



CITY OF TOPEKA

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MEMORANDUM

To: Public Health and Safety Committee
From: Kelly J. Trussell, Chief of Prosecution
Re: Amendments to Cruelty to Animals Ordinance
Date: May 20, 2025

The purpose of this memo is to explain the proposed amendments to the Cruelty to Animals Ordinance (TMC 6.15.170).

The first proposed amendment is within (a)(3)(ii), regarding the requirement of the owner to provide adequate fresh water. The purpose of the first amendment is to change water availability from “on a regular basis” to “at all times.” Currently, the ordinance’s requirement for providing fresh water is vague regarding the timeframe for which water should be provided. This amendment removes any need to define “on a regular basis” and ensures that animals are provided fresh water at all times.

The second proposed amendments are within (c) and (e), regarding automatic release of the animal to the humane society upon the owner failing to post a 30 day bond, within 21 days of the notice of violation, in the amount of the costs of care and treatment of the animal for 30 days. This bond must be renewed every 30 days that the animal is still in custody. Failure to post an original 30 day bond, or renew the 30 day bond, immediately releases the animal to the humane society. Often, animals are left in custody with the humane society for many months and have even exceeded years in some cases. This bond mechanism mirrors state law (K.S.A. 21-6412) and will prevent long extended holds on animals at the humane society.

The third proposed amendment adds a Section (h) to the ordinance. This amendment classifies a violation of this ordinance as a Class A nonperson misdemeanor. Currently, our TMC has this ordinance as an unclassified misdemeanor. The classification as a Class A nonperson misdemeanor not only puts the ordinance in line with state law (K.S.A. 21-6412), but it also allows for repeated violations to stack into felony status; an option the TMC’s current classification does not allow for.

We are recommending adoption of these proposed amendments to TMC 6.05.100.