

(Published in the Topeka Metro News April 14, 2025)

ORDINANCE NO. 20557

AN ORDINANCE introduced by City Manager Robert M. Perez, amending § 5.25.010, § 5.25.020, § 5.25.030, § 5.25.050, and § 5.25.140 of the Topeka Municipal Code concerning Ambulance Services and repealing original sections.

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

Section 1. That section 5.25.010, Definitions, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

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

“Ambulance” means a vehicle for hire, including helicopters and airplanes, equipped or used for the transportation of wounded, injured, sick, invalid or deceased persons. There term “ambulance” shall not include vehicles used for the purpose of transporting deceased persons for funeral or burial purposes.

“Applicant” means any person who shall have filed a written application for a franchise under this chapter as provided in Article II of this chapter.

~~“City County Ambulance Advisory Council” means the advisory council composed of all members of the City Council and all members of the Board of County Commissioners established by the City and County for purposes of promoting City-County cooperation in providing ambulance services to the residents of the City and County.~~

“Franchise” means the nonexclusive authorization granted under this chapter to

use the streets and alleys of the City to operate an ambulance service within the corporate limits of the City, as now existing or hereafter altered.

“Grantee” means any person to whom a franchise is granted by the Council under this chapter.

“Person” means an individual, firm, partnership, corporation, joint venture, or any other association of persons.

~~“Rules and regulations promulgated by the Secretary” means duly adopted regulations of the State Department of Health and Environment, as amended.~~

~~“Secretary” means the Secretary of the State Department of Health and Environment.~~

“Surrender” means the voluntary relinquishment of the rights and duties conferred by an awarded and accepted franchise for the unexpired term of such franchise by action of the grantee pursuant to the conditions stated in the franchise agreement.

“Termination” means the involuntary withdrawal of the rights and duties conferred by an awarded and accepted franchise for the unexpired terms of such franchise by action of the Council pursuant to the authority reserved in the franchise agreement.

~~“Type I, II, and III” means that class of ambulance services and ambulances as required by K.A.R. 28-40-65 and 28-40-66.~~

Section 2. That section 5.25.020, Statement of Intent, of The Code of the City of Topeka, Kansas is hereby amended to read as follows:

Statement of intent.

The Council recognizes that the citizens of Topeka are entitled to responsible emergency medical care. Therefore, it is hereby declared that the Council intends to grant

franchise contracts for the operation of ambulance services in the City and to cooperate with the Board of County Commissioners to provide a unified system of ambulance services, subject to State statutes and rules and regulations promulgated pursuant to the Kansas Secretary of State and the Emergency Medical Services Board thereto, which license ambulance services within the state.

Section 3. That section 5.25.030, Cooperation with County, of The Code of the City of Topeka, Kansas is hereby amended to read as follows:

Cooperation with County.

The Council shall with respect to all actions pursuant to this chapter give due consideration to the ambulance service resolutions of the Board of County Commissions and to any contract awarded and accepted thereunder. A recommendation may be requested from ~~the City-County Ambulance Advisory Council~~ any County-City advisory council, committee, task force, or group created to provide subject matter expertise regarding the emergency medical services system when any question regarding cooperation between the City and the County exists or is foreseen.

Section 4. That section 5.25.050, Type of service provided, of The Code of the City of Topeka, Kansas is hereby repealed.

~~Type of service provided.~~

~~Any ambulance service franchised by the City shall provide type I service, as defined by rules and regulations promulgated by the Secretary. All equipment, personnel and services offered and provided by the grantee shall conform to such regulations.~~

Section 5. That section 5.25.140, Liability insurance requirements, of The Code of the City of Topeka, Kansas is hereby amended to read as follows:

Liability insurance requirements.

(a) During the term of the franchise grant and during such time as the grantee is providing service pursuant to such grant, there shall be on file with the City Clerk an insurance policy, approved as to form and endorsed by the City Attorney, providing liability coverage for each and every ambulance owned, operated or leased by the grantee.

(b) Minimum coverage of the insurance policy required by this section shall be in the amounts of ~~\$300,000~~\$1,000,000 for any one person killed or injured in any one accident or occurrence and ~~\$500,000~~\$2,000,000 for more than one person injured or killed in any one accident or occurrence, with passenger or patient hazard included in the policy. Such policy shall also provide a minimum coverage of \$100,000 for all damages arising out of injury to or destruction of property. Each insurance policy shall include medical professional liability insurance in a minimum amount of \$1,000,000.

Section 6. That original § 5.25.010, § 5.25.020, § 5.25.030 and § 5.25.140 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. 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.

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PASSED AND APPROVED by the City Council on April 8, 2025.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk