2,039,213	\$6,959,914	\$1,251,500	\$1,242,600
Investments from Interest	\$214,424	\$1,877,735	\$625,500	\$625,500
Fees For Service	\$43,536,656	\$46,624,741	\$49,674,802	\$53,277,000
<input type="checkbox"/> Expenses	<b>(\$45,240,555)</b>	<b>(\$43,987,480)</b>	<b>(\$52,593,962)</b>	<b>(\$56,528,377)</b>
Personnel	(\$7,860,171)	(\$8,444,351)	(\$10,892,607)	(\$11,604,432)
Other Payments	(\$12,513,923)	(\$11,183,181)	(\$9,124,425)	(\$8,007,100)
Debt	(\$5,740,376)	(\$3,500,979)	(\$10,704,226)	(\$13,592,479)
Contractual	(\$11,871,956)	(\$11,633,998)	(\$12,284,960)	(\$12,816,876)
Commodities	(\$7,630,379)	(\$9,553,671)	(\$9,187,745)	(\$10,107,490)
Capital Outlay	\$376,249	\$328,700	(\$400,000)	(\$400,000)
<b>Total</b>	<b>\$549,737</b>	<b>\$11,474,910</b>	<b>(\$1,042,160)</b>	<b>(\$1,383,277)</b>

## Notable Information

→ Commodities budget increase of approximately 10% is driven by an Increase in water quality testing and inflation in prices of lab supplies and materials used for water treatment and distribution.

→ Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers

# 623 - STORM WATER FUND

The Stormwater fund supports all stormwater operations throughout the City. Fees for service serve as the primary revenue for the stormwater fund, and expenses are utilized for operations and capital improvement projects.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$28,586,871	\$29,292,591	\$26,442,319	\$25,022,100

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$10,207,830</b>	<b>\$11,950,661</b>	<b>\$10,857,900</b>	<b>\$11,307,000</b>
Miscellaneous	\$522,389	\$556,508		\$0
Investments from Interest	\$40,151	\$879,210	\$115,900	\$116,000
Fees For Service	\$9,645,289	\$10,514,944	\$10,742,000	\$11,191,000
<input type="checkbox"/> Expenses	<b>(\$10,587,615)</b>	<b>(\$10,884,107)</b>	<b>(\$13,708,172)</b>	<b>(\$12,727,220)</b>
Personnel	(\$1,487,041)	(\$1,765,598)	(\$2,347,212)	(\$2,453,053)
Other Payments	(\$5,293,869)	(\$5,515,186)	(\$6,275,991)	(\$4,786,200)
Debt	(\$1,039,191)	(\$637,698)	(\$2,188,192)	(\$2,567,519)
Contractual	(\$2,646,036)	(\$3,132,486)	(\$2,323,441)	(\$2,361,487)
Commodities	(\$254,352)	(\$313,485)	(\$223,335)	(\$258,961)
Capital Outlay	\$132,874	\$480,346	(\$350,000)	(\$300,000)
<b>Total</b>	<b>(\$379,785)</b>	<b>\$1,066,554</b>	<b>(\$2,850,272)</b>	<b>(\$1,420,220)</b>

## Notable Information

→ Debt and Other Payments budgets are linked to existing debt, anticipated debt service revenue bonds, and capital cash transfers (\$379,000)

→ Commodities increase (\$35,000)

# 625 - WASTEWATER FUND

The Wastewater fund supports all wastewater operations throughout the City. Fees for services serve as the primary revenue for the wastewater fund, and expenses are utilized for operations, capital improvement projects, and debt service.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$102,828,457	\$99,759,346	\$92,986,813	\$93,583,730

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$35,341,768</b>	<b>\$39,931,521</b>	<b>\$39,094,550</b>	<b>\$41,708,225</b>
Special Assessments	\$85,074	\$72,884	\$40,000	\$65,000
Miscellaneous	\$1,525,040	\$1,900,403	\$4,000	\$4,300
Licenses & Permits	\$71,096	\$70,232	\$126,000	\$70,000
Investments from Interest	(\$23,724)	\$2,817,730	\$541,000	\$540,000
Fees For Service	\$33,684,282	\$35,070,272	\$38,383,550	\$41,028,925
<input type="checkbox"/> Expenses	<b>(\$40,010,261)</b>	<b>(\$41,847,637)</b>	<b>(\$45,867,083)</b>	<b>(\$41,111,308)</b>
Personnel	(\$4,811,924)	(\$5,401,479)	(\$6,397,876)	(\$6,959,796)
Other Payments	(\$18,190,617)	(\$18,443,849)	(\$17,915,584)	(\$7,864,110)
Debt	(\$3,701,125)	(\$3,349,036)	(\$8,813,347)	(\$11,724,199)
Contractual	(\$12,228,480)	(\$12,595,048)	(\$10,366,591)	(\$11,673,653)
Commodities	(\$1,786,556)	(\$2,137,414)	(\$2,073,685)	(\$2,539,551)
Capital Outlay	\$708,440	\$79,189	(\$300,000)	(\$350,000)
<b>Total</b>	<b>(\$4,668,493)</b>	<b>(\$1,916,115)</b>	<b>(\$6,772,533)</b>	<b>\$596,917</b>

## Notable Information

→ Increase of approximately 13% in the contractual budget and 22% increase in commodities for wastewater are a result of shifting of WPC SCADA operations from the Capital Improvement Program to the operations budget and transitioning to a predictive budgeting practice for Shawnee County Wastewater Treatment based on historical costs. Shawnee County expenses are billed back to the County.

# 640 - PROPERTY & VEHICLE INSURANCE

This fund is one of the City's Risk Funds. The Property and Vehicle Insurance fund is responsible for maintaining the City's property and vehicle insurance. In 2024, the City made the decision to become self-insured for vehicle insurance.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$1,061,272	\$1,127,111	\$1,044,913	\$1,105,072

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$2,524,821</b>	<b>\$2,790,030</b>	<b>\$2,727,445</b>	<b>\$3,000,000</b>
Miscellaneous	\$78,644	\$55,801		\$0
Investments from Interest	\$5,255	\$48,528		\$0
Fees For Service	\$2,440,921	\$2,685,700	\$2,727,445	\$3,000,000
<input type="checkbox"/> Expenses	<b>(\$2,153,715)</b>	<b>(\$2,724,191)</b>	<b>(\$2,809,643)</b>	<b>(\$2,939,841)</b>
Contractual	(\$2,152,675)	(\$2,722,617)	(\$2,809,643)	(\$2,939,841)
Commodities	(\$1,040)	(\$1,574)		\$0
<b>Total</b>	<b>\$371,106</b>	<b>\$65,839</b>	<b>(\$82,198)</b>	<b>\$60,159</b>

## Notable Information

→ No material changes in FY25 budget

# 641 - WORKERS COMP FUND

This fund is one of the City's Risk Funds. The Workers Compensation Self Insurance fund is responsible for the workers compensation claims that the City receives.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$8,375,965	\$10,136,724	\$10,984,159	\$11,696,165

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$2,574,965</b>	<b>\$3,628,868</b>	<b>\$3,196,224</b>	<b>\$3,146,224</b>
Miscellaneous	\$58,523	\$103,191	\$50,000	\$0
Investments from Interest	\$78,123	\$648,211		\$0
Fees For Service	\$2,438,319	\$2,877,465	\$3,146,224	\$3,146,224
<input type="checkbox"/> Expenses	<b>(\$1,356,252)</b>	<b>(\$2,106,426)</b>	<b>(\$2,348,789)</b>	<b>(\$2,434,218)</b>
Personnel	(\$166,069)	(\$380,569)	(\$205,261)	(\$289,194)
Contractual	(\$1,188,353)	(\$1,723,317)	(\$2,143,528)	(\$2,140,023)
Commodities	(\$1,830)	(\$2,539)		(\$5,000)
<b>Total</b>	<b>\$1,218,713</b>	<b>\$1,522,442</b>	<b>\$847,435</b>	<b>\$712,006</b>

## Notable Information

→ No material changes in FY25 budget

# 642 - HEALTH INSURANCE FUND

This is one of the City's Risk Funds. The Group Health Insurance fund is responsible for the health insurance provided by the City of Topeka.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$5,451,331	\$3,995,373	\$3,995,373	\$2,483,914

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input checked="" type="checkbox"/> Revenues	<b>\$12,085,703</b>	<b>\$13,363,020</b>	<b>\$16,174,143</b>	<b>\$16,146,000</b>
Miscellaneous	\$5,583	\$9,315	\$5,000	\$5,000
Investments from Interest	\$52,312	\$283,925	\$30,000	\$0
Fees For Service	\$12,027,807	\$13,069,780	\$16,139,143	\$16,141,000
<input checked="" type="checkbox"/> Expenses	<b>(\$13,667,625)</b>	<b>(\$15,070,873)</b>	<b>(\$16,174,142)</b>	<b>(\$17,657,460)</b>
Personnel	(\$167,754)	(\$293,695)	(\$183,472)	(\$250,789)
Contractual	(\$13,496,582)	(\$14,773,488)	(\$15,988,171)	(\$17,402,771)
Commodities	(\$3,289)	(\$3,689)	(\$2,500)	(\$3,900)
<b>Total</b>	<b>(\$1,581,922)</b>	<b>(\$1,707,853)</b>	<b>\$1</b>	<b>(\$1,511,460)</b>

## Notable Information

→ Health Insurance increases expected to be 14.5% for this budget cycle

# 643 - RISK MANAGEMENT FUND

This is one of the City's Risk Funds. The Risk Management Reserve is available to assist the City with risk-associated expenses.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$398,881	\$421,764	\$429,764	\$427,764

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
▼				
<input type="checkbox"/> Revenues	<b>\$3,059</b>	<b>\$22,883</b>	<b>\$10,000</b>	<b>\$0</b>
Investments from Interest	\$3,059	\$22,883	\$10,000	\$0
<input type="checkbox"/> Expenses			<b>(\$2,000)</b>	<b>(\$2,000)</b>
Contractual			(\$2,000)	(\$2,000)
<b>Total</b>	<b>\$3,059</b>	<b>\$22,883</b>	<b>\$8,000</b>	<b>(\$2,000)</b>

## Notable Information

→ No material changes in FY25 budget

# 644 - UNEMPLOYMENT COMP. FUND

This is one of the City's Risk Funds. The Unemployment Compensation fund pays for the City's unemployment expenses.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$349,505	\$428,721	\$428,844	\$428,967

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
☐ Revenues	<b>\$74,731</b>	<b>\$101,209</b>	<b>\$81,565</b>	<b>\$81,565</b>
Investments from Interest	\$2,698	\$23,380		\$0
Fees For Service	\$72,033	\$77,829	\$81,565	\$81,565
☐ Expenses	<b>(\$27,888)</b>	<b>(\$21,993)</b>	<b>(\$81,442)</b>	<b>(\$81,442)</b>
Contractual	(\$27,888)	(\$21,993)	(\$81,442)	(\$81,442)
<b>Total</b>	<b>\$46,843</b>	<b>\$79,216</b>	<b>\$123</b>	<b>\$123</b>

## Notable Information

→ No material changes in FY25 budget

# 720 - PUBLIC HEALTH FUND

This is a special revenue fund established in 2020 to account for revenue and expenses related to the COVID-19 public health emergency along with other federal stimulus support.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$775,307	\$1,066,415	\$1,066,415	\$1,066,415

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$8,364,669</b>	<b>\$16,745,806</b>		
Investments from Interest	\$404,079	\$1,557,479		
Intergovernmental Revenue	\$7,960,590	\$15,188,327		
<input type="checkbox"/> Expenses	<b>(\$10,387,187)</b>	<b>(\$15,735,578)</b>		
Personnel	(\$1,858,724)	(\$134,580)		
Contractual	(\$5,326,054)	(\$14,830,210)		
Commodities	(\$12,030)	(\$22,514)		
Capital Outlay	(\$3,190,378)	(\$748,275)		
<b>Total</b>	<b>(\$2,022,518)</b>	<b>\$1,010,228</b>		

## Notable Information

→ No material changes in FY25 budget

# 730 - OPIOID SETTLEMENT FUND

A special fund whose revenue can be used on activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction or to reimburse localities for previous expenses in these areas. Revenue in this fund comes from the State of Kansas who reached multiple settlements with pharmaceutical companies and related organizations. The authority to spend these funds comes from Kansas House Bill 2079.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$28,585	\$391,131	\$362,546	(\$0)

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
<input type="checkbox"/> Revenues	<b>\$30,785</b>	<b>\$369,146</b>		<b>\$0</b>
Investments from Interest	\$175	\$21,483		\$0
Intergovernmental Revenue	\$30,610	\$347,664		\$0
<input type="checkbox"/> Expenses	<b>(\$2,200)</b>	<b>(\$6,600)</b>	<b>(\$28,585)</b>	<b>(\$362,546)</b>
Contractual	(\$2,200)	(\$6,600)	(\$28,585)	(\$362,546)
<b>Total</b>	<b>\$28,585</b>	<b>\$362,546</b>	<b>(\$28,585)</b>	<b>(\$362,546)</b>

## Notable Information

→ No material changes in FY25 budget

# 740 - ECONOMIC DEVELOPMENT FUND

The purpose of the fund shall be to promote, stimulate, and improve the economic welfare of the City and assist in the creation, retention, expansion, and development of economic opportunities for its citizens.

## Fund Balance

2022 Balance	2023 Balance	2024 Projected Balance	2025 Projected Balance
\$1,038,355	\$1,038,355	\$538,355	(\$0)

## Fund Revenues and Expenses

Main Type	2022 Actuals	2023 Actuals	2024 Budget	2025 Budget
☐ Revenues	<b>\$1,038,355</b>	<b>\$500,000</b>		<b>\$0</b>
Miscellaneous	\$1,038,355	\$500,000		\$0
☐ Expenses		<b>(\$500,000)</b>	<b>(\$500,000)</b>	<b>(\$538,355)</b>
Other Payments		(\$500,000)		\$0
Contractual			(\$500,000)	(\$538,355)
<b>Total</b>	<b>\$1,038,355</b>	<b>\$0</b>	<b>(\$500,000)</b>	<b>(\$538,355)</b>

## Notable Information

→ No material changes in FY25 budget



# APPENDIX



# CITY OF TOPEKA PROFILE

## History

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Topeka lies on a rich, sandy river bottomland where a number of different Native American peoples lived for many years near the fords along the Kansas (Kaw) River. The granddaughters of the influential Kaw leader, White Plume, became wealthy landowners in the area that would become Topeka. Three of the women married a set of French- Canadian brothers called the Pappans. The Pappan brothers established the famous "Pappan Ferry" in 1842 where the Oregon Trail crossed the river. Julie Pappan passed her land down to her grandchildren, one of whom was Charles Curtis, the only Vice-President of the United States of acknowledged Native American descent.

On December 5, 1854, nine men met on the banks of the Kansas River at what is now Kansas Avenue and Crane Street. The men drew up an agreement, which later became the basis for the Topeka Association, the organization mainly responsible for the establishment and early growth of Topeka. Cyrus K. Holliday (one of the nine men) became the City's chief promoter, especially to make Kansas a free state. Topeka was born!

The Kansas territory was admitted into the Union in 1861 as the 34th state. A contest to decide the location of the state capital centered on two towns; Lawrence and Topeka. The residents of both cities voted in November and Topeka won. Topeka was chosen as the capital with Dr. Charles Robinson as the first Governor. Cyrus K. Holliday donated land for the construction of a state capitol building. The City of Topeka was incorporated February 14, 1857, with Cyrus K. Holliday as Mayor. In 1869, the railway started moving westward from Topeka. General offices and machine shops of the Atchison, Topeka, and Santa Fe Railroad system were established in Topeka in 1878.

During the early part of the 20th Century, the region's economic structure began to settle into the typical pattern of a medium-sized Midwestern area, dependent primarily on its agriculture base with plenty of room to develop. With the onset of World War II and later post war years, the railroad, meat packing, and agricultural base shifted to manufacturing and government/military services. Forbes Air Force Base was established during the war, and the Goodyear Tire & Rubber Company opened a plant in 1944.

Recent significant events include the location of a Target Distribution Center, MARS expansion, Reser's Expansion, FHL Bank Expansion, a Home Depot distribution Center, and Bimbo Bakeries USA in the Central Crossing Commerce Park. In 2019, Walmart chose Topeka to build its largest distribution center in Kansas. The Evergy Plaza in the heart of downtown Topeka was established in spring of 2020. Various other organizations are expanding to the City of Topeka which assists in uplifting the economy.

# CITY OF TOPEKA PROFILE

## Stats

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The City of Topeka serves as both the state capital of Kansas and the seat of Shawnee County. With an estimated population of 125,475 for 2023, Topeka is the fifth largest city in Kansas behind Wichita, Overland Park, Kansas City, and Olathe. The land within the city covers about 61.4 square miles. Topeka is home to the State Capitol complex, which includes the Capitol Building, the Kansas Judicial Center, and several state office buildings. Additionally, the State of Kansas is the largest employer in the City of Topeka.

Other notable employers include Evergy, Stormont-Vail HealthCare, Topeka Unified School District #501, BlueCross BlueShield of Kansas, and Burlington Northern Santa Fe Railway. There are a diversity of gender, age, and racial backgrounds in Topeka. The median household income in 2022 dollars was \$55,870.

## Form of Government

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Topeka has operated under four forms of government since its founding. From 1857 until 1910, the City was governed by the Mayor-Council plan. The commission form of government was adopted in 1910, and it remained in effect until 1985 when the Strong Mayor-City Council-Chief Administrative Officer plan was adopted. On November 2, 2004, the voters adopted a Council-City Manager form of government.

The Mayor is elected to a four-year term and their duties include being the City's ceremonial head, presiding over council meetings, providing community leadership, promoting economic development, representing the City in intergovernmental relations, recommending council legislation, and encouraging programs to develop the city.

# CITY OF TOPEKA PROFILE

## Community

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Topeka and Shawnee County are served by five public school districts and a number of private schools. Topeka also enjoys the presence of Washburn University, which provides broadly based liberal arts and professional education through more than 200 certificate, associate, baccalaureate, master's, and juris doctor programs. Local theatrical production facilities include the Topeka Performing Arts Center, the Topeka Civic Theater, and Washburn University's White Concert Hall. Within 65 miles of Topeka, seven major lakes and reservoirs provide all forms of water recreation.

There are numerous community centers, offering competitive sports and opportunities for involvement, hundreds of classes in arts and crafts, as well as five public swimming pools, three public golf courses, public tennis courts, baseball diamonds, soccer fields, and various other amenities and natural areas. The City also has approximately 200 religious facilities for all faiths and denominations.

Recently, the development of an arts district in the historic North Topeka Crossing area, known as NOTO Arts District, stimulates cultural and economic life in the area and has promoted development of local arts studios.

Topeka also lies at a crossroads for major highways. As a result, trucking employs more than 5,500 Topeka workers and provides service to Topeka's agricultural, construction, and manufacturing industries.

Topeka's regional medical community is nationally recognized for offering high-quality healthcare for patients. A multitude of community outreach services are provided by two general hospitals and five specialized hospitals that together employ approximately 8,000 people.

# DEBT SCHEDULES

## General Obligation Debt Service Schedule: Debt Service Fund 301

Year	Principal	Interest	Total	Balance
2025	\$15,871,675.30	\$2,969,541.93	\$18,841,217.23	\$97,634,700.54
2026	\$14,284,934.85	\$2,436,696.50	\$16,721,631.35	\$83,349,765.69
2027	\$13,159,633.47	\$1,955,748.37	\$15,115,381.84	\$70,190,132.22
2028	\$12,288,834.15	\$1,592,002.15	\$13,880,836.30	\$57,901,298.07
2029	\$11,601,939.04	\$1,341,555.07	\$12,943,494.11	\$46,299,359.03
2030	\$11,485,960.98	\$1,116,856.92	\$12,602,817.90	\$34,813,398.05
2031	\$9,088,281.44	\$893,368.10	\$9,981,649.54	\$25,725,116.61
2032	\$6,854,094.08	\$690,547.82	\$7,544,641.90	\$18,871,022.53
2033	\$5,985,422.82	\$523,470.50	\$6,508,893.32	\$12,885,599.71
2034	\$4,426,751.55	\$373,880.76	\$4,800,632.31	\$8,458,848.16
2035	\$2,913,847.86	\$266,020.74	\$3,179,868.60	\$5,545,000.30
2036	\$2,450,000.00	\$186,600.00	\$2,636,600.00	\$3,095,000.00
2037	\$1,765,000.00	\$113,450.00	\$1,878,450.00	\$1,330,000.00
2038	\$395,000.00	\$53,200.00	\$448,200.00	\$935,000.00
2039	\$175,000.00	\$37,400.00	\$212,400.00	\$760,000.00
2040	\$180,000.00	\$30,400.00	\$210,400.00	\$580,000.00
2041	\$185,000.00	\$23,200.00	\$208,200.00	\$395,000.00
2042	\$195,000.00	\$15,800.00	\$210,800.00	\$200,000.00
2043	\$200,000.00	\$8,000.00	\$208,000.00	\$0.00

# DEBT SCHEDULES

## Utilities Debt Service Schedule: Water Fund 621

Year	Principal	Interest	Total	Balance
2025	\$253,317.46	\$41,203.86	\$294,521.32	\$2,263,948.66
2026	\$259,436.24	\$36,137.52	\$295,573.76	\$2,004,512.42
2027	\$269,226.29	\$28,354.44	\$297,580.73	\$1,735,286.13
2028	\$276,568.83	\$22,969.88	\$299,538.71	\$1,458,717.30
2029	\$280,240.09	\$20,204.20	\$300,444.29	\$1,178,477.21
2030	\$282,687.60	\$17,401.82	\$300,089.42	\$895,789.61
2031	\$190,905.92	\$14,574.94	\$205,480.86	\$704,883.69
2032	\$190,905.92	\$12,427.24	\$203,333.16	\$513,977.77
2033	\$194,577.18	\$10,279.54	\$204,856.72	\$319,400.59
2034	\$198,248.45	\$6,388.02	\$204,636.47	\$121,152.14
2035	\$121,152.14	\$2,423.04	\$123,575.18	(\$0.00)

## Parking Debt Service Schedule: Parking Fund 601

Year	Principal	Interest	Total	Balance
2025	\$490,007.24	\$130,595.57	\$620,602.81	\$4,431,351.10
2026	\$505,628.91	\$116,832.34	\$622,461.25	\$3,925,722.19
2027	\$446,140.24	\$102,651.05	\$548,791.29	\$3,479,581.95
2028	\$429,597.02	\$91,689.33	\$521,286.35	\$3,049,984.93
2029	\$437,820.87	\$82,984.59	\$520,805.46	\$2,612,164.06
2030	\$451,351.42	\$73,685.11	\$525,036.53	\$2,160,812.64
2031	\$435,812.64	\$62,807.06	\$498,619.70	\$1,725,000.00
2032	\$320,000.00	\$51,750.00	\$371,750.00	\$1,405,000.00
2033	\$340,000.00	\$42,150.00	\$382,150.00	\$1,065,000.00
2034	\$345,000.00	\$31,950.00	\$376,950.00	\$720,000.00
2035	\$355,000.00	\$21,600.00	\$376,600.00	\$365,000.00
2036	\$365,000.00	\$10,950.00	\$376,600.00	(\$0.00)

# DEBT SCHEDULES

## Combined Utilities Debt: Revenue Bond Amortization Schedule

Date	Principal	Interest	Total	Debt Service Remaining at 12/31
				355,200,000.00
2/1/2025	\$0.00	\$5,828,557.53	\$5,828,557.53	
8/1/2025	\$15,390,000.00	\$5,811,664.86	\$21,201,664.86	343,205,000.00
2/1/2026	\$0.00	\$5,540,182.53	\$5,540,182.53	
8/1/2026	\$15,895,000.00	\$5,540,182.53	\$21,435,182.53	327,310,000.00
2/1/2027	\$0.00	\$5,251,207.53	\$5,251,207.53	
8/1/2027	\$15,970,000.00	\$5,232,557.57	\$21,202,557.57	311,340,000.00
2/1/2028	\$0.00	\$4,974,251.28	\$4,974,251.28	
8/1/2028	\$16,010,000.00	\$4,974,251.28	\$20,984,251.28	295,330,000.00
2/1/2029	\$0.00	\$4,699,670.03	\$4,699,670.03	
8/1/2029	\$13,730,000.00	\$4,679,092.72	\$18,409,092.72	281,600,000.00
2/1/2030	\$0.00	\$4,470,938.79	\$4,470,938.79	
8/1/2030	\$13,765,000.00	\$4,470,938.79	\$18,235,938.79	267,835,000.00
2/1/2031	\$0.00	\$4,285,388.78	\$4,285,388.78	
8/1/2031	\$14,045,000.00	\$4,262,714.06	\$18,307,714.06	253,790,000.00
2/1/2032	\$0.00	\$4,047,895.03	\$4,047,895.03	
8/1/2032	\$13,400,000.00	\$4,047,895.03	\$17,447,895.03	240,390,000.00
2/1/2033	\$0.00	\$3,827,804.40	\$3,827,804.40	
8/1/2033	\$13,820,000.00	\$3,802,805.52	\$17,622,805.52	226,570,000.00
2/1/2034	\$0.00	\$3,634,028.78	\$3,634,028.78	
8/1/2034	\$12,300,000.00	\$3,634,028.78	\$15,934,028.78	214,270,000.00
2/1/2035	\$0.00	\$3,444,223.14	\$3,444,223.14	
8/1/2035	\$12,335,000.00	\$3,416,673.35	\$15,751,673.35	201,935,000.00
2/1/2036	\$0.00	\$3,254,439.39	\$3,254,439.39	
8/1/2036	\$11,890,000.00	\$3,254,439.39	\$15,144,439.39	190,045,000.00
2/1/2037	\$0.00	\$3,072,230.64	\$3,072,230.64	
8/1/2037	\$12,055,000.00	\$3,047,923.34	\$15,102,923.34	177,990,000.00
2/1/2038	\$0.00	\$2,897,826.26	\$2,897,826.26	
8/1/2038	\$12,155,000.00	\$2,897,826.26	\$15,052,826.26	165,835,000.00

# DEBT SCHEDULES

## Combined Utilities Debt: Revenue Bond Amortization Schedule Continued

Date	Principal	Interest	Total	Debt Service Remaining at 12/31
2/1/2039	\$0.00	\$2,719,682.52	\$2,719,682.52	
8/1/2039	\$12,415,000.00	\$2,693,379.84	\$15,108,379.84	153,420,000.00
2/1/2040	\$0.00	\$2,536,873.75	\$2,536,873.75	
8/1/2040	\$12,795,000.00	\$2,536,873.75	\$15,331,873.75	140,625,000.00
2/1/2041	\$0.00	\$2,345,700.63	\$2,345,700.63	
8/1/2041	\$12,385,000.00	\$2,317,266.53	\$14,702,266.53	128,240,000.00
2/1/2042	\$0.00	\$2,150,356.88	\$2,150,356.88	
8/1/2042	\$12,730,000.00	\$2,150,356.88	\$14,880,356.88	115,510,000.00
2/1/2043	\$0.00	\$1,946,733.76	\$1,946,733.76	
8/1/2043	\$13,130,000.00	\$1,915,986.83	\$15,045,986.83	102,380,000.00
2/1/2044	\$0.00	\$1,736,246.89	\$1,736,246.89	
8/1/2044	\$13,560,000.00	\$1,736,246.89	\$15,296,246.89	88,820,000.00
2/1/2045	\$0.00	\$1,517,841.88	\$1,517,841.88	
8/1/2045	\$13,300,000.00	\$1,483,561.95	\$14,783,561.95	75,520,000.00
2/1/2046	\$0.00	\$1,301,480.63	\$1,301,480.63	
8/1/2046	\$13,735,000.00	\$1,301,480.63	\$15,036,480.63	61,785,000.00
2/1/2047	\$0.00	\$1,077,281.26	\$1,077,281.26	
8/1/2047	\$12,960,000.00	\$1,040,101.80	\$14,000,101.80	48,825,000.00
2/1/2048	\$0.00	\$863,550.00	\$863,550.00	
8/1/2048	\$12,440,000.00	\$863,550.00	\$13,303,550.00	36,385,000.00
2/1/2049	\$0.00	\$655,656.25	\$655,656.25	0.00
8/1/2049	\$10,265,000.00	\$614,073.64	\$10,879,073.64	26,120,000.00
2/1/2050	\$0.00	\$492,075.00	\$492,075.00	
8/1/2050	\$9,425,000.00	\$492,075.00	\$9,917,075.00	16,695,000.00
2/1/2051	\$0.00	\$340,312.50	\$340,312.50	
8/1/2051	\$6,695,000.00	\$293,786.80	\$6,988,786.80	10,000,000.01

# FINANCIAL POLICIES

The City of Topeka relies on formal policies, state law, and established financial principles to guide its budgeting and financial practices. It also has policies established in accordance with GAAP and other best practices. These policies set forth the basic framework for the overall fiscal management of the City. The financial policies provide guidelines for evaluating both current activities and proposals for future programs. Most policies and procedures represent long-standing principles, traditions, and practices that guide the City and help to maintain its financial stability. The City continues to review and establish financial policies. The Governing Body adopted policies for capital improvements and debt management in 2004. It also adopted a resolution requiring a structurally balanced General Fund budget beginning in 2006. These and other financial policies are to be reviewed annually and are available online at <http://www.topeka.org>.

## Basis of Budgeting

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Since 2015, the City's annual operating budget has been prepared using the cash basis of budgeting for the budget and modified accrual accounting. Under the **modified accrual** basis of accounting, revenues are recognized only when they become measurable and available to finance expenditures of the fiscal period. Expenditures are recognized when the liability is incurred. The city accounts for governmental funds which includes the General and Debt Service Funds, based on the modified accrual basis of accounting.

## Budgeting, Accounting, and Audit Practices

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Kansas law prescribes the policies and procedures by which the cities prepare the Governing Body of the City to adopt a budget, which is filed with the County Clerk and the State Director of Accounts and Reports. The budget itemizes anticipated revenues and proposed expenditures, detailed by program and object of expenditures, for the next fiscal year. Funds must be balanced so that total resources equal obligations in accordance with Kansas law (K.S.A. 79-2927), which requires that, "the budget of expenditures for each fund shall balance with the budget of revenues for such fund....".

The level of budgetary control or expenditure limit is at the fund level, except for the General Fund which also has established expenditure limits for each Department financed. However, statutes allow for the transfer of budgeted amounts between line items within a fund. Departments are responsible for managing their budgets to the fund or department total level. The City maintains a financial and budgetary control system. Expenditures and revenues are tracked to ensure adherence to the budget and awareness of the financial environment. Monthly reports are prepared that compare actual revenues and expenditures to budgeted amounts and provide a picture of the City's cash position.

# FINANCIAL POLICIES

## Timing and Amendment Process: Revenue Neutral Rate

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During the 2021 State of Kansas legislative session, the tax lid was removed and the legislature enacted SB13 and HB2104. This legislation establishes new notice and public hearing requirements if a municipality's required property tax revenue in its proposed budget will exceed the amount collected in property tax in the prior budget year.

The Revenue Neutral Rate (RNR) is the tax rate in mills that would generate the same property tax revenue in dollars as what the municipality collected the previous year using the current tax year's total assessed valuation.

The Revenue Neutral Rate is calculated by using last year's total property tax raised in dollars divided by the current year's assessed valuation as of June 15. The following process is required to exceed the Revenue Neutral Rate.

The City will receive the assessed value and Revenue Neutral Rate, calculated by the County Clerk, by June 15th of each year. Once received, the City uses this number to determine the budget needs for the upcoming budget year. When doing so, the amount of property tax needed to fund the budget is calculated. From this, it is determined whether the amount needed will require a tax levy that exceeds the predetermined Revenue Neutral Rate. The following process is required follow the RNR requirement.

### **If the Revenue Neutral Rate IS Exceeded:**

By July 20th, the County Clerk must be notified of the City's intent to exceed the Revenue Neutral Rate. The City must hold a public hearing about its intent to exceed. To inform the public, the City must publish a notice on the City's website and in the newspaper for general circulation in the county. This notice must be published 10 days before the public hearing is scheduled. In addition, this notice must provide details on both the Revenue Neutral Rate hearing and overall Budget Approval hearing. These hearings must be completed by September 20th.

The Governing Body votes whether to approve exceeding the Revenue Neutral Rate at the hearing. Once approved, the Governing Body adopts a resolution to exceed the Revenue Neutral Rate. On or before October 1st, the City must certify to the County Clerk the amount of property taxes that will be levied.

### **If the Revenue Neutral Rate is NOT Exceeded:**

If the Revenue Neutral Rate is not exceeded, the City must publish the proposed budget and hearing notice (which includes the Revenue Neutral Rate) on or before August 5th. A public hearing on the budget must be held on or before August 15th. Once approved, the City must certify the budget and tax levied to the County Clerk on or before August 15th.

# FINANCIAL POLICIES

The Kansas State Legislature enacted a cash basis law in 1933 which states in part that it is unlawful, except where bonds, temporary notes, or no-fund warrants are authorized, “for the governing body of any municipality to create any indebtedness in excess of the amount of funds actually on hand in the treasury of such municipality, or to authorize the issuance of any order, warrant or check, or other evidence of such indebtedness of such municipality in excess of the amount of funds actually on hand in the treasury of such municipality at the time for such purpose.”

The purpose of the cash basis law is to prevent municipalities from spending more than they receive annually in operating revenues and to prevent the issuance of short-term debt to cover operating expenditures. Kansas statutes and regulations of the Kansas Board of Accountancy provide for municipal accounting in conformance with generally accepted accounting principles (GAAP). Separate funds are maintained by the City for specific purposes and projects, in compliance with GAAP, State laws and regulations, bond covenants, tax levies, grant agreements, and City ordinances and resolutions. The City prepares an Annual Comprehensive Financial Report (ACFR), disclosing the financial position, results of operations, and changes in fund equities or retained earnings for all funds and account groups in accordance with GAAP. An independent firm of certified public accountants performs annual audits of this information. The audited ACFR is filed in the Office of the City Clerk and with the Nationally Recognized Municipal Securities Information Repositories (NRMSIRs), among other agencies.

## Investment Policy

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The City of Topeka recognizes that effective cash management is an integral component of good financial management. It shall be the policy of the City that funds deemed idle, based on projected cash flow, be invested in a manner that seeks to maximize their productivity until such time as they are needed for the operations of the City. The City’s investment portfolio shall be designed and managed in accordance with this policy to ensure public trust and be consistent with state and local laws. Investments shall be at the highest rates obtainable at the time of the investment, within the limitations of the law and the city’s prudent investment policy in accordance with the following criteria.

## Liquidity and Return on Investment

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The City of Topeka shall remain sufficiently liquid so as to meet all operating needs and expenses. The City will consider liquidity as a priority, while still recognizing the need to maximize yield.

The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City’s investment risk constraints, state statutes, and cash flow needs of the City. Investments shall be made at the highest rates obtainable at the time of investment, within the limitation of the law and the City’s prudent investment policy.

# FINANCIAL POLICIES

## Diversification

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Market risk shall be minimized by diversification of investment types. The City shall diversify (where prudent judgment dictates) its investments so that reliance on any one issuer (financial institution) or investment type will not place an undue burden on the City. The investment policy also outlines safeguards, investment procedures, legal authority, and other procedures related to the prudent investment of funds.

## Capital Improvement Policy and Procedure

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The Capital Improvement Policy provides a guideline and methodology for the development of the City's ten-year Capital Improvement Plan (CIP). The first three years of the Capital Improvement Plan is called the Capital Improvement Budget (CIB). Thoughtful planning is essential for all departments submitting CIP requests. The Capital Improvement Policy includes definitions of a capital improvement project and other terms. It provides the following review principles to be followed in the adoption of the CIP:

1. The property tax levy for capital improvements should be maintained at a relatively consistent level from year to year. If movement either upward or downward becomes necessary, it should be done gradually.
2. When considering a consistent capital improvement property tax levy, the City should include the property tax requirements for debt service as well as for projects financed by direct appropriation or other means.
3. The City should maximize utilization of all Federal and State revenue sources for capital improvements.
4. The CIP is viewed as a long-term program that will continue to address capital requirements far into the future. The use of long-term debt should be minimized, allowing the City to put money into actual projects that benefit Topeka residents and businesses rather than into interest payments to financial institutions and bond holders. The City should issue debt only for major capital projects and not try to finance the entire capital program with debt. Bonds should not be used to fund operating projects or costs. Bonds should not be used to fund any project whose expected life does not exceed the maturity on the bonds. To the extent practicable, bonded indebtedness should be considered only for major capital projects where the City share is a minimum of \$100,000.
5. Approved capital improvement projects should have a funding plan or maintenance and operating costs identified in the project description and project budget. When feasible, priority should be given to those that will result in a reduction in operating costs.

# FINANCIAL POLICIES

## Capital Improvement Policy and Procedure Continued

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6. The City should not acquire and hold land that is not needed for existing or near future City purposes. Land for projects that are not part of the approved ten-year Capital Improvement Plan should not be acquired, except as part of a long-range annexation plan or other adopted plan.
7. Unless otherwise mandated by City ordinances, revenues derived from the sale and lease of surplus City real properties should be dedicated to the Capital Improvement Program and programmed after receipt by the City.
8. Enterprise funds should generate sufficient revenue to finance operations and related capital projects including debt service.
9. The City should fully investigate alternative financing sources for its capital projects, but should use such sources only if it can be clearly shown that they are in the best interests of the City.
10. The City should maximize utilization of current facilities and should give higher priority to maintaining present facilities and infrastructure over new construction where feasible.
11. In order to increase the long-term use of a City facility, as much flexibility as is consistent with operating efficiency should be built into all new or renovated facilities projects that the City undertakes.
12. Inflation factors for all projects in the capital improvement program should be considered each year and appropriate adjustments made to all project estimates.
13. All projects shall be reviewed by the CIP Review Committee for a recommendation to the City Manager and City Council.

In accordance with the definition of a capital improvement, City Departments submit capital improvement requests for each ten year period of the Capital Improvement Budget and Plan. Projects are to be submitted by priority and year. The CIP Review Team, which is a cross-departmental group, will then review all projects and rank them based on established Capital Project Criteria. These rankings will be provided to the City Manager for use in determining the City Manager's recommended CIP. The Public Works City Engineer and the Budget Manager will prepare a status report of prior approved projects. This status review allows the City Manager and Governing Body the opportunity to stay informed of these projects. Individual requests and a compilation are forwarded to the City Planning Commission for their review and input to the City Manager and Governing Body. The City Manager reviews the capital improvement project requests, considers the recommendations of the Planning Commission, if available, and develops the City Manager's Proposed CIP. The Proposed CIP is presented to the Governing Body, which reviews the document and makes changes as it deems necessary. The Governing Body has the final responsibility to adopt the CIB and CIP.

# FINANCIAL POLICIES

## Debt Management Policy

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The debt management policy establishes debt issuance management guidelines. The policy is applicable to all debt financing for the City of Topeka. The City of Topeka projects debt requirements on a five-year basis to facilitate better short-term decisions in light of other priorities that may arise, and to examine the long-range implications and effects of existing and contemplated debt. The City does not fund current operations or routine maintenance costs from the proceeds of long-term debt. The City confines long-term borrowing and capital leases to capital acquisitions, improvements, projects, or equipment that cannot be financed from current financial resources, under the following circumstances:

- The project is included in the City's Capital Improvement Budget;
- The project is the result of growth-related activities within the community that require unanticipated and unplanned infrastructure or capital improvements by the City;
- The project's useful life, or the projected service life of the equipment, will be equal to or exceed the term of the financing;
- Existing or projected revenues are sufficient to service the planned debt;
- The cost of the asset or assets financed would place an undue burden on today's current tax- or rate-payers if financed on a "pay-as-you-go" basis; or
- The use of debt is necessary to promote the stability over time of the City's property tax demands or user fee levels.

In an effort to conserve statutorily limited debt capacity, the City borrows only when necessary and uses "pay-as-you-go" financing to the extent possible. The City intends to maintain its overall debt burden within the following generally accepted benchmarks as established for municipalities by municipal debt rating agencies:

- Net debt per capita should remain under nine hundred fifty dollars (\$950).
- Net debt as a percentage of estimated assessed value of taxable property within the City's corporate limits should not exceed thirteen percent (13%).
- The ratio of debt service expenditures as a percent of governmental fund expenditures should not exceed fourteen percent (14%).
- The debt per capita as a percentage of personal income per capita should not exceed five percent (5%).
- The City strives to achieve, and maintain a General Fund "Fund Balance" equal to no less than ten percent (10%) of General Fund "Revenue" for the next year.

The City strives to achieve, maintain, and, whenever possible, improve its bond credit ratings, currently assigned by Standard & Poor's Ratings Services for GO and Temp Notes, and Moody's Rating Services for Revenue Bonds. Ratings as of Fall 2022 are: General Obligation Bonds "AA"; General Obligation Temporary Notes rated "SP -1+", and Revenue Bonds rated "Aa3". The City understands that such ratings will facilitate the achievement of favorable interest rates in, and the preservation of its access to, the credit markets.

# FINANCIAL POLICIES

## Debt Management Policy Continued

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In general, the City adheres to the following debt guidelines:

- When measuring its commitment to its infrastructure and related service delivery potential, the City addresses both its capital needs and its operating and maintenance requirements.
- In the case of capital needs, when measuring inter-period equity, the City considers the allocation of any debt burden among generations that will benefit from the financed capital assets, as well as the need to distribute the financing burden over appropriate fiscal periods.
- The City uses a level debt service strategy as a means to equalize the burden of its debt service assessment over time. This approach provides a slightly declining percentage of budget over time, presuming a gradually increasing budget.
- The City maintains a minimum ratio of Combined Utility Fund revenues to annual total revenue bond debt service requirements of 125%, and maintain operating reserves of 90 days.
- The City strives to keep the average maturity of its general obligation bonds at or below fifteen (15) years.
- When the City finances capital projects by issuing bonds, it will amortize the debt over a term not to exceed the average useful life of the projects being financed.

The City shall review at least annually its outstanding debt for economic refunding opportunities. The City shall evaluate refunding opportunities on a net present value savings basis, considering for execution those refunding opportunities that stand to produce present value savings as a ratio of refunded principal of no less than 3%, 5% and 7% for current, advance and synthetic refunding, respectively. Refunding or restructuring opportunities that do not meet these minimum savings thresholds, but are otherwise determined to produce substantive economic, strategic, budgetary or other material benefits to the City may be considered. Unless an alternative structure is deemed to serve a particularly prudent, economical or strategic purpose, refunding savings shall be structured substantially evenly over the life of the refunded bonds, or in a manner to reduce the terms of the bond repayment cycle.

The City shall evaluate each project to determine the most affordable and/or advantageous method of financing with consideration for the following principles. In general, “pay-as-you-go” capital projects shall be characterized by a cost of no more than \$125,000, an asset life of no more than five years, or an improvement that is expected to extend the useful life of an existing capital asset by no more than five years. Debt financing capital projects shall generally be restricted to major, non-recurring capital expenditures for assets or asset improvements costing in excess of \$125,000 and having an expected useful life in excess of five years.

The City confines long-term debt financing to capital items with useful lives of ten or more years, which cannot be financed from current revenues or fund equity. When appropriate, the City uses special assessment taxes or other user-based revenue sources to pay the costs of related debt financing, so that those benefiting from the improvements will absorb all or most of the cost of the capital item being financed.

# FINANCIAL POLICIES

## Debt Management Policy Continued

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The City uses State Revolving Fund (SRF) Loan programs in lieu of revenue bond financing for utility projects whenever such funds are available at more favorable rates. The City continues to monitor bond rating agency concerns with overall utility debt levels when participating in the SRF program.

The City will continue to comply with SEC Rules by disclosing and updating its financial information to nationally recognized municipal securities information repositories, bondholders, and appropriate municipal debt rating agencies.

The City will continue to follow a policy of full disclosure in its Annual Comprehensive Financial Report and in its bond offering documents. The Debt Management Policy also lays out guidelines for debt administration and financing procedures and methods. This includes investment and arbitrage, use of an independent financial advisor, temporary note financing, conduit financing, and communication with credit rating agencies.

# GLOSSARY

**BOND**: A written promise to pay a sum of money (the face value or principal amount) plus interest at a specified date in the future (the maturity date).

**BUDGET**: A plan of financial operation for a given time period based on proposed expenditures and revenues.

**CAPITAL ASSET**: A tangible asset owned by a government which has an initial cost greater than \$5,000 and a useful life of three years or more. Examples of capital assets include land, buildings, furniture, fixtures, and equipment.

**CAPITAL IMPROVEMENT PLAN (CIP)**: A capital improvement plan is a long-term multiyear plan for capital improvement projects (things such as street repair, facility maintenance, and water treatment plant upgrades). The **CAPITAL IMPROVEMENT BUDGET (CIB)** is the first three years of this plan.

**CAPITAL OUTLAY**: A category of expense related to spending money on/related to capital assets that are not included in the capital project fund.

**COMMODITIES**: Commodity expenditures include costs for materials. Examples are items such as asphalt, rock, sand, salt, insecticide, fuel, chemicals, and office supplies.

**CONTRACTUALS**: Contractual costs are expenditures related to the operations of the City. They include items such as property insurance premiums, utility costs, printing services, rent, and maintenance services.

**DEBT FINANCING**: The borrowing of money by government in order to obtain funding to pay for large scale projects and assets over the long term.

**DEBT SERVICE FUND**: Money in the Debt Service fund is used to pay off the City's debt principal and interest.

**DEFICIT**: A budget deficit occurs when the expenses are greater than the collected or expected revenues.

**ENTERPRISE FUND**: A fund established to record the financial transactions of an enterprise operation. An enterprise operation operates like a private sector business (such as the City's water utility) and receives revenues from fees charged for services.

**EXPENDITURES**: Decreases in financial resources for Governmental and Fiduciary Funds (money going out). Expenditures include current operating expenses funded through resources such as current assets, intergovernmental payments, or debt service.

**EXPENSES**: Outflows of assets and/or incurrence of liabilities in Proprietary Funds from activities within an organization's typical or central operations (money going out)

# GLOSSARY

**FISCAL YEAR:** A period of time for the operating budget. The City of Topeka uses the calendar year as its fiscal year.

**FULL-TIME EQUIVALENT (FTE):** FTEs are a common unit used when budgeting for personnel costs. This is an employee position expressed as a decimal equivalent of a full-time position (40 hours a week, or 2,080 hours worked per year). For example, a City employee working 20 hours a week would be considered 0.5 FTE, while an employee with a typical full-time schedule is 1 FTE.

**FUND:** A fiscal and accounting entity where financial resources, liabilities, expenses, and other changes are recorded. Funds are typically related to a specific activity and often have special regulations or restrictions.

**FUND BALANCE:** The total dollars remaining after current expenditures for operations and debt service for capital improvements are subtracted from the sum of the beginning fund balance and current resources.

**GENERAL FUND:** As the City's largest fund, the General Fund (GF) includes all financial resources that are not in another fund. Services like public safety, public works, and administration are included in the GF.

**GENERAL OBLIGATION BONDS:** A G.O. Bond is debt issued by a government that is backed by the full faith, credit, and taxing power of the City.

**GRANT:** A contribution of funding by one governmental unit or organization to another. Often, these contributions are made to local governments from the Federal and State government for specified purposes and projects.

**INFRASTRUCTURE:** A permanent installation, facility, or system that provides service to the public. Examples include buildings, roads, and water treatment plants.

**INTERGOVERNMENTAL REVENUES:** Revenues that are collected by one government but shared with another government.

**LEVY:** (1) (Verb) to impose taxes, special assessments or service charges for the support of government activities. (2) (Noun) The amount of taxes, special assessments, or service charges applied by a government.

**MILL:** One mill is \$1 per \$1000 of assessed value. Property tax rates are expressed in mills.

**OPERATING BUDGET:** The annual operating budget is the primary means by which most of the revenue collection, spending, and service delivery activities of a government are controlled.

# GLOSSARY

**PERSONNEL COST:** Salaries, wages, benefits, and other labor costs. Personnel costs comprise a large portion of the City's budget.

**REVENUE:** An increase in the net assets of a fund (money coming in). The City primarily collects revenues from taxes and fees.

**REVENUE BOND:** A bond that is payable from a specific source of revenue. For example, water treatment plant upgrades are often funded through revenue bonds based on revenue from customer charges. Unlike a General Obligation bond, the full faith and credit of the City's taxing power is not pledged.

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
101 - GENERAL	780.67	791.57	803.32	802.35
10101 - CITY COUNCIL	10.00	10.00	10.00	11.00
1010110 - CITY COUNCIL	10.00	10.00	10.00	11.00
COUNCIL MEMBER	9.00	9.00	9.00	9.00
SENIOR EXECUTIVE ASSISTANT	1.00	1.00	1.00	2.00
10102 - CITY MANAGER	11.00	13.00	17.00	20.60
1010210 - CITY MANAGER	11.00	13.00	13.00	15.00
ADMINISTRATIVE OFFICER	2.00	2.00	2.00	3.00
ASSISTANT CITY MANAGER				1.00
CHIEF OF STAFF	1.00	1.00		
CITY CLERK	1.00	1.00	1.00	1.00
CITY MANAGER	1.00	1.00	1.00	1.00
COMMUNICATIONS & PRODUCTION MANAGER				1.00
DEI OFFICER		1.00		
DEPUTY CITY MANAGER			1.00	1.00
DIV DIRC OF COMMUNICATIONS & MEDIA RELATIONS		1.00	1.00	1.00
EMERGENCY MANAGEMENT OFFICER				1.00
Employee Investigator		1.00		
INDEPENDENT POLICE AUDITOR	1.00			
LANGUAGE ACCESS COORDINATOR			1.00	
MEDIA RELATIONS DIRECTOR	1.00			
PRODUCTION SPECIALIST	3.00	2.00	2.00	2.00
PUBLIC RELATIONS SPECIALIST			3.00	2.00
PUBLIC RELATIONS SPECIALIST II		1.00		
SENIOR EXECUTIVE ASSISTANT	1.00	2.00	1.00	1.00
1010215 - DEI Office			4.00	5.60
CHIEF DIVERSITY EQUITY & INCLUSION OFFICER			1.00	1.00
DIVISION DIRECTOR - COMMUNITY ENGAGEMENT			1.00	1.00
OMBUDSMAN			1.00	1.00
PROGRAM ADMINISTRATOR			1.00	1.00
PROGRAM COORDINATOR				1.00
SENIOR PROGRAM COORDINATOR				0.60
10103 - CITY ATTORNEY	9.90	9.90	12.90	12.15
1010310 - GENERAL GOVERNMENT & CRIMINAL PROSECUTION	9.90	9.90	12.90	12.15
ASSISTANT ATTORNEY	3.00		2.00	2.00
ASSOCIATE ATTORNEY		2.00		
CHIEF OF PROSECUTION	1.00	1.00	1.00	1.00
CITY ATTORNEY	0.65	0.65	0.65	0.65
DEPUTY CHIEF OF PROSECUTION		1.00	1.00	1.00
DEPUTY CITY ATTORNEY	0.75	0.75	0.75	

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
INTERNAL INVESTIGATOR / IPA			1.00	1.00
LEGAL SERVICES AND OPERATIONS MANAGER				0.00
LEGAL SPECIALIST			2.00	2.00
LEGAL SPECIALIST I	2.00	1.00		
LEGAL SPECIALIST II		1.00		
LEGAL SPECIALIST III	1.00	1.00		
PARALEGAL				1.00
SENIOR ATTORNEY	0.75	0.75	1.75	2.50
SENIOR LEGAL SPECIALIST			1.00	1.00
SENIOR PARALEGAL	0.75	0.75	1.75	
10104 - FINANCIAL SERVICES	23.00	26.00	27.00	26.00
1010410 - CENTRAL ACCOUNTING & CASH	23.00	26.00	27.00	26.00
ACCOUNTANT			2.00	2.00
ACCOUNTANT II	2.00	3.00		
ACCOUNTING SPECIALIST			2.00	3.00
ACCOUNTING SPECIALIST I	1.00	1.00	1.00	1.00
ACCOUNTING SPECIALIST II	2.00	1.00		
ACCOUNTING SPECIALIST III	4.00	5.00		
ADMINISTRATIVE OFFICER	2.00	2.00	1.00	2.00
BUDGET & PERFORMANCE MANAGER	1.00			
BUSINESS SERVICE MANAGER	1.00	1.00		
CHIEF FINANCIAL OFFICER			1.00	1.00
DEPUTY DIRECTOR OF FINANCE		1.00	1.00	1.00
DIRECTOR OF ADMIN & FINC SVCS	1.00	1.00		
DIVISION DIRECTOR OF BUDGET AND PROCUREMENT				1.00
DIVISION DIRECTOR PROCUREMENT	1.00	1.00		
GRADUATE FELLOW		2.00	1.00	

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
MANAGEMENT ANALYST	2.00		2.00	2.00
MANAGEMENT ANALYST II		2.00		
MANAGER BUDGET			1.00	1.00
MANAGER BUSINESS			1.00	
MANAGER FINANCE	2.00	1.00		
MANAGER PAYROLL	1.00	1.00	1.00	1.00
MANAGER PROCUREMENT			1.00	1.00
OFFICE SPECIALIST			1.00	
PROCUREMENT OFFICER I	3.00	3.00	2.00	2.00
PROCUREMENT OFFICER II			1.00	1.00
SENIOR ACCOUNTANT			1.00	1.00
SENIOR ACCOUNTING SPECIALIST			5.00	4.00
SENIOR GRANTS PROGRAM ADMINISTRATOR		1.00	1.00	1.00
SENIOR PROJECT MANAGER			1.00	1.00
10105 - MUNICIPAL COURT	18.67	18.67	20.67	21.00
1010510 - MC JUDICIAL	18.67	18.67	20.67	21.00
ADMIN MUNICIPAL COURT JUDGE	1.00	1.00	1.00	1.00
ASSOCIATE MUNICIPAL COURT JUDGE	1.00	1.00		
COURT CLERK I	2.00	2.00	2.00	2.00
COURT CLERK II	7.67	7.67	7.67	8.00
DEPUTY MUNICIPAL COURT ADMIN	1.00	1.00	1.00	1.00
MUNICIPAL COURT ADMINISTRATOR/	1.00	1.00	1.00	1.00
MUNICIPAL COURT JUDGE			1.00	1.00
OFFICE SPECIALIST	3.00	3.00	3.00	3.00
PROBATION OFFICER I	2.00	2.00	1.00	2.00
PROBATION OFFICER II			2.00	1.00
SENIOR PROBATION OFFICER			1.00	1.00
10106 - HUMAN RESOURCES	10.00	9.00	10.00	10.50
1010610 - HUMAN RESOURCES	10.00	9.00	10.00	10.50
CDL & EQUIPMENT CERTIFICATION MANAGER			1.00	1.00
DEPUTY DIRECTOR OF HUMAN RESOURCES		1.00	1.00	1.00
DIRECTOR OF HUMAN RESOURCES	1.00	1.00	1.00	0.50
HRIS ANALYST	1.00	1.00	1.00	
HUMAN RESOURCES ASSISTANT	2.00	1.00	1.00	2.00
HUMAN RESOURCES GENERALIST		1.00	1.00	1.00
HUMAN RESOURCES SPECIALIST		1.00	1.00	1.00
MANAGER HUMAN RESOURCES	2.50	0.50	0.50	2.00
SENIOR HRIS ANALYST	1.00	1.00	1.00	1.00
SENIOR HUMAN RESOURCES MANAGER				0.50
SENIOR HUMAN RESOURCES SPECIALIST	1.50	1.50	1.50	0.50

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
WELLNESS COORDINATOR	1.00			
10107 - MAYOR'S OFFICE	2.00	2.00	2.00	2.00
1010710 - MAYOR'S OFFICE	2.00	2.00	2.00	2.00
ASSISTANT TO THE MAYOR	1.00	1.00		
MAYOR	1.00	1.00	1.00	1.00
SENIOR EXECUTIVE ASSISTANT			1.00	1.00
10120 - FIRE DEPARTMENT	246.00	247.00	247.00	247.00
1012010 - FIRE ADMINISTRATION & BUSINESS SERVICES	4.00	5.00	4.00	4.00
ADMINISTRATIVE OFFICER	1.00	1.00		
BUSINESS SERVICES MANAGER	1.00	1.00		
DIVISION CHIEF FIRE - ADMINISTRATION		1.00	1.00	1.00
EXECUTIVE ASSISTANT II			1.00	1.00
FIRE CHIEF	1.00	1.00		
MANAGER BUSINESS			1.00	1.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00
1012015 - FIRE PREVENTION	10.00	10.00	10.00	10.00
ASSISTANT FIRE MARSHAL/FIRE PLANS EXAMINER	1.00	1.00	1.00	1.00
FIRE MARSHALL	1.00	1.00	1.00	1.00
INSPECTOR I FIRE		1.00	1.00	
INSPECTOR III FIRE	4.00	3.00	3.00	2.00
INVESTIGATOR I	1.00			1.00
INVESTIGATOR III FIRE	2.00	3.00	3.00	1.00
LIEUTENANT FIRE				1.00
PUBLIC EDUCATION OFFICER I	1.00	1.00	1.00	
PUBLIC EDUCATION OFFICER II				1.00
TRAINING OFFICER I				2.00
1012016 - FIRE TRAINING	4.00	5.00	5.00	5.00
DIVISION CHIEF FIRE - TRAINING/EMS		1.00	1.00	1.00
DIVISION CHIEF FIRE-TRAINING	1.00			
INSPECTOR I FIRE				2.00
TRAINING OFFICER I	1.00	1.00	2.00	
TRAINING OFFICER II		1.00		
TRAINING OFFICER III	2.00	2.00	2.00	2.00
1012017 - FIRE OPERATIONS	227.00	227.00	228.00	228.00
ADVANCED FIREFIGHTER	15.00	20.00	5.00	5.00
APPARATUS OPERATOR	54.00	54.00	54.00	54.00
BATTALION FIRE CHIEF (24 HR)	6.00	6.00	6.00	6.00
CAPTAIN FIRE	54.00	54.00	54.00	54.00
Deputy Chief Fire	1.00			
DEPUTY FIRE CHIEF		1.00	1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
DIVISION CHIEF FIRE	1.00			
DIVISION CHIEF FIRE - OPERATIONS		1.00	1.00	1.00
FIRE CHIEF			1.00	1.00
FIREFIGHTER I	18.00	11.00	13.00	13.00
FIREFIGHTER II	9.00	9.00	18.00	16.00
FIREFIGHTER III	12.00	14.00	18.00	20.00
INVESTIGATOR III FIRE				1.00
LIEUTENANT FIRE	54.00	54.00	54.00	53.00
SHIFT COMMANDER FIRE	3.00	3.00	3.00	3.00
1012018 - FIRE EMS	1.00			
DIVISION CHIEF FIRE - EMS	1.00			
10125 - POLICE DEPARTMENT	344.00	349.00	351.00	350.00
1012510 - POLICE EXECUTIVE BUREAU	27.00	31.00	25.00	25.00
ADMINISTRATIVE OFFICER		1.00	2.00	2.00
BUILDING SECURITY OFFICER		2.00	2.00	2.00
BUSINESS SERVICE MANAGER	1.00	1.00		
DEPUTY CHIEF OF POLICE	1.00	1.00	1.00	1.00
EXECUTIVE ASSISTANT I	1.00	1.00		
EXECUTIVE ASSISTANT II			1.00	1.00
MANAGER BUSINESS			1.00	1.00
OFFICE ASSISTANT II	1.00	1.00	1.00	1.00
POLICE ACCREDITATION COORDINATOR			1.00	1.00
POLICE CHIEF	1.00	1.00	1.00	1.00
POLICE DETECTIVE	3.00	3.00		
POLICE LIEUTENANT	3.00	3.00	3.00	3.00
POLICE MAJOR			1.00	1.00
POLICE OFFICER	6.00	6.00	4.00	4.00
POLICE SERGEANT	7.00	7.00	6.00	6.00
PUBLIC RELATIONS SPECIALIST II	1.00	1.00		
SENIOR ATTORNEY	1.00	1.00		
SENIOR BUILDING SECURITY OFFICER		1.00	1.00	1.00
SENIOR PROJECT MANAGER	1.00	1.00		

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
1012512 - POLICE CRIMINAL INVESTIGATIONS BUREAU	55.00	56.00	59.00	59.00
GRAND JURY CASE COORDINATOR			1.00	1.00
OFFICE ASSISTANT II	1.00	1.00	1.00	
OFFICE ASSISTANT III				1.00
POLICE CAPTAIN	1.00	1.00	1.00	1.00
POLICE DETECTIVE	34.00	34.00	37.00	37.00
POLICE LIEUTENANT	2.00	2.00	2.00	2.00
POLICE MAJOR	1.00	1.00	1.00	1.00
POLICE OFFICER	5.00	5.00	6.00	6.00
POLICE OFFICER - CORPORAL RATE	1.00	1.00		
POLICE SERGEANT	9.00	9.00	9.00	9.00
PROGRAM COORDINATOR			1.00	1.00
SENIOR PROGRAM COORDINATOR	1.00	1.00		
SENIOR PROJECT MANAGER		1.00		
1012513 - POLICE FIELD OPERATIONS BUREAU	186.00	187.00	190.00	190.00
OFFICE ASSISTANT II	1.00	1.00	1.00	1.00
POLICE CAPTAIN	3.00	3.00	3.00	3.00
POLICE LIEUTENANT	7.00	7.00	7.00	7.00
POLICE MAJOR	2.00	2.00	2.00	2.00
POLICE OFFICER	112.00	113.00	109.00	109.00
POLICE OFFICER - CORPORAL RATE	4.00	4.00	3.00	2.00
POLICE OFFICER IN TRAINING	36.00	36.00	43.00	44.00
POLICE SERGEANT	21.00	21.00	22.00	22.00
1012514 - POLICE COMMUNITY OUTREACH BUREAU	76.00	75.00	77.00	76.00
ANIMAL CONTROL OFFICER	4.00	4.00	3.00	4.00
ANIMAL CONTROL SUPERVISOR			1.00	1.00
CRIME ANALYSIS UNIT COORDINATOR	1.00	1.00	1.00	1.00
CRIME ANALYST	1.00	1.00	1.00	1.00
INVENTORY SPECIALIST	4.00	4.00	4.00	4.00
MANAGER POLICE RECORDS			1.00	1.00
NETWORK ENGINEER III	1.00	1.00		
OFFICE ASSISTANT I	1.00	1.00	1.00	
OFFICE ASSISTANT II				1.00
POLICE DETECTIVE	1.00	1.00	1.00	1.00
POLICE LIEUTENANT	2.00	2.00	2.00	2.00
POLICE OFFICER	33.00	32.00	32.00	32.00
POLICE RECORDS CLERK	17.00	17.00	17.00	17.00
POLICE RECORDS SUPERVISOR			2.00	2.00
POLICE SERGEANT	4.00	4.00	4.00	4.00
PROPERTY/EVIDENCE SUPERVISOR			1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
PUBLIC SAFETY SYSTEM ADMINISTRATOR			1.00	1.00
SENIOR ANIMAL CONTROL OFFICER	1.00	1.00	2.00	1.00
SENIOR NETWORK ENGINEER			1.00	1.00
SENIOR SYSTEM DEVELOPER			1.00	
SENIOR USER SYSTEM CONSULTANT			1.00	1.00
SUPERVISOR I	2.00	2.00		
SUPERVISOR II	1.00	1.00		
SUPERVISOR III	1.00	1.00		
SYSTEM DEVELOPER II	1.00			
SYSTEM DEVELOPER III	1.00	1.00		
USER SYSTEM CONSULTANT III		1.00		
10130 - PUBLIC WORKS	56.00	54.00	45.25	44.60
1013010 - PUBLIC WORKS BUSINESS SUPPORT	13.00	12.25	5.25	3.85
DEPUTY DIRECTOR PUBLIC WORKS	1.00	0.25	0.25	0.85
DIRECTOR OF PUBLIC WORKS	1.00	1.00	1.00	1.00
EXECUTIVE ASSISTANT II			1.00	1.00
GIS ANALYST	1.00	1.00		
GIS MANAGER	1.00			
GIS TECHNICIAN	2.00	2.00		
MANAGEMENT ANALYST			1.00	
MANAGER COMMUNITY EDUCATION	1.00	1.00		
MANAGER PUBLIC WORKS BUSINESS SERVICES			1.00	1.00
MANAGER TECHNICAL SUPPORT	1.00	1.00		
OFFICE ASSISTANT III	1.00	1.00		
SENIOR GIS ANALYST	1.00	1.00		
SENIOR MANAGEMENT ANALYST			1.00	
TECH SUPPORT ANALYST II	2.00	3.00		
TECH SUPPORT ANALYST III	1.00	1.00		
1013019 - PUBLIC WORKS ENGINEERING	22.00	22.75	21.00	18.75
ACCOUNTING SPECIALIST II	1.00	1.00	1.00	
ADMINISTRATIVE OFFICER		1.00		
BUSINESS SERVICES MANAGER	1.00			
CITY ENGINEER	1.00	1.00	1.00	1.00
DIVISION DIRECTOR OF BUSINESS SERVICES		0.75		
ENGINEER			2.00	2.75
ENGINEER II	2.00	2.00		
ENGINEER III	1.00	1.00		
ENGINEERING TECHNICIAN I	3.00	3.00	3.00	3.00
ENGINEERING TECHNICIAN II	4.00	4.00	4.00	3.00
ENGINEERING TECHNICIAN III	2.00	2.00	1.00	

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
MANAGEMENT ANALYST	1.00			1.00
MANAGER CONSTRUCTION INSPECTI	1.00	2.00	1.00	1.00
MANAGER SPECIAL PROJECTS	1.00	1.00		
MANAGER SURVEY DESIGN & REC	1.00	1.00	1.00	1.00
OFFICE ASSISTANT III	1.00	1.00	1.00	1.00
RIGHT OF WAY AGENT	1.00	1.00	1.00	1.00
SENIOR ENGINEER			2.00	
SENIOR ENGINEERING TECHNICIAN			1.00	2.00
SENIOR MANAGEMENT ANALYST				1.00
SENIOR PROJECT MANAGER			1.00	
TRAFFIC ENGINEER	1.00	1.00	1.00	1.00
1013020 - TRANS OPERATIONS	12.00	10.00	10.00	13.00
ELECTRONICS TECHNICIAN I	1.00	2.00	2.00	2.00
ELECTRONICS TECHNICIAN II	3.00	2.00	2.00	2.00
EQUIPMENT OPERATOR I	2.00			4.00
EQUIPMENT OPERATOR II	1.00			1.00
EQUIPMENT OPERATOR III	1.00	2.00	2.00	
INFRASTRUCTURE SUPPORT MANAGER	2.00	2.00		
MANAGER INFRASTRUCTURE			2.00	2.00
OFFICE ASSISTANT III	1.00	1.00	1.00	
OFFICE SPECIALIST				1.00
TRAFFIC OPERATIONS COORDINATOR			1.00	1.00
TRAFFIC OPS ADMINISTRATOR	1.00	1.00		
1013070 - FACILITIES OPERATIONS	9.00	9.00	9.00	9.00
ARBORIST I	2.00	2.00	1.00	1.00
ARBORIST II	2.00	2.00	3.00	3.00
ARBORIST III	3.00	3.00	3.00	3.00
FIELD OPERATIONS SUPERVISOR			1.00	1.00
MANAGER FORESTRY	1.00	1.00	1.00	1.00
SUPERVISOR III	1.00	1.00		
10150 - TOPEKA ZOOLOGICAL PARK	3.00	3.00	3.00	
1015020 - ZOO ANIMAL CARE	2.00	2.00	2.00	
MANAGER ZOO OPERATIONS			1.00	
ZOO KEEPER	1.00	1.00	1.00	
ZOO OPERATIONS MANAGER	1.00	1.00		
1015030 - ZOO EDUCATION & CONSERVATION	1.00	1.00	1.00	
ZOO VETERINARIAN	1.00	1.00	1.00	
10160 - PLANNING DEPARTMENT	27.10	28.00	36.50	36.50
1016010 - PLANNING DEPARTMENT	8.10	9.00	10.00	10.00
ADMINISTRATIVE OFFICER	0.90	1.00	1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
ASSOCIATE PLANNER			1.00	
DEPUTY DIRECTOR OF ECONOMIC DEVELOPMENT			1.00	1.00
DIRECTOR OF PLANNING DEVEL SVS & HOUSING	0.80	1.00	1.00	1.00
DIVISION DIRECTOR OF PLANNING	1.00	1.00	1.00	1.00
MANAGEMENT ANALYST			1.00	1.00
PLANNER I	2.00	2.00	1.00	1.00
PLANNER II	2.20	2.00	2.00	3.00
PLANNER III	1.20	1.00		
SENIOR PLANNER			1.00	1.00
ZONING INSPECTOR		1.00		
1016015 - PLANNING - DEVELOPMENT SERVICES	19.00	19.00	21.00	21.00
ACCOUNTING SPECIALIST II	1.00			
ADMINISTRATIVE OFFICER	1.00	1.00	2.00	2.00
COMPLIANCE INSPECTOR I	1.00	1.00	1.00	1.00
DEVELOPMENT NAVIGATOR				1.00
DIV DIRC DEVELOPMENT SVCS	1.00	1.00	1.00	1.00
LAND DEVELOPMENT COORDINATOR	1.00	1.00	1.00	
MANAGER FIELD SERVICES	1.00	1.00	1.00	1.00
MANAGER PERMITS		1.00		
MANAGER PERMITTING			1.00	1.00
MANAGER SPECIAL PROJECTS	1.00			
OFFICE SPECIALIST	1.00	1.00	2.00	2.00
Permit Specialist		1.00		
PLAN REVIEWER	1.00	2.00	1.00	2.00
PROJECT MANAGER	1.00			
TRADE INSPECTOR	8.00	9.00	9.00	8.00
ZONING INSPECTOR	1.00		2.00	2.00
1016020 - Housing Division			5.50	5.50
EAS/HOUSING NAVIGATOR			1.00	
FRONT DESK OFFICE SPECIALIST			1.00	
OFFICE SPECIALIST				1.00
PROGRAM COORDINATOR			3.00	4.00
SENIOR PROGRAM ADMINISTRATOR			0.50	0.50
10170 - NEIGHBORHOOD RELATIONS	20.00	22.00	21.00	21.00
1017010 - NR ADMIN & COMMUNITY ENGAGEMENT	4.00	6.00		
Blight Crew Members		2.00		
COMMUNITY ENGAGEMENT DIRECTOR & OMBUDSMAN	1.00	1.00		
SENIOR PROGRAM ADMINISTRATOR	1.00	1.00		
SENIOR PROGRAM COORDINATOR	2.00	1.00		
USER SYSTEM CONSULTANT III		1.00		

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
1017015 - NR PROPERTY MAINTENANCE	16.00	16.00	21.00	21.00
ABATEMENT SPECIALIST I		1.00	1.00	1.00
ABATEMENT SPECIALIST II		1.00	1.00	1.00
DIVISION DIRECTOR PROP MAINT CODE ENFORCEMENT	1.00	1.00		
DIVISION DIRECTOR PROPERTY MAINTENANCE			1.00	1.00
EQUIPMENT OPERATOR II	1.00			
EQUIPMENT OPERATOR III	1.00			
HOUSING NAVIGATOR			1.00	1.00
MANAGER SPECIAL PROJECTS		1.00		
OFFICE ASSISTANT II	1.00	1.00	1.00	
OFFICE ASSISTANT III				1.00
PROGRAM ADMINISTRATOR				1.00
PROPERTY MAINT INSPECTOR I		2.00	10.00	9.00
PROPERTY MAINT INSPECTOR II	9.00	7.00	3.00	3.00
PROPERTY MAINTENANCE SUPERVISOR			2.00	2.00
SENIOR PROGRAM ADMINISTRATOR	1.00			
SENIOR PROJECT MANAGER			1.00	1.00
SUPERVISOR II	2.00			
SUPERVISOR III		2.00		
229 - ALCOHOL & DRUG SAFETY	1.33	1.33	0.33	
22905 - ALCOHOL & DRUG SAFETY	1.33	1.33	0.33	
2290553 - ALCOHOL & DRUG SAFETY	1.33	1.33	0.33	
COURT CLERK II	0.33	0.33	0.33	
PROBATION OFFICER II	1.00	1.00		
236 - SPECIAL LIABILITY EXP	5.10	5.10	5.10	5.85
23603 - SPECIAL LIABILITY	5.10	5.10	5.10	5.85
2360321 - SPECIAL LIABILITY	5.10	5.10	5.10	5.85
ASSOCIATE ATTORNEY	1.00			
CHIEF OF LITIGATION	1.00	1.00	1.00	1.00
CITY ATTORNEY	0.35	0.35	0.35	0.35
DEPUTY CITY ATTORNEY	0.25	0.25	0.25	
LEGAL SERVICES AND OPERATIONS MANAGER				1.00
LEGAL SPECIALIST			1.00	1.00
LEGAL SPECIALIST II	1.00	1.00		
SENIOR ATTORNEY	0.25	1.25	1.25	1.50
SENIOR PARALEGAL	1.25	1.25	1.25	1.00
291 - SPECIAL STREET REPAIR	53.00	55.00	61.00	58.00
29130 - TRANS OPERATIONS	53.00	55.00	61.00	58.00
2913020 - TRANS OPERATIONS	53.00	55.00	61.00	58.00
ADMINISTRATIVE OFFICER			1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
DEPUTY DIRECTOR PUBLIC WORKS	1.00	1.00	1.00	1.00
EQUIPMENT OPERATOR I		2.00	1.00	
EQUIPMENT OPERATOR II			1.00	
INFRASTRUCTURE PLANNER	1.00	1.00		
INFRASTRUCTURE SUPPORT MANAGER	4.00	4.00		
MAINTENANCE WORKER II			6.00	6.00
MANAGEMENT ANALYST	1.00	1.00		
MANAGER INFRASTRUCTURE			5.00	5.00
MANAGER STREETS			1.00	1.00
MANAGER TRAFFIC			1.00	1.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00
PROGRAM COORDINATOR	1.00	1.00	1.00	
SAFETY AND TRAINING COORDINATOR			1.00	1.00
SENIOR PROGRAM COORDINATOR	1.00	1.00		
STREET MAINTENANCE WORKER	31.00	31.00	24.00	23.00
STREET MAINTENANCE WORKER SENIOR	4.00	2.00	2.00	2.00
STREET MAINTENANCE WORKER SPECIALIST		1.00	1.00	1.00
STREET MAINTENANCE WORKER TRAINEE	6.00	7.00	14.00	15.00
STREET OPERATIONS MANAGER	1.00	1.00		
TRAFFIC OPERATIONS MANAGER	1.00	1.00		
292 - SALES TAX STREET MAINT	2.00	1.00	1.00	4.25
29230 - TRANS OPERATIONS	2.00	1.00	1.00	4.25
2923020 - TRANS OPERATIONS	2.00	1.00	1.00	4.25
ENGINEER			1.00	1.25
ENGINEER II				1.00
ENGINEER IN TRAINING				1.00
ENGINEERING TECHNICIAN II	1.00			
MANAGER PAVEMENT IMPROVEMENTS	1.00	1.00		
SENIOR PROJECT MANAGER				1.00
601 - PUBLIC PARKING	11.00	10.50	10.25	10.15
60130 - PARKING	11.00	10.50	10.25	10.15
6013070 - FACILITIES OPERATIONS	11.00	10.50	10.25	10.15
DEPUTY DIRECTOR PUBLIC WORKS		0.25	0.25	0.15
DIVISION DIRECTOR OF BUSINESS SERVICES		0.25		
FACILITY MAINTENANCE SUPERVISOR			1.00	1.00
MAINTENANCE WORKER II	2.00	3.00	3.00	3.00
MAINTENANCE WORKER III	1.00			
MANAGEMENT ANALYST	2.00	1.00	1.00	1.00
MANAGER PARKING				1.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
PARKING CONTROL OFFICER I	3.00	3.00	3.00	3.00
PARKING CONTROL SUPERVISOR			1.00	
SUPERVISOR I	1.00	1.00		
SUPERVISOR II	1.00	1.00		
613 - INFORMATION TECHNOLOGY	16.00	16.00	25.00	26.00
61312 - INFORMATION TECHNOLOGY	16.00	16.00	16.00	18.00
6131259 - IT DEPARTMENT OVERHEAD	16.00	16.00	16.00	18.00
APPLICATION DEVELOPER			1.00	1.00
APPLICATION DEVELOPER I	1.00	1.00		
APPLICATION DEVELOPER II	1.00			
APPLICATION DEVELOPER III		1.00		
APPLICATION DEVELOPER I-Web Developer	1.00			
CHIEF INFORMATION OFFICER			1.00	1.00
CHIEF NETWORK ENGINEER	1.00	1.00	1.00	1.00
DEPUTY DIRECTOR INFORMATION T	1.00	1.00	1.00	1.00
DIRECTOR OF INFORMATION TECHNO	1.00	1.00		
DIVISION DIRECTOR INFORMATION TECHNOLOGY			1.00	1.00
NETWORK ENGINEER III	2.00	3.00		
PROJECT COORDINATOR	1.00	1.00	1.00	1.00
SENIOR APPLICATION DEVELOPER			1.00	1.00
SENIOR NETWORK ENGINEER			2.00	2.00
SENIOR SYSTEM DEVELOPER			4.00	6.00
SENIOR USER SYSTEM CONSULTANT			2.00	3.00
SYSTEM DEVELOPER II	1.00	1.00	1.00	
SYSTEM DEVELOPER III	4.00	4.00		
USER SYSTEM CONSULTANT III	2.00	2.00		
61330 - INFORMATION TECHNOLOGY			9.00	8.00
6133010 - IT DEPARTMENT OVERHEAD			9.00	8.00
BUSINESS SYSTEMS ANALYST			3.00	2.00
GIS ANALYST			1.00	1.00
GIS TECHNICIAN			2.00	2.00
MANAGER TECH/SUPPORT GROUPS			1.00	1.00
SENIOR BUSINESS SERVICES ANALYST			1.00	1.00
SENIOR GIS ANALYST				1.00
SENIOR GIS ANALYST			1.00	
614 - FLEET MANAGEMENT	22.00	22.50	22.25	22.00
61404 - FLEET MANAGEMENT	22.00	22.50	22.25	22.00
6140459 - FLEET SERV ADMN/LD SHOP	22.00	22.50	22.25	22.00
ACCOUNTANT			1.00	1.00
ACCOUNTANT II	1.00	1.00		

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
ACCOUNTING SPECIALIST I	1.00	1.00	1.00	1.00
DEPUTY DIRECTOR PUBLIC WORKS		0.50	0.25	
FLEET SERVICES SUPERVISOR			3.00	3.00
FLEET SUPERVISOR		3.00		
MANAGER FLEET SERVICES	1.00	1.00	1.00	1.00
MASTER MECHANIC	7.00	6.00	6.00	6.00
MECHANIC I	2.00	2.00	5.00	5.00
MECHANIC II	6.00	7.00	4.00	4.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00
SUPERVISOR III	3.00			
<b>615 - FACILITIES OPERATIONS</b>	<b>14.00</b>	<b>16.00</b>	<b>15.25</b>	<b>15.00</b>
<b>61530 - FACILITIES OPERATIONS</b>	<b>14.00</b>	<b>16.00</b>	<b>15.25</b>	<b>15.00</b>
<b>6153070 - FACILITIES OPERATIONS</b>	<b>14.00</b>	<b>16.00</b>	<b>15.25</b>	<b>15.00</b>
DEPUTY DIRECTOR PUBLIC WORKS			0.25	
ELECTRICIAN	1.00	1.00	1.00	1.00
FACILITIES MANAGER	1.00	1.00		
HVAC SPECIALIST	1.00	1.00		1.00
MAINTENANCE WORKER I	1.00	2.00	2.00	2.00
MAINTENANCE WORKER II	2.00	1.00	2.00	2.00
MAINTENANCE WORKER III	3.00	4.00	3.00	3.00
MANAGER FACILITIES			1.00	1.00
PLUMBER	1.00	1.00		1.00
PREVENTATIVE MAINTENANCE TECHNICIAN	1.00	1.00	1.00	1.00
PROJECT MANAGER	1.00	1.00	1.00	1.00
SENIOR FACILITY MAINTENANCE SUPERVISOR			1.00	1.00
SENIOR HVAC SPECIALIST			1.00	
SENIOR PLUMBER			1.00	
SENIOR PROJECT MANAGER	1.00	1.00	1.00	1.00
SUPERVISOR II		1.00		
SUPERVISOR III	1.00	1.00		
<b>621 - WATER UTILITY</b>	<b>122.00</b>	<b>121.00</b>	<b>121.00</b>	<b>123.00</b>
<b>62130 - WATER UTILITY</b>	<b>122.00</b>	<b>121.00</b>	<b>121.00</b>	<b>123.00</b>
<b>6213010 - WATER ADMINISTRATION</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>5.00</b>
ACCOUNTING SPECIALIST III	1.00	1.00		
ENGINEER			1.00	1.00
ENGINEER II	1.00	1.00		
ENGINEER IN TRAINING	1.00	1.00	1.00	1.00
ENGINEERING TECHNICIAN I				1.00
OFFICE ASSISTANT III	1.00	1.00	1.00	1.00
SENIOR ACCOUNTING SPECIALIST			1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
6213058 - WA UTILITY ACCOUNT	43.00	43.00	43.00	44.00
BUSINESS SERVICE MANAGER	1.00	1.00		
BUSINESS SUPPORT ANALYST	1.00	1.00		
CUSTOMER SERVICE SUPERVISOR			2.00	2.00
DIRECTOR OF WATER METER SVCS	1.00	1.00		
FIELD OPERATIONS SUPERVISOR			2.00	2.00
FOREPERSON	1.00	1.00		
INFRASTRUCTURE SUPPORT MANAGER	2.00	2.00		
LEADPERSON	1.00	1.00	1.00	2.00
MANAGEMENT ANALYST			1.00	
MANAGER UTILITY BUSINESS SERVICES			3.00	2.00
MANAGER UTILITY CUSTOMER SERVICE			1.00	1.00
MANAGER WATER METERS			1.00	1.00
OFFICE ASSISTANT II	11.00	11.00	11.00	11.00
OFFICE ASSISTANT III	3.00	2.00	2.00	2.00
OFFICE SPECIALIST	2.00	3.00	3.00	3.00
PROGRAM ADMINISTRATOR				1.00
PROGRAM COORDINATOR			1.00	3.00
PROJECT MANAGER			1.00	1.00
SENIOR PROGRAM ADMINISTRATOR	1.00	1.00		
SUPERVISOR II	1.00	1.00		
SUPERVISOR III	2.00	3.00		
SYSTEM DEVELOPER III	1.00	1.00		
UTILITIES CUSTOMER SERVICE GENERAL MANAGER	1.00	1.00		
UTILITY SYSTEM WORKER I	2.00	3.00		1.00
UTILITY SYSTEM WORKER II	3.00	3.00	3.00	2.00
UTILITY SYSTEM WORKER III	9.00	7.00	11.00	10.00
6213061 - WA MAINTENANCE	36.00	36.00	38.00	38.00
ENGINEERING TECHNICIAN I			1.00	2.00
ENGINEERING TECHNICIAN II	2.00	2.00	2.00	1.00
FIELD OPERATIONS SUPERVISOR			1.00	1.00
FOREPERSON	7.00	6.00	7.00	6.00
INFRASTRUCTURE SUPPORT MANAGER	2.00			
LEADPERSON	5.00	6.00	5.00	5.00
MANAGER INFRASTRUCTURE			1.00	2.00
MANAGER WATER DISTRIBUTION			1.00	1.00
OFFICE ASSISTANT III	1.00	1.00	1.00	1.00
SENIOR INFRASTRUCTURE MANAGER			1.00	1.00
SENIOR INFRASTRUCTURE SUPPORT MANAGER		1.00		
SUPERVISOR III	2.00	3.00		

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
UTILITY SYSTEM WORKER I	1.00	1.00		
UTILITY SYSTEM WORKER II	10.00	9.00	14.00	15.00
UTILITY SYSTEM WORKER III	5.00	6.00	3.00	2.00
WATER INVENTORY SPECIALIST	1.00	1.00	1.00	1.00
6213062 - WA TECHNICAL SERVICES	5.00	4.00	4.00	4.00
FOREPERSON	3.00	3.00	3.00	3.00
INFRASTRUCTURE SUPPORT MANAGER	1.00	1.00		
MANAGER INFRASTRUCTURE			1.00	
SENIOR INFRASTRUCTURE MANAGER				1.00
TRADE INSPECTOR	1.00			
6213064 - WA OPERATIONS	34.00	34.00	32.00	32.00
CHEMIST	1.00	1.00	1.00	1.00
CLASS IV WATER PLANT OPERATOR	4.00	4.00	4.00	4.00
ELEC / INSTRUMENT MECH II	1.00			
ELECTRICIAN	2.00	3.00	3.00	3.00
FOREPERSON	3.00	4.00	3.00	3.00
INFRASTRUCTURE SUPPORT MANAGER	1.00	1.00		
LABORATORY TECHNCIAN	1.00	1.00	1.00	1.00
LEADPERSON	4.00	3.00	3.00	3.00
MANAGER INFRASTRUCTURE			1.00	1.00
MANAGER WATER PLANT OPERATIONS			1.00	1.00
MANAGER WATER QUALITY			1.00	1.00
NETWORK ENGINEER III	1.00	1.00		
OFFICE ASSISTANT III	1.00	1.00	1.00	1.00
SENIOR NETWORK ENGINEER			1.00	1.00
UTILITY SYSTEM WORKER II	3.00	2.00	2.00	3.00
UTILITY SYSTEM WORKER III	6.00	6.00	6.00	5.00
WATER DISTRIBUTION GENERAL MANAGER	1.00	1.00		
WATER PLANT OPERATOR	3.00	4.00	4.00	4.00
WATER PLANT OPS GENERAL MANAGER	1.00	1.00		
WATER SYSTEM GENERAL MANAGER	1.00	1.00		
623 - STORMWATER UTILITY	25.00	26.00	26.00	25.00
62330 - STORMWATER	25.00	26.00	26.00	25.00
6233010 - STORMWATER ADMINISTRATION	5.00	5.00	5.00	5.00
ENGINEER			2.00	2.00
ENGINEER I	1.00	1.00		
ENGINEER II	2.00	2.00		
ENGINEER IN TRAINING			1.00	1.00
ENGINEERING TECHNICIAN I	1.00	1.00	1.00	1.00
OFFICE ASSISTANT III	1.00	1.00	1.00	1.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
6233064 - STORMWATER MAINTENANCE	16.00	17.00	17.00	16.00
EQUIPMENT OPERATOR	7.00	7.00	5.00	3.00
FIELD OPERATIONS SUPERVISOR			1.00	
INFRASTRUCTURE SUPPORT MANAGER	1.00	1.00		
INSPECTION & VERIFICATION OPERATOR	1.00	1.00	1.00	1.00
MANAGER INFRASTRUCTURE				1.00
SENIOR EQUIPMENT OPERATOR	7.00	8.00	9.00	10.00
SENIOR INFRASTRUCTURE MANAGER			1.00	1.00
6233065 - STORMWATER FIELD SERVIES	4.00	4.00	4.00	4.00
ENVIRONMENTAL TECHNICIAN I	1.00	1.00	1.00	1.00
EROSION CONTROL INSPECTOR I		1.00	1.00	1.00
EROSION CONTROL INSPECTOR II	1.00			
HORTICULTURIST	1.00	1.00	1.00	1.00
INFRASTRUCTURE SUPPORT MANAGER	1.00	1.00		
MANAGER INFRASTRUCTURE			1.00	1.00
625 - WASTEWATER FUND	77.00	76.00	76.00	76.00
62530 - WASTEWATER	77.00	76.00	76.00	76.00
6253010 - WASTEWATER ADMINISTRATION	3.00	3.00	3.00	3.00
ADMINISTRATIVE OFFICER II	1.00	1.00		
ENGINEER				1.00
ENGINEER III	1.00	1.00		
MANAGER UTILITY BUSINESS SERVICES			1.00	1.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00
SENIOR ENGINEER			1.00	
6253067 - WASTEWATER MAINTENANCE	17.00	17.00	17.00	17.00
ELECT & INST MECH-E&I	1.00		1.00	1.00
ELECTRICIAN	2.00	3.00	2.00	2.00
INFRASTRUCTURE SUPPORT MANAGER	1.00	1.00		
MAINTENANCE MECHANIC	11.00	11.00	11.00	11.00
MANAGER INFRASTRUCTURE			2.00	2.00
SENIOR MAINTENANCE MECHANIC	1.00	1.00	1.00	1.00
SUPERVISOR III	1.00	1.00		
6253068 - WASTEWATER LAB	4.00	4.00	4.00	4.00
BIOLOGIST	2.00	2.00	1.00	1.00
ENVIRONMENTAL TECHNICIAN II	1.00	1.00		
MANAGER LABORATORY OPERATIONS	1.00	1.00	1.00	1.00
SENIOR BIOLOGIST			1.00	1.00
SENIOR ENVIRONMENTAL TECHNICIAN			1.00	1.00
6253069 - WASTEWATER OPERATIONS	25.00	23.00	23.00	23.00
EQUIPMENT OPERATOR	2.00	1.00	2.00	2.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
INFRASTRUCTURE SUPPORT MANAGER	2.00	2.00		
MANAGER INFRASTRUCTURE			3.00	3.00
MANAGER WATER POLLUTION CONTROL			1.00	1.00
NETWORK ENGINEER III	1.00			
SENIOR EQUIPMENT OPERATOR	2.00	2.00	1.00	1.00
SENIOR WASTEWATER TREATMENT FACILITY OPERATOR	8.00	6.00	6.00	7.00
SUPERVISOR III	1.00	1.00		
WASTEWATER TREATMENT FACILITY OPERATOR I	6.00	8.00	8.00	8.00
WASTEWATER TREATMENT FACILITY OPERATOR II	2.00	2.00	2.00	1.00
WPC GENERAL MANAGER	1.00	1.00		
6253069 - WPC SCADA		1.00	1.00	2.00
NETWORK ENGINEER III		1.00		
SENIOR NETWORK ENGINEER			1.00	1.00
SYSTEM DEVELOPER II				1.00
6253072 - WPC COUNTY CONTRACTS	2.00	2.00	2.00	2.00
SENIOR WASTEWATER TREATMENT FACILITY OPERATOR	2.00	1.00	1.00	1.00
WASTEWATER TREATMENT FACILITY OPERATOR I		1.00		1.00
WPC WASTEWATER TREATMENT FACILITY OPERATOR II			1.00	
6253074 - UTILITIES & TRANSP ADM	17.00	17.00	17.00	18.00
EQUIPMENT OPERATOR	4.00	2.00	3.00	5.00
INFRASTRUCTURE SUPPORT MANAGER	2.00	2.00		
INSPECTION & VERIFICATION OPERATOR	2.00	2.00	2.00	2.00
MANAGER INFRASTRUCTURE			2.00	1.00
MANAGER WATER POLLUTION CONTROL			1.00	1.00
SENIOR EQUIPMENT OPERATOR	8.00	10.00	9.00	8.00
SENIOR INFRASTRUCTURE MANAGER				1.00
WPC GENERAL MANAGER	1.00	1.00		
6253080 - UTILITIES & TRANSP ADM	9.00	9.00	9.00	7.00
ADMINISTRATIVE OFFICER			1.00	1.00
ADMINISTRATIVE OFFICER II	1.00	1.00		
BUSINESS SERVICE MANAGER	1.00	1.00		
DEPUTY UTILITY DIRECTOR	4.00	4.00	4.00	3.00
MANAGEMENT ANALYST				1.00
MANAGER BUSINESS			1.00	1.00
MANAGER COMMUNITY EDUCATION	1.00	1.00		
PROGRAM COORDINATOR	1.00	1.00	1.00	
PUBLIC RELATIONS SPECIALIST			1.00	
UTILITIES DIRECTOR	1.00	1.00	1.00	1.00
641 - WORKERS COMP SELF INS	2.00	2.00	2.00	2.25
64150 - RISK FUNDS	2.00	2.00	2.00	2.25

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
6415020 - WORKERS COMPENSATION	2.00	2.00	2.00	2.25
DIRECTOR OF HUMAN RESOURCES				0.25
HUMAN RESOURCES ASSISTANT		1.00	1.00	
HUMAN RESOURCES SPECIALIST	1.00			
MANAGER HUMAN RESOURCES	1.00	1.00	1.00	
SENIOR HUMAN RESOURCES MANAGER				1.00
SENIOR HUMAN RESOURCES SPECIALIST				1.00
642 - GROUP HEALTH INSURANCE	1.00	2.00	2.00	2.25
64252 - RISK FUNDS	1.00	2.00	2.00	2.25
6425250 - GROUP HEALTH INSURANCE	1.00	2.00	2.00	2.25
DIRECTOR OF HUMAN RESOURCES				0.25
HUMAN RESOURCES SPECIALIST				1.00
MANAGER HUMAN RESOURCES	0.50	0.50	0.50	
SENIOR HUMAN RESOURCES MANAGER				0.50
SENIOR HUMAN RESOURCES SPECIALIST	0.50	0.50	0.50	0.50
WELLNESS COORDINATOR		1.00	1.00	
700 - HUD GRANTS	10.00	10.00	12.50	10.90
70002 - HUD COMM ENG Grants			2.00	
7000215 - HUD COMM ENG Grants			2.00	
PROGRAM COORDINATOR			1.00	
SENIOR PROGRAM COORDINATOR			1.00	
70071 - HND GRANTS	10.00	10.00	10.50	10.90
7007171 - NR HOUSING SERVICES	10.00	10.00	10.50	10.90
ACCOUNTANT			1.00	
ACCOUNTANT II	1.00			
DIV DIRC HOUSING SERVICES	1.00	1.00	1.00	1.00
GRANTS ADMINISTRATOR	1.00			
MANAGER BUSINESS				1.00
OFFICE ASSISTANT I	1.00	1.00		
OFFICE SPECIALIST	2.00	1.00	1.00	
OFFICE SPECIALIST II		1.00		
PROGRAM COORDINATOR	1.00	2.00	2.00	3.00
REHABILITATION SPECIALIST I	3.00	3.00	4.00	4.00
SENIOR PROGRAM ADMINISTRATOR			1.50	1.50
SENIOR PROGRAM COORDINATOR		1.00		0.40
710 - OTHER GRANTS	3.90	6.00	4.00	5.00
71025 - OTHER GRANTS	1.00	1.00	1.00	1.00
7102571 - LAW ENFORCEMENT GRANTS	1.00	1.00	1.00	1.00
OFFICE SPECIALIST	1.00	1.00	1.00	1.00
71060 - OTHER GRANTS	1.90	2.00	2.00	2.00

Row Labels	FY 22 Budgeted FTEs	FY 23 Budgeted FTEs	FY 24 Budgeted FTEs	FY 25 Budgeted FTEs
7106071 - PLANNING GRANTS	1.90	2.00	2.00	2.00
ADMINISTRATIVE OFFICER	0.10			
DIRECTOR OF PLANNING DEVEL SVS & HOUSING	0.20			
PLANNER II	0.80	1.00	1.00	1.00
PLANNER III	0.80	1.00		
SENIOR PLANNER			1.00	1.00
71071 - OTHER GRANTS	1.00	3.00	1.00	2.00
7107171 - HND STATE GRANTS	1.00	3.00	1.00	2.00
PROGRAM COORDINATOR		2.00	1.00	2.00
SENIOR PROGRAM ADMINISTRATOR	1.00	1.00		
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<b>Grand Total</b>	<b>1146.00</b>	<b>1162.00</b>	<b>1187.00</b>	<b>1188.00</b>

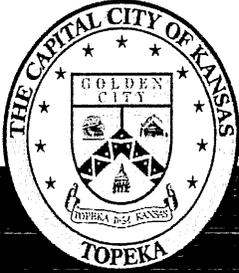
Row Labels	7/22/2024 Vacancy Total
101 - GENERAL	81.00
10101 - CITY COUNCIL	1.00
1010110 - CITY COUNCIL	1.00
SENIOR EXECUTIVE ASSISTANT	1.00
10102 - CITY MANAGER	3.00
1010210 - CITY MANAGER	2.00
DEPUTY CITY MANAGER	1.00
PRODUCTION SPECIALIST	1.00
1010215 - DEI Office	1.00
CHIEF DIVERSITY EQUITY & INCLUSION OFFICER	1.00
10103 - CITY ATTORNEY	1.00
1010310 - GENERAL GOVERNMENT & CRIMINAL PROSECUTION	1.00
ASSISTANT ATTORNEY	1.00
10104 - FINANCIAL SERVICES	5.00
1010410 - CENTRAL ACCOUNTING & CASH	5.00
ADMINISTRATIVE OFFICER	1.00
CHIEF FINANCIAL OFFICER	1.00
DEPUTY DIRECTOR OF FINANCE	1.00
GRADUATE FELLOW	1.00
MANAGEMENT ANALYST	1.00
10105 - MUNICIPAL COURT	7.00
1010510 - MC JUDICIAL	7.00
COURT CLERK I	1.00
COURT CLERK II	4.00
PROBATION OFFICER I	1.00
PROBATION OFFICER II	1.00
10106 - HUMAN RESOURCES	1.00
1010610 - HUMAN RESOURCES	1.00
HUMAN RESOURCES ASSISTANT	1.00
10120 - FIRE DEPARTMENT	5.00
1012010 - FIRE ADMINISTRATION & BUSINESS SERVICES	1.00
DIVISION CHIEF FIRE - ADMINISTRATION	1.00

Row Labels	7/22/2024 Vacancy Total
1012017 - FIRE OPERATIONS	4.00
ADVANCED FIREFIGHTER	4.00
10125 - POLICE DEPARTMENT	40.00
1012510 - POLICE EXECUTIVE BUREAU	1.00
POLICE CHIEF	1.00
1012512 - POLICE CRIMINAL INVESTIGATIONS BUREAU	2.00
POLICE DETECTIVE	1.00
POLICE MAJOR	1.00
1012513 - POLICE FIELD OPERATIONS BUREAU	23.00
POLICE OFFICER	18.00
POLICE OFFICER IN TRAINING	5.00
1012514 - POLICE COMMUNITY OUTREACH BUREAU	14.00
ANIMAL CONTROL OFFICER	2.00
ANIMAL CONTROL SUPERVISOR	1.00
INVENTORY SPECIALIST	1.00
POLICE OFFICER	6.00
POLICE RECORDS CLERK	4.00
10130 - PUBLIC WORKS	8.00
1013019 - PUBLIC WORKS ENGINEERING	6.00
ACCOUNTING SPECIALIST	1.00
CITY ENGINEER	1.00
ENGINEERING TECHNICIAN I	1.00
MANAGEMENT ANALYST	1.00
SENIOR ENGINEERING TECHNICIAN	1.00
TRAFFIC ENGINEER	1.00
1013020 - TRANS OPERATIONS	2.00
EQUIPMENT OPERATOR I	2.00
10150 - TOPEKA ZOOLOGICAL PARK	3.00
1015020 - ZOO ANIMAL CARE	2.00
MANAGER ZOO OPERATIONS	1.00
ZOO KEEPER	1.00
1015030 - ZOO EDUCATION & CONSERVATION	1.00

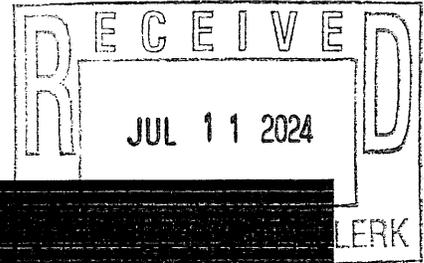
Row Labels	7/22/2024 Vacancy Total
ZOO VETERINARIAN	1.00
10160 - PLANNING DEPARTMENT	4.00
1016010 - PLANNING DEPARTMENT	1.00
DEPUTY DIRECTOR OF ECONOMIC DEVELOPMENT	1.00
1016015 - PLANNING - DEVELOPMENT SERVICES	3.00
ADMINISTRATIVE OFFICER	1.00
PLAN REVIEWER	1.00
TRADE INSPECTOR	1.00
10170 - NEIGHBORHOOD RELATIONS	3.00
1017015 - NR PROPERTY MAINTENANCE	3.00
HOUSING NAVIGATOR	1.00
PROPERTY MAINT INSPECTOR I	1.00
PROPERTY MAINT INSPECTOR II	1.00
291 - SPECIAL STREET REPAIR	10.00
29130 - TRANS OPERATIONS	10.00
2913020 - TRANS OPERATIONS	10.00
MAINTENANCE WORKER II	2.00
STREET MAINTENANCE WORKER	1.00
STREET MAINTENANCE WORKER TRAINEE	7.00
613 - INFORMATION TECHNOLOGY	3.00
61312 - INFORMATION TECHNOLOGY	2.00
6131259 - IT DEPARTMENT OVERHEAD	2.00
SENIOR SYSTEM DEVELOPER	2.00
61330 - INFORMATION TECHNOLOGY	1.00
6133010 - IT DEPARTMENT OVERHEAD	1.00
BUSINESS SYSTEMS ANALYST	1.00
614 - FLEET MANAGEMENT	1.00
61404 - FLEET MANAGEMENT	1.00
6140459 - FLEET SERV ADMN/LD SHOP	1.00
MASTER MECHANIC	1.00
615 - FACILITIES OPERATIONS	4.00
61530 - FACILITIES OPERATIONS	4.00

Row Labels	7/22/2024 Vacancy Total
6153070 - FACILITIES OPERATIONS	4.00
MAINTENANCE WORKER II	1.00
MAINTENANCE WORKER III	1.00
PLUMBER	1.00
PREVENTATIVE MAINTENANCE TECHNICIAN	1.00
<b>621 - WATER UTILITY</b>	<b>16.00</b>
62130 - WATER UTILITY	16.00
6213010 - WATER ADMINISTRATION	2.00
ENGINEER	1.00
ENGINEERING TECHNICIAN I	1.00
6213061 - WA MAINTENANCE	6.00
FOREPERSON	2.00
LEADPERSON	3.00
MANAGER INFRASTRUCTURE	1.00
6213064 - WA OPERATIONS	8.00
LEADPERSON	1.00
MANAGER INFRASTRUCTURE	1.00
OFFICE ASSISTANT III	1.00
SENIOR NETWORK ENGINEER	1.00
UTILITY SYSTEM WORKER II	1.00
UTILITY SYSTEM WORKER III	1.00
WATER PLANT OPERATOR	2.00
<b>623 - STORMWATER UTILITY</b>	<b>4.00</b>
62330 - STORMWATER	4.00
6233010 - STORMWATER ADMINISTRATION	2.00
ENGINEER	1.00
ENGINEER IN TRAINING	1.00
6233064 - STORMWATER MAINTENANCE	2.00
EQUIPMENT OPERATOR	1.00
SENIOR INFRASTRUCTURE MANAGER	1.00
<b>625 - WASTEWATER FUND</b>	<b>11.00</b>
62530 - WASTEWATER	11.00

Row Labels	7/22/2024 Vacancy Total
6253067 - WASTEWATER MAINTENANCE	3.00
MAINTENANCE MECHANIC	3.00
6253069 - WASTEWATER OPERATIONS	3.00
MANAGER INFRASTRUCTURE	1.00
WASTEWATER TREATMENT FACILITY OPERATOR I	2.00
6253069 - WPC SCADA	1.00
SYSTEM DEVELOPER II	1.00
6253074 - UTILITIES & TRANSP ADM	2.00
EQUIPMENT OPERATOR	2.00
6253080 - UTILITIES & TRANSP ADM	2.00
DEPUTY UTILITY DIRECTOR	2.00
710 - OTHER GRANTS	1.00
71060 - OTHER GRANTS	1.00
7106071 - PLANNING GRANTS	1.00
PLANNER II	1.00
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<b>Grand Total</b>	<b>131.00</b>



# CITY OF TOPEKA



## City of Topeka Notice of Revenue Neutral Rate Intent

THE GOVERNING BODY OF CITY OF TOPEKA, KANSAS, HEREBY NOTIFIES THE SHAWNEE COUNTY CLERK OF INTENT TO EXCEED THE REVENUE NEUTRAL RATE;

X YES we intend to exceed the Revenue Neutral Rate for the **City of Topeka** and our proposed mill rate is **38.952**.

The breakdown of the levy is as follows:

**General: 27.554      Bond and Interest: 10.717      Special Liability: 0.681**

The public hearing date shall take place on September 10, 2024 at 6:00 PM in the Cyrus K. Holliday Building, First Floor Conference Room, located at 620 SE Madison Street, Topeka, Kansas.

X YES we intend to exceed the Revenue Neutral Rate for the **Topeka Metro Transit Authority (TMTA)** and our proposed mill rate is **4.2**.

The breakdown of the levy is as follows:

**General: 4.2**

The public hearing date shall take place on September 10, 2024 at 6:00 PM in the Cyrus K. Holliday Building, First Floor Conference Room, located at 620 SE Madison Street, Topeka, Kansas.

WITNESS my hand and official seal on July 11, 2024.



*Brenda Younger*  
Brenda Younger, M.M.C.  
City Clerk



# CITY OF TOPEKA

## CERTIFICATE

I, Brenda Younger, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the attached is a true and correct copy of City of Topeka Resolution No. 9558 passed and approved by the Governing Body on July 9, 2024, as the same appears on record in the Office of the City Clerk.



*Brenda Younger*  
Brenda Younger, City Clerk



29 County Clerk on or before July 20, 2024.

30 4. This resolution shall take effect and be in force immediately upon its adoption.

31 ADOPTED and APPROVED by the Governing Body on July 9, 2024.

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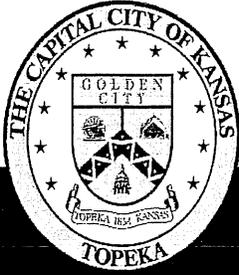


ATTEST:

*Brenda Younger*  
Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS

*Michael A. Padilla*  
Michael A. Padilla, Mayor



# CITY OF TOPEKA

## CERTIFICATE

I, Brenda Younger, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the attached is a true and correct copy of City of Topeka Resolution No. 9552 passed and approved by the Governing Body on July 2, 2024, as the same appears on record in the Office of the City Clerk.



*Brenda Younger*  
Brenda Younger, City Clerk



28 BE IT FURTHER RESOLVED THAT:

29 1. The Governing Body adopts a proposed tax rate for the TMTA at 4.2 mills.

30 2. The public hearing to entertain public comment regarding possible adoption of a  
31 2025 budget that exceeds the TMTA's RNR of 4.017 shall take place on September 10,  
32 2024 at 6:00 p.m. in the Cyrus K. Holliday Building, First Floor Conference Room, 620  
33 SE Madison Street, Topeka, Kansas.

34 3. The City Clerk is directed to provide a certified copy of this Resolution to the  
35 County Clerk on or before July 20, 2024.

36 4. This resolution shall take effect and be in force immediately upon its adoption.

37 ADOPTED and APPROVED by the Governing Body on July 2, 2024.

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ATTEST:

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

  
Brenda Younger, City Clerk



**BACKGROUND:**

Trade contractors, trade boards, and the Board of Building Fire and Appeals and the all are in support of the bi-annual licensing. Staff has also presented this and received full support from the Policy & Finance Committee.

**BUDGETARY IMPACT:**

The first year of implementing the bi-annual we will have a bump in our licensing fee because half of the contractors will be paying for two-year license and the other group will be paying for one-year license. From that point on we will have our normal revenue because we will have half of the contractors paying for two years which is the same as having all the contractors paying for one year.

**SOURCE OF FUNDING:**

This proposal will not need any funding.

**ATTACHMENTS:**

**Description**

Memo

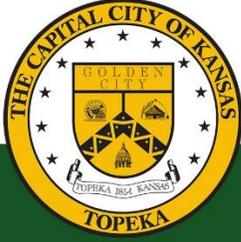
Presentation

Effect on Revenue

Ordinance

Policy & Finance Committee Report (Aug 15, 2024)

Policy & Finance Committee Meeting Minutes Excerpt (Aug 15, 2024)



# CITY OF TOPEKA

Richard Faulkner  
Division Director of Development Services  
Holliday Building, 620 SE Madison St., Topeka, KS 66607

[rfaulkner@topeka.org](mailto:rfaulkner@topeka.org)  
Tel: 785-368-1606  
[www.topeka.org](http://www.topeka.org)

Date: August 5, 2024

To: Policy & Finance Committee  
Marcus Miller  
Spencer Duncan  
Michelle Hoferer

From: Richard Faulkner, Division Director Development Services

Subject: Bi-Annual Contractor Licensing TMC 5.63.40 & 5.63.50

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Traditionally there is a choke-point in December where the process of licensing the trades and contractors happen. The ripple effect of this extremely busy and stressful time is directly related to IT pressure, overwhelmed telephone lines, late billing, and inspection scheduling difficulties.

We carry approximately 3,000 licenses yearly.

Proposal to move to a two-year license which we stagger into two equal sized groups. This would effectively halve the number of licenses to renew each year and cease the backlog to the listed ripples above, improving the City's efficiency to serve its customers.

Proposal that the license should be the same price per year as we have used for the past years though obviously twice the amount to cover the duration of the new license. During the implementation year one "half/group" will receive the traditional one-year license in order to stagger the groups going forwards.

The required CEU accreditation can be handled by either accepting 12 hours at the end of the license or by 6 hours each year (State Statute, KS 12-1509) This year we implemented a fully online approach to renewal through the uploading of those CEU documents. This will allow us to keep a digital receipt of those hours in our database for our customers negating the issue of lost certificates on their part.

Also because of the move to online renewal we can put together an accurate database enabling us to email notifications to our customers.



CITY OF  
**TOPEKA**



# Topeka Municipal Code Amendment to Licensing Requirement

Section 5.63.040 License and Registration Term

# Current Code

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Our current municipal code requires that all trade licenses be issued for one year:

*TMC 5.63.040* All licenses and registrations shall be for a term of one year ...

*We are proposing to issue licenses for two years.*



- We have been working to improve the time it takes to renew trade contractors license.
- One of the things we have done is to implement online license renewal
- Before the online license renewal we would start in December and work until March of the next year issuing renewals. We also needed to hire temporary staff.
- Now with online licensing we can renew a license the same day. We were able to complete license renewals in one month.



- By issuing a two year license we could cut the renewal time down to two weeks.
- Allow contractors to deal with license renewal once every two years not every year.
- When contractors renew their license online at the same time they can crash the computer server.
- This will allow us to provide more timely service during the renewal.



- We have sent out emails to our licensed contractors to get their input on looking into two year licensing
- We discussed this proposal with the trade boards and the Board of Building and Fire appeals (BBFA)
- We have reviewed that state statutes to make sure this can be done and not violate any statutes
- We typically compare our building code issues to Olathe, Overland Park, Junction City, Shawnee, Lawrence, Leavenworth, and Manhattan. Manhattan is the only other community that has two year licensing.



# Conclusion

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- All the trade boards, trade contractors and the BBFA have support this request to amend this code to the Governing Body
- Staff supports this recommendation
- Buy amending this code we can serve the contractors in a more timely manner



## Bi-Annual License Split 2024/25

<b><u>Contractors with Qualifying Party</u></b>					
		<b><u>Fee</u></b>	<b><u>#</u></b>	<b><u>Total Fee</u></b>	
<b>One Year License</b>	Concrete	\$103	54	\$5,562	
	Demolition	\$103	25	\$2,575	
	Excavating	\$103	70	\$7,210	
	Fire Alarm	\$103	33	\$3,399	
	Fire Sprinkler	\$103	36	\$3,708	
	Electrical	\$231	369	\$85,239	
	General Class A (G2)	\$403	164	\$66,092	
	Lawn Irrigation	No Fee	16	\$0	
	Residential Class C (R1)	\$103	93	\$9,579	
	Roofing	\$103	66	\$6,798	
	Backflow Tester	\$33	118	\$3,894	
	Electrical Journeymen	\$33	186	\$6,138	
	<b>Total Fees</b>				<b>\$200,194</b>
<b>Total Licenses</b>			<b>1230</b>		
<b><u>Trade Contractors with Master</u></b>					
		<b><u>Fee</u></b>	<b><u>#</u></b>	<b><u>Total Fee</u></b>	
<b>Two Year License</b>	Plumbing	\$231	263	\$121,506	
	Mechanical	\$231	241	\$111,342	
	General Class B (G1)	\$203	259	\$105,154	
	Electrical Apprentice	\$23	40	\$1,840	
	Solid Fuel Master	\$78	5	\$780	
	Mechanical Apprentice	\$23	24	\$1,104	
	Mechanical Journeymen	\$33	96	\$6,336	
	Plumbing Apprentice	\$23	20	\$920	
	Plumbing Journeymen	\$33	69	\$4,554	
	Mobile Home Setter	No Fee	1	\$0	
	<b>Total Fees</b>				<b>\$353,536</b>
	<b>Total Licenses</b>			<b>1018</b>	

**NOTE: This is NOT reflective of any proposed fee increase going forwards. Tech Fee is included**

**Total fees for first year                    \$553,730**  
**Total fees for second year                \$400,388**  
**Total fees for third year                    \$353,536**  
**Total fees for the fourth year              \$400,388**

Per above Table  
 Contractor with Qualifying Party column only for two years  
 Trade Contractor column Only  
 Contractor with Qualifying Party column only

1 (Published in the Topeka Metro News \_\_\_\_\_)

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE introduced by City Manager Robert M. Perez, amending § 5.63.040  
6 and § 5.63.050 concerning licenses and registration term and fees  
7 of the Topeka Municipal Code and repealing original sections.  
8

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

10 Section 1. That section 5.63.040, Licenses and Registration term, of the Code  
11 of the City of Topeka, Kansas, is hereby amended to read as follows:

12 **Licenses and registrations term.**

13 All licenses and registrations shall be for a term of ~~one~~ two (2) years and shall  
14 expire the last working day before December 15<sup>th</sup> in the second year of the term. In the  
15 event of the expiration of a license or registration, no new license or registration shall be  
16 issued until one year after the license or registration has expired. In the event the  
17 individual elects to be licensed during this one-year period, he or she will be required to  
18 pay the renewal fee, plus ~~an~~ applicable late fees, or other fees as required under the  
19 Code.

20 In December of 2024, all individuals who apply for or renew their licenses and  
21 registrations shall be divided into two groups as assigned by the Development Services  
22 Director or designee. The first group of individuals shall pay the applicable biennial fees  
23 and apply for or renew their licenses and registrations for a term of two years, that shall  
24 expire on the last working day before December 15<sup>th</sup> in even-numbered years. The  
25 second group of individuals shall pay the applicable annual fees and apply for or renew  
26 their licenses and registrations for a term of one year that shall expire on the last working  
27 day before December 15, 2025. After December 15, 2025, the second group of individuals

28 shall pay the applicable biennial fees and apply for or renew their licenses and  
29 registrations for a term of two years that shall expire on the last working day before  
30 December 15<sup>th</sup> in odd-numbered years.

31 Section 2: That section 5.63.050, Fees, of The Code of the City of Topeka, Kansas  
32 is hereby amended to read as follows:

33 **Fees.**

34 (a) The original annual license or registration fees for contractors, masters,  
35 journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades  
36 set to expire on December 15, 2025 are:

- 37 (1) Contractor:
- |    |                                    |          |
|----|------------------------------------|----------|
| 38 | (i) Commercial contractor type I   | \$250.00 |
| 39 | (ii) Commercial contractor type II | \$450.00 |
| 40 | (iii) Concrete contractor          | \$150.00 |
| 41 | (iv) Demolition contractor         | \$150.00 |
| 42 | (v) Elevator contractor            | \$150.00 |
| 43 | (vi) Fire alarm contractor         | \$150.00 |
| 44 | (vii) Fire sprinkler contractor    | \$150.00 |
| 45 | (viii) Framing contractor          | \$150.00 |
| 46 | (ix) Residential contractor        | \$200.00 |
| 47 | (x) Roofing contractor             | \$150.00 |
| 48 | (xi) Swimming pool contractor      | \$150.00 |
| 49 | (xii) Trade contractors            | \$250.00 |
| 50 | (A) Master                         | \$100.00 |

51 (B) Journeyman \$50.00

52 a. Certified backflow

53 Tester/repair technician \$50.00

54 (C) Apprentice registration \$30.00

55 (b) Annual renewal of license fees for the all contractors, and masters,  
56 journeymen and apprentices in the electrical, mechanical, plumbing, and gas fitting trades  
57 listed in this section which is set to expire on December 15, 2025, are:

58 (1) Contractor:

59 (i) Commercial contractor type I \$200.00

60 (ii) Commercial contractor type II \$400.00

61 (iii) Concrete Contractor \$100.00

62 (iv) Demolition contractor \$100.00

63 (v) Elevator contractor \$100.00

64 (vi) Excavation contractor \$100.00

65 (vii) Fire alarm contractor \$100.00

66 (viii) Fire sprinkler contractor \$100.00

67 (ix) Framing contractor \$100.00

68 (x) Residential contractor \$150.00

69 (xi) Roofing contractor \$100.00

70 (xii) Swimming pool contractor \$100.00

71 (xiii) Trade contractors \$150.00

72 (A) Master \$75.00

73 (B) Journeyman \$30.00

74	a. Certified backflow	
75	tester/repair technician	\$30.00
76	(C) Apprentice registration	\$20.00
77	(D) Inactive	\$30.00

78 (c) The biennial license or registration fees for all contractors, and masters,  
79 journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades  
80 are:

81 (1) Contractor:

82	<u>(i) Commercial contractor type I</u>	<u>\$500.00</u>
83	<u>(ii) Commercial contractor type II</u>	<u>\$900.00</u>
84	<u>(iii) Concrete contractor</u>	<u>\$300.00</u>
85	<u>(iv) Demolition contractor</u>	<u>\$300.00</u>
86	<u>(v) Elevator contractor</u>	<u>\$300.00</u>
87	<u>(vi) Fire alarm contractor</u>	<u>\$300.00</u>
88	<u>(vii) Fire sprinkler contractor</u>	<u>\$300.00</u>
89	<u>(viii) Framing contractor</u>	<u>\$300.00</u>
90	<u>(ix) Residential contractor</u>	<u>\$400.00</u>
91	<u>(x) Roofing contractor</u>	<u>\$300.00</u>
92	<u>(xi) Swimming pool contractor</u>	<u>\$300.00</u>
93	<u>(xii) Trade contractors</u>	<u>\$500.00</u>
94	<u>(A) Master</u>	<u>\$200.00</u>
95	<u>(B) Journeyman</u>	<u>\$100.00</u>

96 a. Certified backflow

97		<u>tester/repair technician</u>	<u>\$100.00</u>
98		<u>(C) Apprentice registration</u>	<u>\$60.00</u>
99		<u>(d) The biennial renewal of license fees for all contractors, and masters,</u>	
100		<u>journeymen, and apprentices in the electrical, mechanical, plumbing, and gas fitting</u>	
101		<u>trades are:</u>	
102		<u>(1) Contractor:</u>	
103		<u>(i) Commercial contractor type I</u>	<u>\$400.00</u>
104		<u>(ii) Commercial contractor type II</u>	<u>\$800.00</u>
105		<u>(iii) Concrete contractor</u>	<u>\$200.00</u>
106		<u>(iv) Demolition contractor</u>	<u>\$200.00</u>
107		<u>(v) Elevator contractor</u>	<u>\$200.00</u>
108		<u>(vi) Fire alarm contractor</u>	<u>\$200.00</u>
109		<u>(vii) Fire sprinkler contractor</u>	<u>\$200.00</u>
110		<u>(viii) Framing contractor</u>	<u>\$200.00</u>
111		<u>(ix) Residential contractor</u>	<u>\$300.00</u>
112		<u>(x) Roofing contractor</u>	<u>\$200.00</u>
113		<u>(xi) Swimming pool contractor</u>	<u>\$200.00</u>
114		<u>(xii) Trade contractors</u>	<u>\$300.00</u>
115		<u>(A) Master</u>	<u>\$150.00</u>
116		<u>(B) Journeyman</u>	<u>\$60.00</u>
117		<u>a. Certified backflow</u>	
118		<u>tester/repair technician</u>	<u>\$60.00</u>
119		<u>(C) Apprentice registration</u>	<u>\$40.00</u>

120 (D) Inactive \$60.00

121 (ee) Registration fee for individuals holding trade licenses issued by another  
122 jurisdiction which has license requirements which comply with the provisions of TMC  
123 5.63.080:

- |     |     |            |          |
|-----|-----|------------|----------|
| 124 | (1) | Master     | \$100.00 |
| 125 | (2) | Journeyman | \$50.00  |

126 (df) In addition to the foregoing license or registration fees, the following fees or  
127 charges shall also apply to all licenses:

- |     |     |   |         |
|-----|-----|---|---------|
| 128 | (1) | Change of designated master for trade contractors | \$50.00 |
| 129 | (2) | Reinstatement fee                                 | \$30.00 |
| 130 | (3) | Change of address (failure notify                 |         |
| 131 |     | Development Services Director)                    | \$10.00 |
| 132 | (4) | Duplicate license                                 | \$10.00 |
| 133 | (5) | Exam application                                  | \$50.00 |
| 134 | (6) | Exam re-test                                      | \$20.00 |
| 135 | (7) | Grade verification letter                         | \$50.00 |

136 (eg) Late registration or renewal fee in an amount equal to 25 percent of the  
137 renewal fee up to 15 days after the expiration of license. Late registration or renewal fee  
138 in an amount equal to 50 percent of the renewal fee 15 days or more after expiration.

139 Section 3. This ordinance shall take effect and be in force from and after its  
140 passage, approval and publication in the official City newspaper.

141 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,  
142 or portions thereof, which are in conflict with the provisions of this ordinance.

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Section 5. 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 \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

# COMMITTEE REFERRAL SHEET

## COMMITTEE REPORT

**Name of  
Committee:**

Policy & Finance

**Title:**

Bi-Annual Contractor Licensing Proposal

**Date referred  
from Council  
meeting:**

**Date referred  
from  
Committee:**

August 15, 2024

**Committee  
Action:**

MOTION: Committee member Miller made a motion to approve and get on the Governing Body agenda to support the Bi-Annual Contractor Licensing. Committee member Hoferer seconded. Approved 3-0-0.

**Comments:**

**Members of  
Committee:**

Councilmembers Spencer Duncan (Chair), Marcus Miller, Michelle Hoferer

**Agenda Date  
Requested:**

September 17, 2024



# CITY OF TOPEKA

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CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> St., Room 255  
Topeka, KS 66603-3914  
(785) 368-3710

Tonya Bailey, Sr Executive Assistant  
Tara Jefferies, Sr Executive Assistant  
E-mail: [councilassist@topeka.org](mailto:councilassist@topeka.org)  
[www.topeka.org](http://www.topeka.org)

## EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Thursday, August 15, 2024. The Public Infrastructure Committee members met at 1:00 P.M. 1st Floor Conference Room, Cyrus K. Holliday Bldg 620 SE Madison , with the following Committee members present: Spencer Duncan (Chair), Marcus Miller and Michelle Hoferer.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL to proceed with recommendation so support the Bi-Annual Contractor Licencing.

### BI-ANNUAL CONTRACTOR LICENSING PROPOSAL

Richard Faulkner, Development Services Division Director, presented information on the current code; the current municipal code requires that all trade licenses be issued for one year. Development Services is proposing to issue licenses for two years. The proposal has gone to the Board of Building and Fire appeals (BBFA), talked with contractors and stakeholders; which is being supported. He spoke to the implementation of online license renewal which has provided the staff the ability to issue a license much quicker. By issuing a two-year license this would allow contractors the convenience of not going through the process yearly, and improving the City's efficiency to serve its customers. There were comparisons done with Olathe, Overland Park, Junction City, Shawnee, Lawrence, Lawrence, Leavenworth and Manhattan to review their building codes, all but Manhattan is in a two-year licencing.

MOTION: Committee member Miller made a motion to approve and get on the Governing Body agenda. Committee Chair Hoferer seconded. Motion approved 3-0-0.

\*\*\*\*\*



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 17, 2024

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**DATE:** September 17, 2024  
**CONTACT PERSON:** **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Public Comment **PROJECT #:**  
Protocol  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**PUBLIC COMMENT PROTOCOL**

**VOTING REQUIREMENTS:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**Governing Body Rule 5.5**

(c) **Public Comment on a specific agenda item:** Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.

(d) **General public comment:** Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

**Procedures for Addressing the Governing Body**

In accordance with Governing Body Rules 5.6 and 5.7, the following protocols for public comment apply:

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.

The following behavior will not be tolerated from any speaker:

- Uttering fighting words
- Slander
- Speeches invasive of the privacy of individuals (no mention of names) Unreasonably Loud Speech
- Repetitious Speech or Debate
- Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding office (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the City Council Chambers or Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Zoom Meeting Protocol

- Make sure your Zoom name, email and/or phone number matches what was submitted to the City Clerk when you signed up for public comment. Any misnamed or unauthorized users will not be admitted to Zoom.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at [atcclerk@topeka.org](mailto:atcclerk@topeka.org) 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**