



City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
<https://www.topeka.org>

Governing Body Agenda

December 19, 2017
6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of five (5) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th -Room 166 and on the City's web site at <https://www.topeka.org>)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"January 2018 - Stalking Awareness Month"

2. PRESENTATIONS:

"Public Works Quarterly Report"

"Utilities Quarterly Report"

3. ROLL CALL:

4. APPOINTMENTS:

A. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Caleb Asher to the Downtown Business Improvement District Advisory Board to fill an unexpired term ending January 2, 2020. (Council District No. 6)

B. Board Appointment - Board of Electrical Appeals

BOARD APPOINTMENT recommending the appointment of Leo S. Martinez to the City of Topeka Board of Electrical Appeals for a term ending December 20, 2019. (Council District No. 2)

C. Board Appointment - Topeka Human Relations Commission

BOARD APPOINTMENT recommending the appointment of Ashley Canas to the Topeka Human Relations Commission to fill an unexpired term and a full term expiring July 7, 2020. (Council District No. 5)

D. Board Appointment - Civil Service Commission

BOARD APPOINTMENT recommending the appointment of Walt Frederick to the Civil Service Commission to fill an unexpired term ending January 5, 2020. (Council District No. 6)

E. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Stephanie Gassen to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. (Council District No. 5)

F. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Linda Morgan to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. (Council District No. 4)

G. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Vince Frye to the Topeka

Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. *(Council District No. 7)*

H. **Board Appointment - Topeka Tourism Business Improvement District Advisory Board**

BOARD APPOINTMENT recommending the appointment of Kurt Young to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. *(Outside City Limits)*

I. **Board Appointment - Topeka Tourism Business Improvement District Advisory Board**

BOARD APPOINTMENT recommending the appointment of Robert Bergquist to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. *(Outside City Limits)*

J. **Board Appointment - Topeka Tourism Business Improvement District Advisory Board**

BOARD APPOINTMENT recommending the appointment of Thad Halstead to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. *(Council District No. 7)*

K. **Board Appointment - Topeka Tourism Business Improvement District Advisory Board**

BOARD APPOINTMENT recommending the appointment of Dean Patel to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. *(Council District No. 8)*

5. **CONSENT AGENDA:**

A. **MINUTES** of the regular meeting of December 12, 2017

B. **APPLICATIONS:**

6. **ACTION ITEMS:**

A. **Security Guard License Appeal - Marcus Freeman**

Security Guard License Appeal submitted by Marcus Freeman.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval of the denial of the appeal will affirm the Topeka Police Department's decision to not renew Mr. Freeman's security guard license.)

B. **Ordinance - Ambulance Service Franchise Fees**

ORDINANCE introduced by City Manager Brent Trout, concerning franchise fees for ambulance service, amending City of Topeka Code Section 5.10.040 and repealing the original section.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would increase franchise fees related to ambulance services.)

C. **Ordinance - American Medical Response Franchise Agreement**

ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka which replaces the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2017.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would grant AMR a nonexclusive franchise agreement for two years.)

D. Resolution - General Fund Reserve Transfers

A RESOLUTION introduced by City Manager Brent Trout, authorizing the use of excess general funds from unreserved fund balances.

(Approval would authorize transfer of \$543,205 for specified purposes.)

E. Ordinance - Title 6, Animals

ORDINANCE introduced by the Public Health and Safety Committee, revising Title 6, Animals, of the City of Topeka Code. *(Deferred from the meeting of December 5, 2017.)*

Voting Requirement: Majority vote of the City Council (5). The Mayor does not vote.

(Approval would remove inconsistency and duplication within codified ordinances regarding animals within the city limits and allow miniature pot-belly pigs.)

F. Ordinance - City of Topeka Utility Rate Increases

ORDINANCE introduced by City Manager Brent Trout, concerning utility rates amending City of Topeka Code Section 13.05.020 through 13.05.060 and repealing original sections.

Voting Requirement: Majority vote of the Governing Body (6).

(Potential rate changes for infrastructure maintenance include a 6% increase for water, wastewater and stormwater in 2018; a 5% increase for water, wastewater and stormwater in 2019; and 5% increase for water, wastewater and stormwater in 2020.)

7. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)

8. PUBLIC COMMENT:

9. 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.)

10. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE:	December 19, 2017	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Public Works Quarterly Report"
"Utilities Quarterly Report"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:



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December 19, 2017

DATE:	December 19, 2017	
CONTACT PERSON:	Mayor Larry Wolgast	DOCUMENT #:
SECOND PARTY/SUBJECT:	Downtown Business Improvement District Advisory Board	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Caleb Asher to the Downtown Business Improvement District Advisory Board to fill an unexpired term ending January 2, 2020. *(Council District No. 6)*

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The purpose of the Downtown Business Improvement District Advisory board (BID) is to monitor and oversee services provided pursuant to the business improvement district act. The board shall conduct its business in accordance with City Code.

STAFF RECOMMENDATION:

Mayor Wolgast nominates and recommends the appointment of Caleb Asher to the Downtown Business Improvement District Advisory Board (BID) to fill an unexpired term ending January 2, 2020. Mr. Asher will be representing Sprout Communications in downtown Topeka.

BACKGROUND:

This is a statutory board wherein the Mayor nominates and the Council has final approval. The Downtown Business Improvement District Advisory Board shall consist of nine members representing businesses located in the district. Members serve two-year terms and there are no term limits.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

C. Asher DwnTwnBID Advis Board Application 2017

C.Asher Resume 2017

Profile

Caleb

First Name

Asher

Last Name

caleb@sproutcommunications.com

Email Address

1715 SW Webster Ave

Street Address

Suite or Apt

Topeka

City

KS

State

66604

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 6

Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 640-3457

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Downtown Business Improvement District Advisory Board: Submitted

Sprout Communications

Employer

President & CEO

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

As a building and business owner located in the downtown/Kansas Ave Corridor, I am interested in supporting the city as it continues to thrive and grow. Common sense practices are necessary to provide an environment that fosters economic development, quality of life, and talent recruitment and retention. Our downtown is the heart and soul of Topeka.

Interests & Experiences

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

Economic development is not only an interest, but a career for a number of years at the Kansas Department of Commerce. I have seen the importance of thriving downtown business districts throughout the state. During my time at Commerce, I was the Senior Director of Marketing (promoting Kansas as a great place to live, work, and play), as well as the Deputy Secretary of Workforce Development (overseeing the state's re-employment and training system). I currently serve as the Chair of Kansas Main Street, a public-private organization that supports the development of downtown and neighborhood districts throughout Kansas, utilizing the National Main Street 4-point Approach to building active, thriving downtowns. I am also serve a number of local organizations. I sit on two committees of Momentum 2022 (marketing and talent development), the EMBD Council, the NOTO board (as incoming chair), a member of 712 Innovations, Founding Member of 1 Million Cups Topeka, Topeka Civic Theatre marketing committee, Kansas Main Street (chair), as well as others. In addition, our company was recognized as the 2017 Emerging Business of the Year through the Kansas Small Business Development Center, A Business of Character, and a 2017 finalist for the Capital Business of Distinction. Long story short, we believe in our community and love being involved in it!

[Asher Resume 11-17.pdf](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

<http://topeka.novusagenda.com/agendapublic/>

Caleb D. Asher

785-640-3457

caleb@sproutcommunications.com

SproutCommunications.com



President and CEO, Sprout Communications, LLC (June 2013 - Present)

Established a full-service marketing organization with a focus on nurturing relationships and building brands. There is nothing more fulfilling than supporting the growth of entrepreneurs, communities and business organizations. Sprout offers a variety of services from marketing plan and brand development to implementation of cost effective campaigns and tactics. For more information, including a current list of services and clients, visit sproutcommunications.com.

Client Services Director, Advisors Excel (November 2012 - June 2013)

Created an in-house ad agency within the nation's top Financial Marketing Organization (FMO) to deliver the ultimate client experience to top financial advisors. While in this position I:

- Developed a team of professionals and operationalized daily processes to create a more efficient and effective workflow, ranging from concept development to the delivery of the final product.
- Enhanced existing services and recommended new offerings and pricing.
- Explored and evaluated partnerships with social media, public relations firms and other external partners to best meet the needs of key advisors seeking these services.

Deputy Secretary, Kansas Department of Commerce (January 2009 - October 2012)

Advised Governors Brownback, Parkinson and Sebelius on the state's workforce development and training strategies, managed a team of 230 people and a budget of nearly \$150 million to accomplish the following:

- Elevated Kansas workforce services to a top three national ranking by achieving collaboration among employers, partner agencies and post-secondary institutions.
- Secured an additional \$41 million through new funding opportunities for key industries and populations, which helped stabilize the Kansas economy during financial severity.
- Chaired the Technical Education Authority's Marketing Committee and developed a campaign to promote the benefits of technical skills in career advancement.
- Co-chaired Governor Brownback's inter-agency workgroup on the Mississippian Lime Oil Play and developed sound relationships with industry and community leaders, potentially resulting in a multi-billion dollar infusion of revenue and thousands of jobs into the state.
- Advised the Midwestern Governors Association and helped author the New Energy Jobs Platform as Governor Parkinson's appointee and served on the state's Energy Policy Cabinet.
- Directed the integration of web resources maintained by the Department of Commerce, Department of Education and the Board of Regents to improve online services to job seekers.
- Established a multi-agency team to develop and implement a unified employment strategy to better serve out-of-work Kansans, resulting in significant reductions in program costs.
- Partnered with Kansas companies to design workforce training and staffing solutions to best meet their needs and grow their business.
- Restructured the day-to-day operations of state workforce centers to enhance the interaction between businesses and job seekers, including the implementation of a virtual, online center.
- Served as Treasurer of the National Association of State Workforce Agencies, provided leadership on fiscal issues and chaired the Audit and Investment Committees.

Senior Director of Marketing and Operations, Commerce (March 2005 – Jan 2009)

To elevate Kansas' image, I advised Governor Sebelius and other Kansas Leadership to develop an integrated marketing strategy, as well as streamlined the marketing efforts of business recruitment, trade, tourism and workforce development. Responsible for a multi-million dollar budget I:

- Created a public relations campaign that featured Kansas' quality of life, gaining national and international attention from Times Square to *The Times* in London.
- Produced a "Come Home" initiative based on industry input and research to recruit former Kansans with specific skills to supply companies with a well-trained workforce.
- Developed a brand strategy for the state workforce system to better coordinate five local workforce boards into a single campaign that strengthened its presence in Kansas.
- Unified the look of all state agencies, each with their own logos, letterhead and business cards, by developing consistent designs leading to significant savings and cost efficiencies.
- Managed a team of professionals who were key to Commerce's daily operations, including: Information Technology, Human Resources, Communications, Fiscal, and Building Services.

Public Information Officer, KS Department of Administration (Jan 2003 – March 2005)

Advised department leadership on internal/external communication strategies and managed a wide range of messages related to infrastructure changes in state government. During this time I:

- Created a communication plan for the transition of \$1.5 billion worth of health care programs from various state agencies to a centralized unit within the administration.
- Directed the communication efforts of Governor Sebelius' Budget Efficiencies Savings Team (BEST) Initiative, featuring stories of significant cost savings to operating state government.
- Developed proactive relationships with Kansas and national media, ensuring journalists and opinion leaders received prompt, accurate information and open access to state government.
- Developed a disaster recovery plan for state government.

Current and Previous Boards and Committees

- Entrepreneurial and Minority Business Council, Member and Chair of Small Business Week Committee
- Kansas Main Street, Inc. Board Chair
- NOTO Board Chair
- Topeka's Momentum 2022 Marketing and Talent Development Committees
- 1 Million Cups Community Organizer
- Kauffman Foundation Growth Venture Facilitator
- Washburn University School of Business, Entrepreneurial Marketing Adjunct Professor
- Washburn Small Business Development Center Marketing Consultant
- Family Service and Guidance Center Works of Heart Committee
- Grace Community Church Board Member and Marketing and Outreach Chair
- **KANSASWORKS** State Workforce Board
- Kansas Technical Education Authority Member
- Kansas Technical Education Authority, Marketing Committee Chair
- Treasurer of the National Association of State Workforce Administrators
- National Labor Exchange Advisory Committee
- National Governor's Association, Workforce and Education Committee
- Midwestern Governors Association, New Energy Jobs Platform Governor's Committee
- Governor's Economic Development Subcabinet
- Governor's New Energy Policy Subcabinet, Jobs Committee
- Kansas Career Pipeline Advisory Board
- Kansas Offender Re-entry Policy Council
- Kansas Disability Re-employment Initiative
- Kansas Brand Image Advisory Council
- The Kansas Children's Discovery Center, Marketing Committee



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DATE:	December 19, 2017	
CONTACT PERSON:	Mayor Wolgast	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Electrical Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	005 Claims / 006 Appeals	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Leo S. Martinez to the City of Topeka Board of Electrical Appeals for a term ending December 20, 2019. *(Council District No. 2)*

VOTING REQUIREMENTS:

Mayor does not vote.

POLICY ISSUE:

This board reviews applications and approves the issuance of licenses in accordance with the Code of the City of Topeka. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers there from, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare

STAFF RECOMMENDATION:

Mayor Wolgast recommends the appointment of Leo S. Martinez to the City of Topeka Board of Electrical Appeals for a term ending December 20, 2019. Mr. Martinez is a licensed master electrician.

BACKGROUND:

The board shall be comprised of two licensed electrical masters, two licensed journeymen, and an engineer practicing in the trade. However, the two positions designated to be filled by journeymen may be filled by licensed journeymen, licensed masters, or engineers practicing in the electrical trade.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

L.S. Martinez Application 2017

L.Martinez Resume 2017

Profile

Leo

First Name

Martinez

Last Name

lsmartinez226@gmail.com

Email Address

1312 NE Forest

Street Address

Suite or Apt

Topeka

City

KS

State

66616

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 2

Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 217-3608

Primary Phone

Business: (785) 640-9830

Alternate Phone

Which Boards would you like to apply for?

Board of Electrical Appeals: Submitted

McElroy's Electric

Employer

Field Service Electrician

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☒ Yes ☐ No

Kitty Carr / wife

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I feel this would be a way to serve my community.

Interests & Experiences

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

I have attended some college and have served a 4 year appentship schooling. I have recevided a Martin Luther King award in Topeka and a George Meany Award. This award is to recognize the recipient's outstanding service to youth through the programs of the Boy Scouts of America.

[Letter_of_Interest_of_BOEA_2017.docx](#)

Upload a Resume



Please attach any additional information you believe may be helpful in considering your application.

Question applies to multiple boards

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.)

Voluntary Self Identification

Ethnicity

☒ Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

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Letter of Interest of the Electrical Board

Leo Martinez
1312 NE Forest Ave
Topeka, Kansas 66616
785-217-3608
lsmartinez226@gmail.com.

November 27, 2017

To who it may concern:

This is my letter of interest for the Board of Electrical Appeal position that is currently open.

I have been in the electrical trade since 1977. I completed my apprentice program a 4 year schooling and on the job training. Presently I work for McElroy's Electric as a field service electrician. My daily work varies from Industrial, Commercial and Single family dwelling's.

I have taught electrical CEU's since 2009 to electricians and electrical contractors who are licensed. I have taught for JATC, Independent electricians and contactors, and I have been a contract instructor for Washburn Tec.

My resume includes additional information on my experience and skills. I would appreciate the opportunity to provide further information on my skills. I can be reached via email at lsmartinez226@gmail.com.

Thank you for your time and consideration. I look forward serving on this exciting new opportunity.

Sincerely,

A handwritten signature in black ink that reads "Leo S. Martinez". The signature is written in a cursive, flowing style.

Leo Martinez

Leo Martinez

C: 785 217-3608 email lsmartinez226@gmail.com

SUMMARY

Working within the electrical industry for 40 years.. **License Master Electrician**, Certified electrical inspector, certified electrical plan reviewer. Certified electrical inspector in one and two family dwelling, Certified general electrical inspector.

SKILLS

- Installations & Electrical Maintenance
- Switches & Circuit Breakers
- Panelboard, Generators & Transformers
- Electrical Inspections
- Instructor for Electricians Continuing Educations
- Electrical Code
- Troubleshooting
- Testing Instruments
- Conduit Bending
- Instructor for Electricians Continuing Educations
- Blue prints & Schematics

EXPERIENCE

Field Service Electrician
McElroy's Electric – Topeka, KS
Electrical Repairs and Electrical Installations

Electrical Inspector
City of Topeka Electrical Inspector - Topeka Kansas
Electrical Inspections for compliance of Code for Commercial, Industrial, and Residential electrical installations.

EDUCATION AND TRAINING

1977 Electrical Journeyman
JATC – Topeka, Kansas
A four year electrical apprenticeship program and schooling.

HIGHLAND COMMUNITY COLLEGE – Meriden, Kansas
ALLEN COMMUNITY COLLEGE – Burlingame, Kansas

ACTIVITIES AND HONORS

Past Chapter President for International Associations of Electrical Inspector and member
Past Member of NFPA
Past Cub Scout Master and Boy Scout Master for the Boy Scout of America
Member of the International Brotherhood of Electrical Workers

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

A.Canas Resume 2017

A. Canas HRC Application 2017

Ashley Canas

4346 SE Chisolm Rd.
Topeka, KS 66609
Ashleycanas1@yahoo.com

EDUCATION

MA in Ministerial Leadership, Southeastern University, Lakeland, FL Dec 2015

MA in Leadership, Bellevue University, Bellevue, NE, Feb 2013

BS in Behavioral Science, Bellevue University, Bellevue, NE, Aug 2011

TED Talk Speaker Lincoln, NE TEDx Speaker - "Seeking Brilliance, Pioneering Change" Poverty vs. Privilege

<https://www.youtube.com/watch?v=rCIWh28yNVc>

PROFESSIONAL EXPERIENCE

Allstate Insurance, Lincoln, NE, Feb 2014- Present

- Retention
- Customer Satisfaction Survey, responsible in increasing satisfaction on a million dollar book of business
- Training New Hires
- Cold Calling
- Licensed in Property & Casualty, Home, Auto, Personal Umbrella,
- Business to Business Marketing
- Generation of Leads, Financial Products, 401K'S, IRA'S, Retirement

Leasing Consultant, Commercial Investment Properties, Lincoln, NE, May 2013- Feb 2014

- Planned, organized, and conducted resident functions
- Assisted manager in developing and implementing effective marketing strategies to increase property traffic and Internet leads
- Top producer in leasing for 90% of the time, rented 75% of 3 bedroom units
- Business to business marketing to seek donations and build partnerships for community functions
- Oversaw social media and Sprout Marketing
- Ensured proper staffing for community events

Marketing Coordinator, Mutual of Omaha, Lincoln, NE, Dec 2012 – May 2013

- Met marketing and sales objectives through cold calling and direct mailers
- Compiled, copied, sorted, and filed records of office, business transactions, and activities
- Effectively closed on 75% of new business for 401 K plans

Public Relations Specialist, Living Well Labs, Bradenton, FL, Apr 2012 – Dec 2012

- Worked directly with CEO to promote products.
- Created a strategic communication plan and external communication schedule
- Served as liaison to marketing team to maintain integrity of branding and social media efforts
- Provided tactical input on message creation and delivery
- Developed branding strategy for new proposals

Event Coordinator, McPhee Elementary School, Lincoln, NE, Aug 2011 – Apr 2012

- Oversaw inner city school's community learning center of 30 students, grades K-5
- Recruited and coordinated over 200 volunteers to assist students in improving literacy needs
- Planned, and facilitated successful educational, student and family events including cooking clubs, career education clubs and toy drives
- Administered 100% donation budget for events and activities.
- Networked and built relationships with local businesses and corporations to seek donations and event participation
- Coordinated Toys-For-Tots event with 60 volunteers which raised over \$6,000 in donations
- Negotiated with a local pizzeria to donate \$1,000 worth of food items to reading program
- Built and maintained solid relationship with a local electric company that garnered \$500 worth of promotional products for the school

Sales Associate, Huskers Best Web Design, Lincoln, NE, Aug 2007 – Dec 2010

- Sold web design services to local businesses, managing entire sales process from initial cold-call

contact to closing the sale

- Arranged and scheduled website improvement projects and live sales demonstrations
- Assessed customer needs and matched products/services with customer business needs
- Closed at least three new contracts per day and met sales quotas consistently

Department Coordinator, Black Hills Energy, Lincoln, NE, Apr 2006 – Dec 2006

- Scheduled service calls and projects for technicians on a daily, weekly, and monthly basis
- Provided customers with exceptional service via phone by resolving conflicts, answering questions and scheduling visits
- Ensured successful replacement of 20,000 gas meters in 7 months, meeting all customer, quality, deadline, and safety parameters
- Scheduled average of 40 appointments per day for all available technicians

Marketing Coordinator, State Farm Insurance Lincoln, NE, Apr 2004– Apr 2006

- Scheduled appointments and developed leads
- Performed Outbound marketing
- Communicated with target audiences and managing customer relationships
- Managed the production of marketing materials, conducted market research

- Project Management
- Negotiation
- Sales
- Marketing
- Volunteer Recruitment
- Recruiting
- Fundraising
- Event Planning
- Client Relations
- Budgeting
- Spanish: Heritage Speaker, Basic comprehension
- State Licensed in Property & Casualty
- Microsoft Word, PowerPoint, Excel, Outlook, Mac Desktop, Yardi, QuickBooks, Sprout

Accomplishments/Community Service

- **TEDx Lincoln, NE TED Speaker** -“Seeking Brilliance, Pioneering Change”
- Ensured successful replacement of 20,000 gas meters in 7 months at Black Hills Energy meeting all customer, quality, deadline and safety parameters
- Served on the top producing sales team as a leasing consultant for Commercial Investment property
- Served as an AmeriCorps member at a local Community Learning Center helping inner city youth
- Created a program for at risk single teenage moms
- Motivational Speaker at Lincoln, NE Public Schools
- Marketing Volunteer Macie’s Place Community Resource, and Thrift Shop organized displays of clothing donations and contributed to neighborhood outreach with promotional material to generate business
- Beauty Shop Attendant Tabitha Health Care Services assisted with transportation of clients to get to appointments within the facility built relationships with clients

Independent Coursework

- 12 Week Leadership in Developing the Heart of a Champion Leadership workshop
- 12 Week Leadership Class in Creating a Successful Life Action Plan
- 4 week Leadership Class in 4-Mat Workshop Series
- 4 Week Leadership Class in Building Successful Business Relationships

Profile

Ashley

First Name

Canas

Last Name

ashleycanas1@yahoo.com

Email Address

4346 SE Chisolm RD

Street Address

Suite or Apt

Topeka

City

KS

State

66609

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 5

☒ District 5

Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (402) 770-2914

Primary Phone

Home: (402) 770-2914

Alternate Phone

Which Boards would you like to apply for?

Human Relations Commission: Submitted

Allstate

Employer

Sales

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I am interested in serving because I believe in justice by improving relations with different ethnic backgrounds. I feel that awareness helps grow our City to be stronger and safe.

Interests & Experiences

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

Double Masters Degree in Leadership. Have won the good hands award through Allstate based on my fundraising and community outreach.

Upload a Resume

[Ashley_Canas_Resume_Topeka_KS..rtf](#)

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

None Selected

Gender

☒ Female

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE:	December 19, 2017	
CONTACT PERSON:	Mayor Wolgast	DOCUMENT #:
SECOND PARTY/SUBJECT:	Civil Service Commission	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of **Walt Frederick to the Civil Service Commission to fill an unexpired term ending January 5, 2020.** (*Council District No. 6*)

VOTING REQUIREMENTS:

The Mayor does not vote.

POLICY ISSUE:

The Civil Service Commission controls all examinations with advice from the police chief, fire chief, technical advisor and city attorney or their respective designees. The commission would provide uniform rules with respect thereto and shall hold such examinations as are necessary for the purpose of determining the qualifications and fitness of applicants for positions on the police and fire departments.

STAFF RECOMMENDATION:

Mayor Wolgast nominates and recommends the appointment of Walt Frederick for a term that would end January 5, 2020.

BACKGROUND:

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments. The Commission also certifies the list of eligible applicants and prepares an annual report for the City Manager. The City Manager may also request special reports from the Commission at any time.

BUDGETARY IMPACT:

No budgetary impact.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

W.Frederick Civil Svc Commission Application 2017

W.Frederick Resume 2017

Profile

Walt	Frederick	
First Name	Last Name	
walt.frederick@gmail.com		
Email Address		
3143 SW Shadow Lane		
Street Address		
Topeka	KS	66604
City	State	Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 6

Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 250-2685	Home:
Primary Phone	Alternate Phone

Which Boards would you like to apply for?

Civil Service Commission: Submitted

Freeman Holdings, L.L.C., d.b.a. Million Air Topeka	General Manager
Employer	Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

Interests & Experiences

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

I have a Bachelor's Degree in General Studies, a Master's Degree in Management, and a Master's Degree in Strategic Studies. I was a Topeka Police Officer from January 1982 to September 1986. I loved working for the Topeka Police Department but left for an active duty position for the Army National Guard, retiring at the rank of Colonel. While in the Army National Guard I held several human resource leadership positions culminating as the Director of Personnel for the entire Kansas Army National Guard. As the Director of Personnel I was responsible for all promotions, transfers, enlistments, officer appointments, medical care, adverse actions and personnel policy.

[Walt_Frederick_Resume.pdf](#)
Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

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<http://topeka.novusagenda.com/agendapublic/>

Walter H. Frederick, III

3143 SW Shadow Lane
Topeka, Kansas 66604
(785) 250-2685
walt.frederick@gmail.com

HIGHLIGHTS OF QUALIFICATIONS

- Department of Defense Chief Information Officer Certification
- National Security Telecommunications and Information Systems Security Certification
- Twenty-Nine Years of Federal Government Business Management
- Superior performance awards in leadership, aviation, personnel and information management

EXPERIENCE

2007-Present General Manager, Million Air Aviation

- Provide a strategic vision for company growth and development
- Responsible for all aspects of operating a diverse aviation services company
- Develop customer relationships and expand business
- Cultivate and manage employee relations
- Manage maintenance program for all company vehicles and equipment
- Coordinate all training and certification of employees
- Develop and manage all budget and fiscal plans
- Acquire specialty equipment for company operations
- Provide management to a company owned on airport restaurant

2006-2007 Chief Information Officer, Kansas Adjutant General's Department

- Project manager for a statewide distance learning network
- Develop policy and procedures for protecting sensitive data and personal information
- Responsible for the organization's information technology strategic planning and innovation
- Lead a team of information technology, telephony, application and web developers
- Responsible for the confidentiality, integrity and availability of information and data
- Lead the development of information technology policy
- Manage capital improvement budgets for a multi-million dollar information technology enterprise
- Develop and manage information technology continuity of government policy
- Manage and provide information technology systems for emergency management operations
- Perform analysis of emerging information technology to improve business process
- Organization's strategic change manager for greater efficiencies

2004-2006 Director of Personnel, Kansas Adjutant General's Department

- Develop and manage all personnel policy and strategic planning
- Manage complex enterprise personnel data systems
- Recruit, staff and retain the organization with qualified employees
- Manage multi-million dollar personnel and education budgets
- Manage organizational health care system
- Manage the protection and security of personal information that resides on data systems
- Deploy personnel worldwide for vital strategic government operations

2003-2004 Director of Aviation, Kansas Army National Guard

- Led 350 aviation operations and maintenance personnel
- Direct helicopter flight training and operations
- Manage all aspects of safety programs
- Managed the helicopter maintenance and logistics information systems
- Manage multi-million dollar aircraft flying hour and maintenance budget

2001-2002 Chief of Staff, 35th Division

- Coordinate all operations for a 24,000 personnel multi-state organization
- Direct all functional staff operations to include personnel, operations, logistics and safety
- Develop strategic personnel training and qualification improvement plans
- Manage all aspects of health, wellness and safety

EDUCATION

- University of the State of New York, Bachelors of Science, Liberal Arts
- Baker University, Masters of Science, Management
- U.S. Army War College, Masters of Science, Strategic Studies

PERSONAL STRENGTHS

- Professional and personal integrity, strong moral courage and honesty
- Demands ethical, loyal and positive work environment free from hostility and harassment
- Reliable, detail oriented team player
- Champion of change management to improve organizational effectiveness
- Committed to customer service satisfaction

MEMBERSHIPS AND ASSOCIATIONS

- Member, Topeka Military Relations Council
- Life Member, National Guard Association
- Life Member, Army War College Association
- Member, Army Aviation Association of America
- Member, Airlift Tanker Association
- Member, Marine Corps Aviation Association
- Member, National Air Transport Association
- Member, Fort Benning Officer Candidate School Hall of Fame
- Former Board Member, Alzheimer Association of Topeka

Walter H. Frederick, III

7245 SW 53rd Street
Topeka, Kansas 66610
(785) 250-2685
walt.frederick@gmail.com

January 9, 2013

Mr. Alan C. Barrett
Kansas ESGR
1282 19th Rd NW
Burlington, KS 66839

Dear Mr. Barrett:

I am very interested in the volunteer position of Kansas State Chair for Employer Support of the Guard and Reserve.

I was a member of the Kansas Army National Guard for nearly 30 years in both as a traditional Soldier and as an active duty Soldier. My retired rank is colonel. While a traditional soldier I had the opportunity to call on the ESGR to help educate my employer on their legal responsibilities and the rights of a soldier under the USERRA law. I understand the stress of balancing a career and the desire reservist have to serve because I have lived it.

While on active duty for the Army National Guard, I had the opportunity to work with the ESGR in many ways. As an aviator leader I supported and personally conducted helicopter boss lift missions. I have worked with the ESGR and companies to solve problems with employees who are trying to keep the two in balance. I have supported the Kansas ESGR with their first web presence. In 2002 I organized and escorted a boss lift of employers from Kansas to visit deployed Soldiers in Bosnia.

In my profession, I have a close working relationship with all the Army and Air National Guard and Army Reserve aviation units. It would be my goal to improve on the past boss lift programs in Kansas. These programs are wonderful tools in capturing and retain loyal employers who become supporters of ESGR and reservist in Kansas.

The most important product for a reservist or employer is relevant information. I believe ESGR in Kansas can exploit social media to provide better communications those constituents. Providing timely and relevant information through social media would be an efficient use of low cost resources.

Companies that are true supports of reservist are heroes and must be recognized and duplicated. I would like to work with the Guard and reserve commanders in Kansas to advertise in their organizational and professional periodicals about the ESGR awards programs that are available. There are employers in Kansas that go above and beyond for their reservist and Guardsmen. We must find and recognize their contributions.

As a supporter of the Guard and Reserve I hire reservist, Guardsmen and retirees. Ninety percent of my employees are either retired military or drilling reservist. I regularly use the Hero to Hired jobs website and recently hired a retiring Air Force Command Chief to manage one of our companies in New York. I continue to use the website to hire motivated and trained reservist and Guardsmen.

I have the time, desire, dedication and experience to be the next Kansas State Chair for Employer Support of the Guard and Reserve. I relish the opportunity to improve the relations between the employers in Kansas and their dedicated and patriot Soldiers, Sailors, Airmen, Marines and Coast Guardsmen personnel.

Sincerely,


Walter H. Frederick, III



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Stephanie Gassen to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. (*Council District No. 5*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

S.Gassen TTBID Application 2017

Profile

Stephanie

First Name

Gassen

Last Name

stephanie.gassen@tmihospitality.com

Email Address

1620 SW Westport Drive

Street Address

Suite or Apt

Topeka

City

KS

State

66604

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 5

☒ District 5

Check for your district here -> <https://www.topeka.org/citycouncil>

Business: (785) 271-8903

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Downtown Business Improvement District Advisory Board: Submitted
Business Improvement District Advisory Board : Appointed

TMI Hospitality

Employer

Director of Market Sales

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

Interests & Experiences

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

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

None Selected

Gender

None Selected

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

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<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Linda Morgan to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. (*Council District No. 4*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

L.Morgan TTBID Application 2017

Profile

Linda

First Name

Shove-Morgan

Last Name

linda@parrishhotels.com

Email Address

420 SE 6th Street

Street Address

Suite or Apt

Topeka

City

KS

State

66607

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 4

Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 383-1908

Primary Phone

Business: (785) 215-8257

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Appointed

Parrish Hotel Corporation

Employer

Director of Sales

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I am interested in serving on this board or commission to be involved in the positive growth and improvement and development of our City and in particular our downtown area.

Interests & Experiences

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

I have been a hotel sales director in this City for over thirty years. I understand the importance of "things" to do in our community when trying to attract groups to meet in our City. Without an active effort to continue to grow our City, we become stagnant and cities such as Manhattan, Lawrence and Salina become more viable and attractive to groups. Visitors to our city do not just benefit hotels, they benefit restaurants, shops, gas stations, etc. In all, they benefit our entire city through purchases they make.

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

None Selected

Gender

None Selected

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

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December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Vince Frye to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2019. *(Council District No. 7)*

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

V.Frye TTBID Application 2017

V.Frye Resume 2017

Profile

Vince

First Name

Frye

Last Name

vince@downtowntopekainc.com

Email Address

6007 Stonybrook Court

Street Address

Suite or Apt

Topeka

City

KS

State

66614

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 7Check for your district here -> <https://www.topeka.org/citycouncil>

Business: (785) 234-9336

Primary Phone

Mobile: (785) 633-6185

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Appointed

Downtown Topeka, Inc.

Employer

President and CEO

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I am currently a member of this board and hope to be reappointed. The revenue from this TID will go to operate the downtown plaza for which I have a passion for its future development. In addition, I administer the downtown BID and feel that I can provide positive leadership from my experience.

Interests & Experiences

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

As President and CEO of Downtown Topeka, Incorporated, I am immersed in the redevelopment of the City's core. I have helped raise over \$4 million from the private sector to enhance the infrastructure funded by the City. I am a member of the Downtown Topeka Foundation that owns the property to be developed for a downtown plaza. Revenue from the TID will fund the operation of the plaza. I have been an active member of the community for over 40 years. I was selected to the first class of Leadership Topeka. I was honored to be selected the Topeka Executive of the Year by Sales and Marketing Executives. My many honors and activities are included in my resume'.

[Vince_Frye_Resume_.docx](#)
Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

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VINCE FRYE

6007 Stonybrook Court, Topeka, KS 66614 | (785) 272-3146 | vince@downtowntopekainc.com

SUMMARY

An accomplished business executive with experience in broadcasting, marketing and association management. Visionary and creative individual with a steadfast commitment to excellence. Respected by peers for contributions to industry and community.

SKILLS

- Highly respected community leader
- Excellent writing and oral communication skills
- Outstanding record of sales management
- Creative development and implementation of ideas
- Successful record of membership recruitment
- Skilled fundraiser
- Fiscal successes

CAREER ACCOMPLISHMENTS

President and CEO

Downtown Topeka, Inc.

April 2012 to Present

Topeka, KS

Responsible for the management and operation of a 240-member organization. Led Downtown Topeka, Inc. (DTI) to financial stability by building trust with the community, leading to strong support from City Council, the corporate community and other stakeholders.

- Established successful corporate sponsorship program by introducing 30 new downtown events and partnerships with local media. The program offered outstanding visibility and direct connections to targeted audiences. The sponsorship program increased revenues by 40%.
- Increased membership by 20%.
- Worked closely with 20 board of director members to achieve the goals of DTI.
- Oversaw The Downtown Topeka Foundation.
- Administered city-funded downtown grant program.
- Administered Downtown Business Improvement District.
- Helped lead \$1.8 million capital campaign for downtown redevelopment. Campaign has raised \$3 million to date.
- Worked closely with the Mayor, City Manager, City Council, City staff and County officials in addressing needs and opportunities for downtown Topeka and the community.
- Successfully connected local investors to purchase downtown Topeka properties.
- Recruited new businesses to downtown Topeka.

Partner

FryeAllen, Inc., FryeAllen Films, FryeAllen Digital

July 1997 to March 2012

Topeka, KS

Owner and partner in leading regional advertising, production and animation firms. Responsible for account management, personnel and business management.

- Managed marketing for numerous local and regional accounts.
- Coordinated numerous campaigns for candidates and issues for local, state and national elections.

- Helped create and market GO Topeka.
- Coordinated the successful campaigns that created and extended the sales tax for economic development.
- Honored with numerous local and national awards for creative work.

General Sales Manager

1973 – 1997

WIBW-TV

Topeka, KS

General Sales Manager for the Columbia Broadcasting System (CBS) Television station.

- Successfully led local and national sales efforts generating multi-million dollar revenues annually.
- Oversaw national sales efforts in New York, Chicago, Los Angeles, Dallas, St. Louis and other major cities.
- Responsible for promotion, programming and production departments.
- Served as interim General Manager on numerous occasions.

EDUCATIONAL BACKGROUND

The University of Kansas
Lawrence, KS

Bachelor of Science in Journalism

AWARDS & RECOGNITION

- Sales and Marketing Executives “Topeka Executive of the Year” (2014)
- Inducted into Topeka Advertising Hall of Fame (2007)
- Topeka Advertising Federation “Silver Medal Award” (Highest award given)
- Greater Topeka Chamber of Commerce “Member of the Year”
- Sales and Marketing Executives International “Order of the Bell”
- 9th District of the American Advertising Federation (4 states) “Governor”
- Central Region of American Advertising Federation (18 states) “Chairman”

CURRENT ACTIVITIES

- Board of Director member for the following organizations:
GO Topeka, Junior Achievement, Sunflower State Games, Visit Topeka
- Heartland Visioning Steering Committee Member
- Tourism Improvement District Advisory Board
- Topeka and Shawnee County Sports Hall of Fame Chairman
- Topeka Business Hall of Fame Selection Committee

PAST ACTIVITIES

- Former President of the following organizations:

- *Downtown Topeka, Inc., Board of Directors, Housing and Credit Counseling, Inc., Junior Achievement of Northeast Kansas, Sales and Marketing Executives, Sunflower State Games, Topeka Advertising Club, Topeka and Shawnee County Sports Council*
- Board of Directors member for the following organizations:
 - *American Advertising Federation (National), Greater Topeka Chamber of Commerce, Heartland Works, Meals on Wheels, Topeka Civic Theatre, Topeka Community Foundation*
- Topeka Active 20-30 Club
- Selected for Leadership Greater Topeka Program
- Arts Connect Board
- Topeka and Shawnee County Riverfront Authority – Recording Secretary



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Kurt Young to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. (*Outside City Limits*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

K.Young TTBD Application 2017

Profile

Kurt First Name	Young Last Name	
kyoungs@swbell.net Email Address		
8440 SE Berryton Rd. Street Address	 Suite or Apt	
Berryton City	KS State	66409 Postal Code

Are you a resident of the City of Topeka?

☐ Yes ☒ No

What district do you live in? *

☒ Other / Outside City Limits

Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 379-9475 Primary Phone	Mobile: (785) 633-8841 Alternate Phone
--	--

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Appointed

Topeka Lodging Association Employer	Executive Director Job Title
---	--

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I have served for many years as the President of the Topeka Lodging Association and have served as their Executive Director for the last three years and have actively lead the effort to construct a public plaza in downtown Topeka. I have many years of service in the travel and tourism arena and have also served on the Visit Topeka Board, Expocentre Board and both the City Planning Commission and the County Planning Commission. I have a sincere and genuine interest in increasing Topeka's ability to become a destination in the tourism arena.

Interests & Experiences

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

Bachelors degree in psychology. retired from AT&T with 33 years service, built owned and operate3d a 63 room hotel for 10 years

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
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December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Robert Bergquist to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. (*Outside City Limits*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

R.Bergquist Jr. TT BID Application 2017

R.Bergquist Resume 2017

Profile

Robert

First Name

Bergquist

Last Name

rob.bergquist@atriumhospitality.com

Email Address

4036 NW Krysten Street

Street Address

Suite or Apt

Topeka

City

KS

State

66618

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ Other / Outside City LimitsCheck for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 550-5611

Primary Phone

Business: (785) 431-4727

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Appointed

Capitol Plaza Hotel

Employer

Assistant General Manager/ Dir
of F&B

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

I have been in the hospitality industry for a long time and I have been living in Topeka since 2002. This is the place I would like to stay and raise our family and I would love to be a part of this board that will help improve all of Topeka and also help the hospitality industry attract outside business that will bring revenue and tax dollars to the city.

Interests & Experiences

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

Bachelor of Science in Business from the University of Kansas. 20 years in the hospitality industry mostly at Prairie Band Casino and Capitol Plaza Hotel. I have received a Topeka Lodging Association Award for Sales Person of the Year. Member of the Shawnee County Parks and Rec Activities Rules Boards (for softball) and a member of the Washburn Tech Culinary Advisory Board.

[ROBERT_L._BERGQUIST_JR_Resume.pdf](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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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ROBERT L. BERGQUIST JR

4036 NW Krysten Street, Topeka, KS 66618 | C: 785-550-5611 | rob.bergquist88@gmail.com

PROFESSIONAL SUMMARY

Business leader with over 15 years of management, strategy, P&L management, employee development and operational experience in the hospitality industry.

SKILLS

- | | |
|--------------------------------|------------------------------|
| ❖ Employee Retention | ❖ Operations Management |
| ❖ Employee Development | ❖ Customer Retention |
| ❖ Safety Improvement | ❖ Profit and Loss Statements |
| ❖ Process Improvement | ❖ Training |
| ❖ Hotel Sales | ❖ Event Planning |
| ❖ Food and Beverage Management | ❖ Expense Management |
-

WORK HISTORY

Assistant General Manager and Director of Food and Beverage, 12/2013 to Current

Capitol Plaza Hotel and Convention Center – Topeka, Kansas

- Filled in as the Acting General Manager from 11/1/2016 through 1/31/2017.
- Managed our \$120,000 Kitchen Project, \$25,000 Concrete Project and \$12,000 Ballroom AV Upgrade from 11/1/2016 through 12/15/2016.
- In 2016, food and beverage profit percentage was the highest in our company for full service hotels at 52.8%.
- Made 100% of budgeted profit for the entire property for 2016.
- Food cost for 2016 was 3% under budget at 23%.
- Developed prep lists for the Banquet Department to manage labor costs and achieve goals.
- Developed a training manual for all banquet employees to ease in training and to retain new associates.
- Cultivated an environment of trust with all staff, which allows to work as a team for the best possible guest experience.
- Developed new menus for the restaurant and lounge.
- In 2014 and 2015 maintained a 23%-26% food cost and a 19%-22% beverage cost.
- Managed a full service restaurant and lounge.
- Manage 25,000 square feet of meeting space and cater to a 50,000 square foot exhibition hall.
- Maintain standards of food and beverage quality and guest service quality.
- Achieve budgeted revenues and expenses and maximize profitability related to the Food and Beverage Department.
- Participate in the preparation of the annual property budget.
- Contribute to the profitability and guest satisfaction perception of other property departments.
- Develop financial and operational plans for the Food and Beverage Department, which support the overall objectives of the property.
- Maintain inventory control procedures.
- Increase level of guest satisfaction by delivering an improved product through employee development, job engineering and quality image.
- Maintain procedures for security of monies, credit control and handling of financial transactions.
- Defined strategy and business plan for the restaurant and lounge.

Director of Catering, 10/2008 to 12/2013

Capitol Plaza Hotel – Topeka, Kansas

- Individually produce \$1.25 million in 2012, surpassing goal by \$200,000.

- Operated a catering department that sold \$3.6 million in catering in 2011, exceeding budget by \$150,000 – team sold \$6 million in 2009 and 2010 combined.
- Awarded 2010 Topeka Lodging Association Sales Associate of the Year.
- Responsible for catering managers and helped meet annual goals.
- Worked to build new business, as well as, maintain old client relationships in order to meet annual goals.
- Built strategic alliances with many people in the association market that resulted in increased business and bookings for the property.

Catering Manager, 08/2006 to 10/2008

Capitol Plaza Hotel – Topeka, Kansas

- Exceeded sales goal 9 out of 12 months and surpassed 2008 goal by \$280,000 (+35%).
- Exceeded 2008 sales goal of \$1,025,624.
- Responsible for generating catering revenue for the hotel and convention center.
- Prospected for new business, maintained current clients, planned and organized all aspects of each client's event.
- Assisted in training new department employees.

Beverage Supervisor, 02/2005 to 02/2006

Harrah's Prairie Band Casino and Resort – Mayetta, Kansas

- Instrumental in improving employee morale and incentives.
- Improved customer satisfaction wait time scores by over 100% at the property.
- Supervised a Beverage Team consisting of 22 front-line employees, 17 of which were direct reports.
- Responsible for the operations and performance of the bar, bartenders, cocktail waitresses and bar backs.
- Revised the ordering par sheets and was responsible for all purchasing for the department through Stratton Warren.

Banquet Captain, 07/2004 to 01/2005

Harrah's Prairie Band Casino and Resort – Mayetta, Kansas

- Supervised employees in the event center during all events and banquets.
- Ensured that everything was set and ready for each event that took place in the event center, which included room setup, decorations, food, beverage and entertainment.
- Stocked, organized and operated all freestanding bars for every event.
- Assisted with the training and opening of the Three Fires Steakhouse and Hotel Room Service.
- Received highly successful on annual performance appraisal.

EDUCATION

The University of Kansas – Lawrence, Kansas

Bachelor of Science: Business, 2005

- Emphasis in Economics

EXTRA CURRICULAR ACTIVITIES

- Member of the Shawnee County Parks and Recreation Activities Board
- Member of the Chamber of Commerce FORGE group for professionals under 40



City of Topeka
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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Thad Halstead to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. (*Council District No. 7*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

T.Halstead TTBD Application 2017

T.Halstead Resume 2017

Profile

Thad

First Name

Halstead

Last Name

thad.halstead@aimstrategiesllc.com

Email Address

715 SW Harrison

Street Address

Suite or Apt

Topeka

City

KS

State

66603

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 7

Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 250-7356

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Appointed

AIM Strategies, LLC

Employer

Director of Marketing

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☐ Yes ☒ No

If yes, please explain:

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

As a member of AIM Strategies, I'm part of a team that is launching a new hotel and multiple restaurants in Downtown Topeka. Providing a great experience for Topeka citizens and guests is our greatest priority. For these reasons, I would like to serve on this advisory board.

Interests & Experiences

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

[Thad_Halstead_Resume.docx](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

<http://topeka.novusagenda.com/agendapublic/>

THAD HALSTEAD

6104 SW 39th Circle, Topeka, KS 66610
Home: (785)250-7356
thad.halstead@gmail.com

EXECUTIVE PROFILE

Merchandising executive with over 14 years of experience in both domestic and international markets. Documented results driving sales and margin year over year with sales exceeding \$300 million, while building and developing merchant teams.

EDUCATION

Washburn University , Topeka, KS MBA: Business Administration Honored with Phi Kappa Phi and Beta Gamma Sigma Inductions	2004-2008
Kansas State University , Manhattan, KS B.S.: Marketing and International Business	1994- 1998

WORK EXPERIENCE

AIM STRATEGIES, LLC Topeka, Kansas

Marketing Director -Responsible for creating brand identities of AIM Strategies holdings. -Creation and execution of social media strategies, supporting brand correct imaging and messaging. -Refined guest experience and strategic positioning for existing restaurant based in Lawrence, KS, resulting in +35% sales over previous trend. -Administrator for Top Tank Topeka entrepreneurial contest, where entrants are competing for \$100,000 investment to start their business in Downtown Topeka.	4/2017 to present
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PAYLESS SHOESOURCE INC Topeka, Kansas

Merchandise Manager-Children's Athletic Footwear and Accessories -Responsible for developing merchandising strategy accounting for \$190M sales in 3700 stores located throughout North America as well as our international franchising partners. -FY 2015, team was one of two in the company to beat sales and margin plan as well as delivering largest SFS% increase in the company. -FY 2016, only category with positive SFS%, with 35% margin dollar increase over LY. -Initiated new pricing and assortment strategy which increased MMU% 7.1 ppt over LY. -Led product creation process with agents, Payless PD/sourcing team and design team that support the trends, big ideas and key items of the category. -Bi-annual Asia travel to review product and negotiate terms with partner factories. -Determine in-store visual presentation and merchandise placement, marketing strategy and identifies items to maximize promotional and marketing strategies to meet/exceed the financial plan. -Organized strategy for direct to retail arrangements with Disney, Marvel and Nickelodeon. Executed additional licensed opportunities which filled white space in customer matrix. -Responsible for successful re-launch of Kangaroos, the first brand at Payless in over twelve years. -Develop, manage and mentor four direct reports as we build organizational talent.	12/2014 to 1/2017
---	-------------------

Merchandise Manager-Children's Athletic and Boy's Footwear -Accountable to lead team and develop merchandising strategies accounting for sales of \$260 million for FY 2014 in 3800 stores. -Develop merchandise line plans on a seasonal basis for children's athletics and all boys product, commercialize product with design and product development team as well as external vendors. -Determine in-store visual presentation and merchandise placement, marketing strategy, identified items to	12/2013 to 12/2014
---	--------------------

maximize promotional and marketing strategies to exceed our financial targets.

-Manage strategy for direct to retail arrangements with Disney, Marvel and Nickelodeon in addition to seeking licensed opportunities to fill white space in customer matrix.

-Develop, manage and mentor two direct reports and three indirect reports to build organizational talent.

-Coordinate and develop special make up product for franchisee partners throughout the world.

-Revitalized assortment and planning issues to help take a business that was -20% LY during S'14 to +3% for F'14.

Merchandise Manager-Men's Footwear and safeTstep

07/2012 to 12/2013

-Responsible for team accounting for sales of \$300 million for FY 2013 in 3800 stores.

-Developed line plans on a seasonal basis for men's and safe-T-step categories Drove strategic direction for assortment, planning and distribution.

-Develop and mentor three direct reports.

-Leader of only team within Payless to make sales and margin plan for 2013.

Buyer-Children's Athletic and Boys' Dress and Casual Footwear

07/2011 to 07/2012

-Responsible for team accounting for sales of \$260 million for FY 2011 in 4000 stores.

-Work cross-functionally with planning and distribution to achieve financial metrics and goals.

-Develop and mentor three direct reports.

Buyer-Children's Footwear International Division

10/2009 to 07/2011

-Responsible for team that delivered largest sales percent over plan, gross margin dollar and gross margin rate plans in all of Payless for 2010.

-Responsible for developing assortment plans and buying children's footwear for 293 Latin American stores in ten countries, accounting for \$55 million in sales in 2010.

-Set direction for financial partners to achieve financial goals, including sales, margin and turn.

-Partner with global franchising team to identify and develop product to fill assortment gaps.

Buyer-Men's Footwear International Division

06/2008 to 10/2009

-Responsible for developing assortment and buying men's footwear for 250 Latin American stores in ten countries, accounting for \$57 million in sales.

-Developed assortment, inventory proportions and marketing stories for opening of Payless Colombia.

-Worked with Asia factories to reengineer 25% of dress and casual line due to 20-25% cost increases.

Associate Buyer-Men's Dress and Casual Footwear

02/2006 to 06/2008

-Responsible for developing assortment and buying footwear for \$175M department.

-Team member in customer definition, assortment development, financial, and marketing strategies for launch of new "American Eagle" footwear brand

-Partner with planning and distribution to achieve financial goals and metrics.

Planner-International Division

04/2004 to 01/2006

-Responsible for \$30M in sales between three diverse departments for nine countries.

-Built assortment and distribution plans for men's sandals and women's and men's athletics

Planner

03/2003 to 04/2004

-Responsible for planning \$25M departments that showed a 6.2% SFS increase.

ABERCROMBIE AND FITCH

New Albany, Ohio

Associate Allocator

04/2002 to 03/2003

-Determine store volume groups, assortment plans and presentations based on category seasonal selling.

-Developed individual store size curve analysis for initial product allocations, in addition to product replenishment.

-Created transition strategies with merchants on life cycle of seasonal departments.

Assistant Allocator

01/2002 to 04/2002

-Reviewed selling trends to distribute products to beat sales plans, minimize markdowns and increase turn.

-Worked closely with visual team regarding floorset transitions to maximize sales and aesthetic standards.

ESCREEN, INC
Columbus, Ohio

Regional Territory Manager

11/2000 to 01/2002

- Responsible for a thirteen state territory encompassing the Midwestern United States.
- Led team that increased sales revenues 60% over previous year, while also being the most profitable in the company.
- Managed team to highest account retention rate (98%) during four-month federal litigation process.

Marketing Coordinator

01/1999 to 11/2000

- Developed marketing copy and collateral for innovative first to market product.
- Coordinated quantitative analysis for marketing research in support of product launch.



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Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Dean Patel to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending January 1, 2020. *(Council District No. 8)*

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to consent to the appointment to the TT BID.

STAFF RECOMMENDATION:

Staff recommends that the Council consent to the appointment.

BACKGROUND:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza. The business improvement advisory board monitors and oversees the District. The Topeka Lodging Association submits a list of nominees to the Mayor to which the Council must consent.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

D.Patel TT BID Application 2017

Profile

Dean

First Name

Patel

Last Name

dpatel129@aol.com

Email Address

2950 SW Topeka Blvd

Street Address

Suite or Apt

Topeka

City

KS

State

66611

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

What district do you live in? *

☒ District 8

Check for your district here -> <https://www.topeka.org/citycouncil>

Business: (785) 267-1681

Primary Phone

Mobile: (785) 220-8929

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Submitted

Topeka Management, Inc.

Employer

Owner

Job Title

Are you a registered voter?

☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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?

☒ Yes ☐ No

If yes, please explain:

We should have them all paid by the end of this year. Business was really slow and we fell behind.

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

Since I moved to Topeka I have always wanted to see Topeka grow. I would like the local community to say positive things about the city and have young professionals stay in Topeka.

Interests & Experiences

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

I am on the TLA board, I have also served on the Visit Topeka Board for 7 years. My hotel has won 4 titles for great customer service.

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Asian or Pacific Islander

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Luther Ganieany, **DOCUMENT #:**
Police Legal Advisor
SECOND PARTY/SUBJECT: Security Guard License **PROJECT #:**
Appeal
CATEGORY/SUBCATEGORY 001 Appeals / 002 License Denial
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

Security Guard License Appeal submitted by Marcus Freeman.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval of the denial of the appeal will affirm the Topeka Police Department's decision to not renew Mr. Freeman's security guard license.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6)

POLICY ISSUE:

Whether the facts supporting the denial of the license application are correct (i.e. was the applicant convicted of unlawful discharge of a firearm within 10 years prior to the license renewal application).

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

With the exception of years 2010 and 2011, Mr. Freeman has been licensed as a security guard with the City of Topeka since 2008.

When he applied to renew his license, the Police Department denied his application based on the fact Mr. Freeman pled no contest in municipal court to unlawful discharge of a firearm on September 26, 2017. Conviction of a 'crime involving the use of a firearm' is one of the grounds for denial of a license.

Mr. Freeman's appeal request indicates that his firearm misfired while attempting to protect family members. He is employed by Securitas.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Application

Denial Letter

Appeal Request

Notice of Hearing

Supporting documents

Private Security Guard Renewal/Transfer Application

Topeka Police Department, Licensing Clerk, 320 S. Kansas Ave. Suite 100, Topeka, KS 66603, (785) 368-9456



Renewal Fee \$ 25.00



Transfer \$10.00-For new ID Card

License fee may be cash, credit/debit card, check or money order made payable to the City of Topeka.

Guard License No. 1012

Name Freeman Marcus Aaron
Last First Middle Aliases (previous last names)

Address 8720 85th St Auburn KS 66402 Phone 785-633-8455
Street City State Zip Code

Date of Birth 04/01/1987 Sex M Race W Height 6'2" Weight 370

Social Security # [REDACTED] Driver's License [REDACTED]
State Number

Background Information Update: List all arrests, tickets, or criminal court cases since last application, renewal or transfer. If none, state none here.

Date	Charge	Location
<u>2017</u>	<u>Accidental discharge</u>	<u>33308W WATSON Topeka</u>

I understand the information on this application will be relied upon in determining whether to renew/transfer or decline to renew/transfer a Private Security Guard license. Therefore, I certify, under penalty of perjury, that the information contained in this application is true, complete, and correct.

Marcus Freeman 11-3-17
Signature of Applicant Date

SECURITAS SECURITY INC Sam Seigler Nov 3rd 2017
Company Name Signature of Employer Date

<<For Office Use Only>>

Date application received by the Police Department: 11/3/17 Date Fees Paid: 11/3/17

Recommend Approval: ☐ Yes ☐ No
Investigator Date

Application: ☐ Approved ☐ Denied
Representative from Chief's Office Date



CITY OF TOPEKA

DEPARTMENT OF POLICE
320 S. Kansas Ave., Suite 100
Topeka, KS 66603-3640
Tel: (785) 368-9551
Fax: (785) 368-9458
www.topeka.org

An Accredited
Law Enforcement Agency



November 6, 2017

Marcus A. Freeman
8720 85th St
Auburn, KS 66402

Dear Mr. Freeman:

This letter acknowledges your application for renewal of your private security guard license. However, pursuant to City of Topeka Code Section 5.90.140 (a) (3) (ii), our office regrets to inform you that at this time we are unable to issue you a private security guard license. Please refer to the enclosed copy of the City of Topeka Codes pertaining to Private Security Guard licensure.

It has been brought to our attention that on September 26, 2017, through the Topeka Municipal Court, you were convicted of the charge of unlawful discharge of firearms. Our records indicate that this conviction has not been expunged or pardoned.

Furthermore, as you know, City of Topeka Code Section 5.90.100 (a) prohibits an individual from working as a private security guard without a current and valid license.

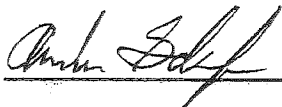
Please be advised that you may appeal this decision and request a hearing before the City Council. Any appeals must be made in writing within ten (10) days of the above date. Please submit this request to Topeka City Clerk, 215 E. 7th, Topeka, KS 66603.

Should you have further questions, please do not hesitate to contact this office at (785)368-9456.

Sincerely,



MAJ Darin Scott, Interim Deputy Chief



Andrew Schafer, Licensing and ID Bureau

cc: Securitas Security Services USA Inc

From: Marcus Freeman [<mailto:marcusfreeman87@gmail.com>]
Sent: Monday, November 13, 2017 10:04 AM
To: City Clerk
Subject: Marcus Freeman Security License Appeal

Dear City Clerk,

My name is Marcus Freeman. Back in September, I was charged with an unlawful discharge of a firearm. I was at my mother's house when my mother's ex-husband came over fairly late knocking on the door. Every time he showed up this late, he has always been intoxicated and violent. At one point, he even set my mom's car on fire and he once came wielding a bike chain.

We had already shut the lights and televisions off when my brother's girlfriend saw his truck in hopes that he would have just left. But he didn't. He kept knocking, now even louder. At this point we were still waiting for him to leave so we could avoid confronting him. Then, he goes around to my mother's bedroom (she's not there but it's where my niece, who is a kidnapping and three-time rape victim sleeps) to knock on the window.

My niece came running upstairs, frantically asking who was outside the window. So I decided it was time to get him to leave. He's done this type of thing before and we've called the police on him for it but they never really do anything to help us. I decided to go to my car and grab my 1911 pistol in case he had a weapon I didn't see. On the way out the back door, my sister handed me her .38 so I had a gun in case something happened on the way to my .45 but I'm more comfortable in the use of my gun and more confident in its stopping power.

I made my way up the north side of the house and I can see him by the front door, still knocking, then leaving the house and walking away. So I thought that was going to be the end of it. Then he got to the top of the street, made a left-hand turn, stopped, reversed and came speeding back. So I proceeded with my initial plan of action.

I made my way down to the street, opened my car door and grabbed my gun from its hiding place. I held it in front of myself, finger off the trigger, and told him he needed to go because it was late at night and the kids in the house were going to bed and that Mom wasn't home. He refused to leave multiple times, even after seeing the gun. At that point, I racked the slide, finger still off the trigger, pistol pointed downward and still in front of me.

I have never had a misfire with this pistol and I had owned it for about 4 years. But, for whatever reason, the hammer fell forward after the slide and fired a round between my feet. I put the gun back in my car after I dumped the magazine and cleared the chamber. The officers arriving on the scene confiscated my gun and I have not attempted to get it back because I believe the entire incident was due to a malfunction inside.

I was not yet attempting to fire the pistol but I felt the need to have it ready to protect my family in the event that it was needed. I wasn't doing this to be malicious or cause a disturbance. I was trying to protect the people I love. That is why I'm asking that this incident be expunged from my record so I can obtain my private security license again. I've been a security guard for 9 years, now. Please allow me to continue doing my job.

Thank you,
Marcus Freeman
8720 SW 85th Street
Auburn, KS
66402
(785)-633-8455



CITY OF TOPEKA

DEPARTMENT OF POLICE
320 S. Kansas Ave., Suite 100
Topeka, KS 66603-3640
Tel: (785) 368-9551
Fax: (785) 368-9458
www.topeka.org

An Accredited
Law Enforcement Agency



November 27, 2017

Marcus Freeman
8720 85th Street
Auburn KS 66402

Dear Mr. Freeman:

Your request for an appeal on the denial of your application for a Security Guard license has been scheduled for a hearing before the Topeka City Council on December 19, 2017 at 6 pm. Pursuant to TMC § 5.90.130(c), the issue in any appeal from a denial of a license shall be limited to determining whether the facts supporting the denial of the license are correct.

Your license application was denied according to TMC 5.90.140(a)(3)(ii). Specifically, you were convicted of Unlawful Discharge of a Firearm in Topeka Municipal Court in case number CR-2017-0011300-MS on September 26, 2017. For your information, I have enclosed copies of the documents the City Council will consider with this letter.

The hearing will be held in the City Council chambers located at 214 SE 8th Street in Topeka, Kansas. Should you have any questions, please contact me at (785) 368-9529.

Sincerely,

Luther Ganieany, Legal Advisor
Topeka Police Department

☒ INITIAL ☐ DELETE ☐ MODIFY ☐ ADD		KANSAS STANDARD OFFENSE REPORT FRONT PAGE OPEN PUBLIC RECORD				PAGE 1 OF 2																										
☐ ON VIEW ☒ DISPATCHED ☐ CITIZEN		NAME OF AGENCY TOPEKA POLICE DEPT		KS AGENCY ORI NUMBER KS0890100		CASE NUMBER 83199-17																										
I N C I D E N T	DATE OFFENSE STARTED (MMDDCCYY) 08/20/2017		TIME (HHMM) 21:45		DATE OFFENSE ENDED (MMDDCCYY) 08/20/2017		TIME (HHMM) 22:30		DATE OF REPORT (MMDDCCYY) 08/20/2017																							
	EXCEPTIONAL CLEARANCE DATE (MMDDCCYY)		EXCEPTIONAL CLEARANCE		A. ☐ DEATH OF OFFENDER D. ☐ VICTIM REFUSES TO TESTIFY		B. ☐ PROSECUTION DENIED E. ☐ JUVENILE - NO CUSTODY		C. ☐ EXTRADITION DENIED N. ☒ NOT APPLICABLE																							
	LOCATION OF OFFENSE 3330 SW WATSON AVE TOPEKA KS 66614				REPORT AREA 445		TIME REPORTED 22:16		TIME ARRIVED 22:16		TIME CLEARED 00:11																					
O F F E N S E # 1	CHAPTER 21-6308a(a)		SUB 1 SUB 2		☐ ATTEMPTED ☒ COMPLETED		☐ AID / ABET ☐ CONSPIRACY ☐ SOLICITATION		CHAPTER 21-6308a(a)		SUB 1 SUB 2		☐ ATTEMPTED ☐ COMPLETED		☐ AID / ABET ☐ CONSPIRACY ☐ SOLICITATION																	
	DESCRIPTION Unlawful discharge of firearm in city limits																															
	PREMISE 08		# OF PREM.		HATE/BIAS 88		CAMPUS CODE		METHOD OF ENTRY F. ☐ FORCE N. ☐ NO FORCE		PREMISE		# OF PREM.		HATE/BIAS		CAMPUS CODE		METHOD OF ENTRY F. ☐ FORCE N. ☐ NO FORCE													
	TYPE OF THEFT M. ☐ COIN MACHINE B. ☐ FROM BUILDING A. ☐ M/V PARTS & ACC. L. ☐ SHOPLIFTING P. ☐ POCKET-PICKING S. ☐ PURSE SNATCHING				E. ☐ EMBEZZLEMENT T. ☐ POSS. STOLEN PROP. V. ☐ MOTOR VEHICLE F. ☐ THEFT FROM M/V D. ☐ ALL OTHER N. ☒ NOT APPLICABLE				TYPE OF FORCE / WEAPON 11. ☒ FIREARM ☐ AUTO 12. ☐ HANDGUN ☐ AUTO 13. ☐ RIFLE ☐ AUTO 14. ☐ SHOTGUN ☐ AUTO 15. ☐ OTHER ☐ AUTO				TYPE OF THEFT M. ☐ COIN MACHINE B. ☐ FROM BUILDING A. ☐ M/V PARTS & ACC. L. ☐ SHOPLIFTING P. ☐ POCKET-PICKING S. ☐ PURSE SNATCHING				E. ☐ EMBEZZLEMENT T. ☐ POSS. STOLEN PROP. V. ☐ MOTOR VEHICLE F. ☐ THEFT FROM M/V D. ☐ ALL OTHER N. ☐ NOT APPLICABLE				TYPE OF FORCE / WEAPON 11. ☐ FIREARM ☐ AUTO 12. ☐ HANDGUN ☐ AUTO 13. ☐ RIFLE ☐ AUTO 14. ☐ SHOTGUN ☐ AUTO 15. ☐ OTHER ☐ AUTO											
	OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A. ☐ ALCOHOL C. ☐ COMPUTER EQUIP.				D. ☐ DRUG / NARCOTICS N. ☒ NOT APPLICABLE				TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B. ☐ BUYING / RECEIVING C. ☐ CULT / MANU / PUBL D. ☐ DIST / SELLING E. ☐ EXPLOIT. CHILDREN O. ☐ OPER/PROMOTE P. ☒ POSSESS / CONCEAL				T. ☐ TRANS/TRANSMIT U. ☐ USING/CONSUMING J. ☐ JUVENILE GANG G. ☐ OTHER GANG N. ☐ NO GANG INVOLVEMENT				OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A. ☐ ALCOHOL C. ☐ COMPUTER EQUIP.				D. ☐ DRUG / NARCOTICS N. ☐ NOT APPLICABLE				TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B. ☐ BUYING / RECEIVING C. ☐ CULT / MANU / PUBL D. ☐ DIST / SELLING E. ☐ EXPLOIT. CHILDREN O. ☐ OPER/PROMOTE P. ☐ POSSESS / CONCEAL				T. ☐ TRANS/TRANSMIT U. ☐ USING/CONSUMING J. ☐ JUVENILE GANG G. ☐ OTHER GANG N. ☐ NO GANG INVOLVEMENT			
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V I C T I M # 1	TYPE OF VICTIM I. ☐ INDIVIDUAL B. ☐ BUSINESS		S. ☒ SOCIETY / PUBLIC F. ☐ FINANCIAL INSTITUTION		R. ☐ RELIGIOUS ORGANIZATION G. ☐ GOVERNMENT		O. ☐ OTHER U. ☐ UNKNOWN		VICTIM OF OFFENSE NUMBER 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐		NAME: LAST CITY OF TOPEKA		FIRST		MIDDLE		STATE		ZIP													
	ADDRESS: STREET														CITY		STATE		ZIP													
	TELEPHONE NUMBER (HOME)		RACE		SEX		ETHNICITY		RES. / N-RES.		AGE		DATE OF BIRTH (MMDDCCYY)		HEIGHT		WEIGHT		HAIR		EYES											
	DRIVERS LICENSE NUMBER		DL STATE		EMPLOYER / SCHOOL																											
	TELEPHONE NUMBER (WORK/SCHOOL)		ADDRESS: STREET		CITY		STATE		ZIP																							
P R O P E R T Y D E S C R I P T I O N	CIRCUM. AGG ASLT/BATTERY (MAX 2)		VICTIMS RELATIONSHIP TO CORRESPONDING SUSPECT NUMBER (INDICATE ALL SUSPECTS)										TYPE OF INJURY (MAX 5)																			
	1.		2.		3.		4.		5.		6.		7.		8.		9.		10.		1.		2.		3.		4.		5.			
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	TELEPHONE NUMBER (HOME)		RACE		SEX		ETHNICITY		RES./N-RES.		AGE		DATE OF BIRTH (MMDDCCYY)		HEIGHT		WEIGHT		HAIR		EYES											
	EMPLOYER/SCHOOL		ADDRESS: STREET		CITY		STATE		ZIP		TELEPHONE NUMBER (WORK/SCHOOL)																					
TYPE LOSS		PROPERTY / DRUG CODE		DESCRIPTION / SUSPECTED DRUG TYPE				ESTIMATED QUANTITY		FRACTION		TYPE DRUG MEASURE		VALUE				DATE RECOVERED														
REPORTING OFFICER A. ARAUJO		BADGE # 018		DATE 08/20/2017		COPIES TO										PROPERTY TOTAL																

Topeka Municipal Court
ROA Listing
CR-2017-0011300-MS
For Defendant: Marcus Aaron Freeman

City of Topeka vs. Marcus Aaron Freeman

Date	Code	Action	Clerk	Judge
10/11/2017		Order Allowing Disposition of Seized Evidence signed by judge	AOSHEL	Geier, Jason E
09/28/2017	CSC	Case status changed: Closed:	TGIBSON	Miller, Victor W
09/27/2017	BWISSU	Warrant Issued-Bench Failure to Comply Bond amount: NO BOND	VMILLER	Geier, Jason E
	FTCBWPENDING	Warrant Pending-Bench Failure to Comply Bond amount: NO BOND -ORDERED TO BE FINGERPRINTED		
	WARR	Warrant Recalled w/ Michelle, issued in error.		
	REV BW	Warrant reviewed.		
	WNSB	Warrant-No Service/Bench AO/MM ISSUED IN ERROR		
09/26/2017	CSC	Case status changed: Closed pending clerk action:	AOSHEL	Miller, Victor W
	FINDGUILTY	Found guilty UPOC 010.5: Unlawful Discharge of Firearms		
	NOCON	Hearing result for Arraignment 09/26/2017 1:15 PM No Contest Plea Journal Entry of Judgment and Order of the Court given to Defendant		
	PLEANC	No Contest Plea UPOC 010.5: Unlawful Discharge of Firearms		
08/24/2017	HSCHED	Hearing Scheduled (Arraignment 09/26/2017 1:15 PM Jason E Geier)	KALLEN	Geier, Jason E
	NEW	New Case Filed Notice of Hearing and Summary of Rights and Procedures acknowledged by the defendant		

TOPEKA MUNICIPAL COURT
JOURNAL ENTRY OF JUDGMENT AND ORDER OF THE COURT

City of Topeka, Plaintiff
vs.

Marcus Aaron Freeman, Defendant

Case Number: CR-2017-0011300-MS

Citation No: S128339

An authorized law enforcement officer or authorized City of Topeka employee made complaint under oath alleging that on or about 08/20/2017 the Defendant committed the below listed offense(s) in the City of Topeka, Kansas, in violation of City Ordinance. Thereafter, Defendant was arraigned before the Court on 09/26/2017. The City appeared via counsel. The Defendant appeared: by and through counsel; waived counsel and appeared *pro se*; X was not entitled to appointed counsel and appeared *pro se*. The Court read the charges, elements and possible penalties of each offense to the Defendant and the Court, being satisfied that Defendant not only appeared to understand, but acknowledged his/her understanding, further apprised the Defendant of the following: 1. the nature of a Guilty, Not Guilty and No Contest plea; 2. that he/she is presumed innocent of all charges unless the Prosecution proves him/her Guilty beyond a reasonable doubt; 3. the right to represent him/herself and the various detriments/disadvantages of and Court admonitions against doing so; 4. the right to counsel, including court appointed counsel if he/she cannot afford one and actual or suspended incarceration might be imposed upon a conviction; 5. the right to a trial and right to confront accuser(s); 6. the right to examine Prosecution evidence, to cross-examine Prosecution witnesses and to present evidence in his/her own defense, including his/her own testimony, and the use of subpoenas to compel the attendance of witnesses and production of evidence; 7. the right to remain silent and the privilege against self incrimination; 8. the right to appeal a conviction De novo to Shawnee County District Court within 14 days from sentencing (if the 14th day ends on a Saturday, Sunday, or a day the district court clerk's office is not legally accessible, then the time period extends until the close of business the next day that is not a Saturday, Sunday or legal holiday); 9. the right to counsel on appeal, including court appointed counsel, where applicable, 10. the right to seek expungement of arrest and/or conviction records; and 11. the right to post bond to recall warrants releasing him/her from incarceration and to receive a new court date; 12. the potential impact to immigration status, including but not limited to deportation. Defendant, acknowledging to the Court he/she understood that by entering a Guilty/No Contest plea he/she was waiving constitutional rights, that no threats or promises were made by the Court or Prosecution to induce Defendant to make said decision and Defendant understood that any plea agreement recommendations are not binding upon the Court, entered the following pleas. The Court, having reviewed the matter fully, determining there was a factual basis for the charge(s), that the plea(s) was/were knowingly, intelligently and voluntarily entered and that all of the essential facts and elements of the offense(s) are set forth in the complaint, made the following findings:

CHARGED OFFENSE

PLEA

FINDING

Unlawful Discharge of Firearms

No Contest

Guilty

It was therefore considered, ordered and adjudged by the Court on 09/26/2017, that said Defendant be Sentenced as follows:

Fine/Fee: \$253.00

Restitution: \$

Community Service Option:

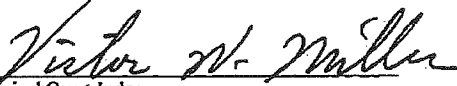
Custody Slip: Director of Shawnee County Department of Corrections - You are hereby ordered to take the above-named prisoner into your custody for the number of days specified below.

Jail Time Assessed:	Jail Time Suspended:	Total Days to Serve:

Concurrent with case(s):

Probation: Term: Conditions: See Order of Probation for specific conditions, if applicable.

By signing below, Defendant signifies that he/she understands and agrees that he/she owes the Topeka Municipal Court, \$253.00, in fines, fees, and costs and that he/she has been ordered by the judge to pay as follows: \$253.00 to be paid in full by 09/26/2017. Defendant understands that if he/she does not pay as ordered, then all legal methods available to the Court to compel payment may be utilized.


Municipal Court Judge

STATE OF KANSAS, COUNTY OF SHAWNEE, SS
I hereby certify the above and foregoing to be a true and correct copy, the original of which is filed in the court.

Dated 09/26/2017



Approved:


Defendant

Defense Counsel


Attorney for City

Make a payment on line at
www.topeka.org/municipalcourt

Topeka Municipal Court
214 SE 8th Avenue
Topeka, KS 66603-3907
(785) 368-3776

UPOC 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, parks and tourism 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, parks and tourism;

(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. (K.S.A. Supp. 21-6308a)

Unlawful discharge of firearms is a Class B violation.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Craig Duke, Fire Chief **DOCUMENT #:**
SECOND PARTY/SUBJECT: Ambulance Service **PROJECT #:**
Franchise Fees-TMC
5.10.040
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 030 Businesses
CIP PROJECT: No
ACTION OF COUNCIL: 12/12/17 Discussion. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, concerning franchise fees for ambulance service, amending City of Topeka Code Section 5.10.040 and repealing the original section.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would increase franchise fees related to ambulance services.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

To increase ambulance franchise fees as follows:

- Franchise Application Fee will increase from \$25 to \$1,500
- Initial Franchise Fee: Business Fee will remain the same at \$25 and each ambulance will increase from \$14 to 275
- Renewal for each ambulance will increase from \$14 to \$275

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance to be presented for consideration on December 19, 2017.

BACKGROUND:

The current fees have been in place for over 30 years. The current ambulance service provider has indicated

support of the following increases:

Franchise Application Fee from \$25 to \$1500

Ambulance Annual Fee (per ambulance) from \$14 to \$275

Business Fee will remain at \$25

BUDGETARY IMPACT:

Assuming current AMR fleet of 15 ambulances and adoption by the Governing Body of the amendment to TMC 5.10.040 to increase the fees, the annual revenue for ambulance renewal fees would be \$4,125 as well as the franchise application fee of \$1,500 for the first year of the franchise.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Ordinance

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, concerning franchise fees for ambulance service, amending City of Topeka Code § 5.10.040 and repealing the original section.

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

Section 1. That § 5.10.040, Ambulance Service, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

The fee for an ambulance service shall be as follows:

(a) Franchise application fee ~~\$25.00~~ \$1,500.00

(b) Initial franchise fee:

(1) Business fee \$25.00

(2) Plus, for each ~~vehicle~~ ambulance ~~\$14.00~~ \$275.00

(c) Renewal for each ~~vehicle~~ ambulance

(due January 1st of each year) ~~\$14.00~~ \$275.00

Section 2. That original § 5.10.040 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

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.

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PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE:	December 19, 2017	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	American Medical Response	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 160 Franchises	
CIP PROJECT:	No	
ACTION OF COUNCIL:	12/12/17 Discussion.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka which replaces the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2017.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would grant AMR a nonexclusive franchise agreement for two years.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Approval would grant AMR a franchise agreement for two years so that AMR can provide ambulance services to city residents. The agreement also requires collaboration between AMR and TFD to implement a community paramedicine program.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

Shawnee County contracts with AMR to provide ambulance services. The current AMR franchise agreement expires December 31, 2017. Topeka Fire Department and AMR have negotiated a new agreement.

BUDGETARY IMPACT:

Assuming current AMR fleet of 15 ambulances and adoption by the Governing Body of the amendment to TMC 5.10.040 to increase the fees, the annual revenue for ambulance renewal fees would be \$4,125 as well as the franchise application fee of \$1,500 for the first year of the franchise.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

AMR Letter of Request for Extension
Ordinance



December 4th, 2017

City of Topeka
Legal Department
215 SE 7th Street Room 353
Topeka, KS 66603

RE: American Medical Response Franchise Extension

American Medical Response would like to formally request an extension for the ambulance franchise. This franchise, adopted and approved by City Council as Ordinance Number 17314, was originally filed on August 30, 1983 pursuant to section 6-21 of the Code of the City of Topeka, Kansas.

As the current provider of emergency medical services for the citizens of Topeka as well as Shawnee County, AMR has received the approval of the County Commission to continue providing service for the period of January 1, 2017 to and including December 31, 2021 to this community. We are asking that the City of Topeka take action to extend the franchise from January 1, 2018 to December 31st, 2019.

Medevac MidAmerica DBA American Medical Response of Topeka continues to provide outstanding pre-hospital care to the citizens of our community. AMR provides this care at a fraction of the cost when compared to other services in the area, requiring one of the smallest subsidies in the entire State of Kansas for the number of citizens we serve.

Therefore, we respectfully ask that you would forward this request for renewal to the City Council to extend the franchise for ambulance service to American Medical Response. Thank you for your time and immediate attention to this matter.

Respectfully,

Jon Antrim
Operations Manager
American Medical Response Topeka

Cc: City Manager
Cc: Office of the City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka which replaces the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2017.

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

Section 1. Authority.

This Franchise Ordinance is passed and approved by the Governing Body of the City of Topeka, Kansas, and enacted pursuant to K.S.A. 12-2001 and the authority found and provided for in Chapter 5.25 TMC.

Section 2. Satisfactory qualifications.

The Governing Body of the City of Topeka, Kansas, has considered the legal, character, financial, and other qualifications of the applicant and has found Medevac MidAmerica, Inc., doing business as American Medical Response, hereinafter "AMR," to be qualified in all respects to own, maintain and operate an ambulance service in the City of Topeka, Kansas hereinafter "City." The Governing Body of the City of Topeka finds that public convenience will be promoted and public necessity requires such ambulance service under the terms and provisions of Chapter 5.25 TMC.

Section 3. Service.

The maintenance and operation of an ambulance service by AMR in the City shall be in accordance with these terms and conditions and performance standards set forth in the current ambulance service contract entered into by AMR and the Board of County Commissioners of Shawnee County, Kansas. Said contract is identified as Shawnee County Contract C207-2016. In addition, AMR agrees to provide to the city

31 manager of the City copies of documents which are required to be filed pursuant to
32 Shawnee County Contract C207-2016.

33 AMR is currently working toward implementing a community paramedicine
34 program/service. It is the goal of AMR and TFD to jointly participate and collaborate in
35 such implementation. This franchise does not permit AMR to provide the new
36 paramedicine program without further approval by the City.

37 **Section 4. Franchise grant.**

38 Pursuant to the provisions of TMC 5.25.040, a nonexclusive franchise is granted
39 to AMR, to own, maintain, and operate an ambulance service within the City. Said
40 nonexclusive franchise is granted through and including December 31, 2019, and shall
41 vest all rights, privileges and immunities of an ambulance service franchise with AMR;
42 however, said nonexclusive franchise shall be subject to and conditioned upon all of the
43 terms, duties and obligations found in the laws of the State of Kansas, Chapter 5.25
44 TMC, and this Franchise Ordinance.

45 **Section 5. Payments to the City.**

46 Consideration for the rights, privileges, and immunities granted to AMR includes
47 the benefits to be derived by the citizens of the City of Topeka from the maintenance
48 and operation of an ambulance service under the terms and conditions of this Franchise
49 Ordinance. The following licensing fees shall be paid by AMR to the City of Topeka:

50 a. On the effective date of this Franchise Ordinance, the ambulance service
51 franchise application fee and other fees prescribed by TMC 5.10.040 shall be paid.

52 b. On the first working day recognized by the City, after January 1 of each
53 year within the term of this Franchise Ordinance and while AMR is operating an
54 ambulance service pursuant to such Franchise Ordinance, the annual registration fee

for each vehicle in operation in the City as set forth in TMC 5.10.040(c) as presently provided or hereafter amended.

c. All fee payments made hereunder shall be made to the city treasurer.

Section 6. Insurance.

AMR shall upon the effective date of this Franchise Ordinance file with the city clerk an insurance policy as required by TMC 5.25.140 and the same shall be approved as to form by the city attorney's office. During the term of this Franchise Ordinance and the time AMR is providing service AMR shall maintain paid insurance coverage according to TMC 5.25.140.

Section 7. Written acceptance.

AMR shall file with the city clerk its written acceptance of the provisions of the Franchise Ordinance within sixty (60) days after the effective date of this Franchise Ordinance as determined by K.S.A. 12-2001.

Section 8. Remedies of City.

Nothing herein shall limit or preclude the City from seeking remedies at law or equity in a court of competent jurisdiction for any violation by AMR of the laws of the State of Kansas or any ordinance of the City.

Section 9. Forfeiture.

Any material and substantial fraud, misrepresentation or default of the terms, duties and obligations imposed upon AMR by the laws of the State of Kansas, Chapter 5.25 TMC or by this Franchise Ordinance shall constitute grounds for forfeiture of this nonexclusive Franchise Ordinance. The City shall notify AMR in writing of any allegation of a material and substantial fraud, misrepresentation or default and shall hold a public hearing before the Governing Body of the City of Topeka on the merits of such

allegations. Said public hearing shall be held within thirty (30) days after the notification to AMR and shall be adjudicative in character but shall not bar the rights of any parties to pursue judicial review. Within ten (10) days following the conclusion of such hearing, the Governing Body of the City of Topeka shall act with respect to such forfeiture and shall submit a written statement to AMR. This Franchise Ordinance shall not be forfeited unless the Governing Body of the City of Topeka finds that there has been a material and substantial fraud, misrepresentation or default on the part of AMR so as to justify a forfeiture. In such case a notice of forfeiture shall be provided to AMR. In the event this Franchise Ordinance is forfeited, AMR shall, within one hundred eighty (180) days of its receipt of notice of forfeiture, cease operation of an ambulance service hereunder.

Section 10. Surrender.

If, during the term of this Franchise Ordinance, AMR does not earn a fair rate of return upon the value of property used and useful in providing such ambulance service for a period of six (6) months; and it is determined by AMR that it would not be practical, possible or in the public interest to cure the deficiency by an increase in rates and/or a reduction in service; and AMR has complied with all applicable procedures as prescribed by the Board of County Commissioners of Shawnee County, Kansas including the giving of notice of surrender to the City; then AMR upon one hundred eighty (180) days written notice to the city clerk may elect to surrender this Franchise Ordinance and cease operation of the ambulance service hereunder. Fair rate of return means receipt of revenues for patient charges and public funds, if any, to include the sum of operating costs, depreciation reserves, growth and development costs and management fees.

Section 11. Transfer.

103 All the rights and obligations of AMR, pursuant to this Franchise Ordinance, may
104 with written approval of the Governing Body of the City of Topeka, be transferred to a
105 person meeting the requirements for an ambulance service, as determined by the laws
106 and regulations of the State and the City at the time of the contemplated transfer. Any
107 such transferee shall, without limitation, assume all the duties and obligations of AMR
108 and AMR shall be released of all future rights, duties, and obligations arising from this
109 Franchise Ordinance.

110 **Section 12. Hold harmless.**

111 AMR shall hold the City harmless for all liability, damages, costs and expenses of
112 every kind for the payment of which the City may become liable to any person by
113 reason of the rights and privileges herein granted and, if any action either at law or in
114 equity, be brought against the City for damages or for any cost to the City for any fault
115 of AMR, its servants, agents, or employees, in the operation of its ambulance service,
116 AMR shall pay all costs, damages and expenses including costs of defense for which
117 the City may be held liable.

118 **Section 13. Effective date.**

119 This Franchise Ordinance shall take effect and be in force from January 1, 2018,
120 and after its passage, approval and publication in the official City newspaper in the
121 manner prescribed by law, and shall be binding upon AMR upon the filing of its written
122 acceptance as required by Section 7.

124 PASSED AND APPROVED by the Governing Body on _____.

125
126 CITY OF TOPEKA, KANSAS

127
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130 _____
131 Larry E. Wolgast, Mayor

132 ATTEST:
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136 _____
137 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE:	December 19, 2017		
CONTACT PERSON:	Nickie Lee, Director of Finance	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Nick Hawkins, Budget and Performance Manager	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous		
CIP PROJECT:	No		
ACTION OF COUNCIL:	12/13 Discussion.	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Brent Trout, authorizing the use of excess general funds from unreserved fund balances.

(Approval would authorize transfer of \$543,205 for specified purposes.)

VOTING REQUIREMENTS:

Majority vote of the governing body (6).

POLICY ISSUE:

On November 15, 2016, the Governing Body approved a comprehensive reserve policy which provides staff guidance on the use of reserves, set reserve levels and identify proper use of reserves. The policy established guidelines for use of reserves which will be discussed and then included in a resolution.

STAFF RECOMMENDATION:

The governing body discussed the 2017 reserve balance recommendations on December 12, 2017 and are recommended for approval on December 19, 2017.

It is recommended that up to \$543,205 be transferred from the General Fund to the following funds and projects for the specified purposes. Any additional savings above \$543,205 will be added to the cash balance of the General Fund. At this point in time there is not projected to be a substantial amount of funds added to the cash balance.

1. An amount not to exceed \$222,125.34 from the General Fund for payment of the Topeka Police Department

vehicle lease payment; and

2. An amount not to exceed \$321,080 from the General Fund for the Fire House Annual Renovation Project approved in the 2018 CIP (Project #T-131052).

Additional Information:

Final Payment of the Topeka Police Department Vehicle Lease Payment – The final lease payment for a series of leased vehicle is due in February of 2018 in the amount of \$222,125.34. Funding this final payment in 2017 will allow the full 2018 budget authority in the Police Department fleet line item to be spent on new vehicles, improving the quality of the overall fleet.

Transfer to the Fire House Annual Renovation Project – The Fire House Annual Renovation Project (T-131052) was approved in the 2018 Capital Improvement Plan to be funded by general fund cash in 2018. Funding this project at \$321,080 utilizing 2017 funds will allow for greater flexibility in the 2018 budget. This is an ongoing project which will provide funding to maintain and improve Fire Stations throughout the city. The 2018 project will complete improvements to Fire Station 3.

BACKGROUND:

The Governing Body approved Resolution No. 8824 on November 15, 2016. The resolution establishes a policy for reserve balances that requires governing body authorization to use or transfer excess unreserved balances. Excess unreserved balances may be used for one or more of the following items:

- Debt reduction.
- One-time expenditures that do not increase recurring operating costs that cannot be funded through current revenues.
- Establishment of or increase in reserves for risk management programs, equipment replacement, capital projects, emergencies, or disaster recovery.
- Fund accrued liabilities, including but not limited to other post-employment benefits.
- Increase the balance of the reserve levels if known that a future draw down could occur.

It is projected that there will be unreserved balances at the end of the 2017 fiscal year that exceed the minimum balance requirements in the General Fund.

BUDGETARY IMPACT:

Staff recommends the Governing Body move to approve the resolution..

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

2017 Resolution

Resolution 8824 - COT Reserve Policy

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Brent Trout, authorizing the use of
4 excess funds from unreserved fund balances.

5
6 WHEREAS, Resolution No. 8824 establishes a policy for reserve balances that
7 requires governing body authorization to use or transfer excess unreserved balances;
8 and

9 WHEREAS, excess unreserved balances may be used for one or more of the
10 following items:

- 11 • Debt reduction.
- 12 • One-time expenditures that do not increase recurring operating costs that
13 cannot be funded through current revenues.
- 14 • Establishment of or increase in reserves for risk management programs,
15 equipment replacement, capital projects, emergencies, or disaster
16 recovery.
- 17 • Fund accrued liabilities, including but not limited to other post-employment
18 benefits.
- 19 • Increase the balance of the reserve levels if known that a future draw down
20 could occur.

21 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
22 CITY OF TOPEKA, KANSAS, that:

23 1. There are unreserved balances at the end of the 2017 fiscal year that
24 exceed the minimum balance requirements in the General Fund.

25 2. Pursuant to Resolution No. 8824, the Governing Body authorizes the
26 following uses or transfers:

- 27 A. An amount not to exceed \$222,125.34 from the General Fund for
28 payment of the Topeka Police Department vehicle lease payment; and

B. An amount not to exceed \$321,080 from the General Fund for the Fire House Annual Renovation Project approved in the 2018 CIP (Project #T-131052).

3. All of the above-referenced uses or transfers of excess unreserved fund balances meet one or more of the conditions stated in Resolution No. 8824.

ADOPTED and APPROVED by the Governing Body _____

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

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WHEREAS, the city government has an important responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely and to plan the adequate allocation of services; and

WHEREAS, it is important to maintain good standing with rating agencies as an adequate level of reserves is a sign of creditworthiness because it enhances a governments ability to repay debt on time and in full; and

WHEREAS, if the reserve falls below the minimum reserve level, the City Manager will prepare a plan for consideration by the governing body to rebuild the reserve during the next budgeting cycle.

SECTION ONE: The Governing Body of the City hereby adopts the reserve policy as set forth herein.

The Purpose of the Reserve Policy is to provide guidelines to the Governing Body and staff for establishing, maintaining and performing an annual review of the minimum and target reserves. A minimum reserve policy is generally considered a prudent and conservative fiscal policy to deal with unforeseen situations and long-term financial planning.

Fund Balance is also an important indicator of the City's financial position. Fund Balance is the difference between assets and liabilities in governmental funds. Maintaining reserves is considered a prudent management practice. Adequate fund balances are maintained to allow the City to continue providing services to the community in case of unexpected emergencies or requirement and/or economic downturns. The following classifications apply to fund balance in the City's governmental funds as defined by Governmental Accounting Standards Board ("GASB") no. 54:

<u>CLASSIFICATIONS</u>	<u>NATURE OF RESTRICTION</u>
Non-spendable	Cannot be readily converted to cash
Restricted	Externally imposed restrictions
Committed	Governing Body imposed commitment

Assigned City Manager assigned purpose/intent

Unassigned Residual balance not otherwise restricted

In the case of Proprietary funds (Enterprise and Internal Service Funds), Generally Accepted Accounting Principles ("GAAP") does not permit the reporting of reserves on the face of City financial statements. However, this does not preclude the City from setting policies to accumulate financial resources for prudent financial management of its proprietary fund operations.

Since proprietary funds may include both long-term capital assets and long-term liabilities, the most comparable measure of liquid financial resources that is similar to fund balance in proprietary funds is net working capital. Working capital is defined as the difference between current unrestricted assets and current liabilities. Net working capital, like fund balance, excludes long-term assets and long-term liabilities.

Use of Reserves

The City will avoid the use of reserves for recurring operating expenditures, unless a determination has been made that available balances are in excess of required guidelines and that plans have been established to address any future operating budget shortfalls.

Approval of the Governing Body shall be required in circumstances when reserve funds will be used to:

- Provide resources to make up for temporarily decreased revenues, such as reductions in state grants.
- Provide temporary resources in the event of an economic downturn while expenditure reductions are implemented.
- Provide resources in the event of a settlement rising from a claim or judgement.
- Fund one-time capital investments.

The City Manager shall notify the Governing Body in circumstances when reserve funds will be used to:

- Provide resources to meet emergency situations in case of disasters.
- Provide resources to fund obligations required by contract or state law (e.g. wages)

Authority of Reserves

The Governing Body may authorize the use of reserves. The Department of Administrative and Financial Services will regularly report reserve levels in quarterly statements and will report year-end projected reserve levels by the third quarter of each year.

Replenishment of Reserves

In the event that reserves are used resulting in a balance below the minimum as outlined in this policy for the various funds, a plan will be developed by the City Manager and such plan will be included in the formulation of the five-year forecast presented during the annual budget process to replenish reserve levels.

Governmental Fund Balance Policy

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.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Debt Service Fund revenues.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Motor Fuel Tax Fund revenues.

Special Revenue Funds Policy

The City shall maintain a minimum restricted reserve equal to ten percent (10%) of the Special Liability Fund revenues.

Proprietary Working Capital Policy

Enterprise Days Cash on Hand Policy

The City shall maintain a minimum days cash on hand for the Combined Utilities Fund. The days cash on hand policy will be equal to 185 days cash on hand as defined by any rating agency then rating the City's Combined Utility fund. This reserve will be maintained in order to provide continuity through extreme events, deal with normal cash fluctuations throughout the year, and maintain rate stability and funding capital investments.

The City shall maintain a minimum working capital reserve for the Parking Fund. The working capital reserve will be equal to 10% of the annual parking fund revenues.

Internal Service Working Capital Policy

The City shall maintain a minimum working capital for the Self Insurance Health Fund equal to a 95% confidence level, that funding will be sufficient to pay all losses and corresponding claim expenses. The 95% confidence level shall come from prior year run out claims. In addition, the City shall also maintain minimum working capital equal to 25% of current year expected annual claims and settlement expenses.

The City shall maintain a minimum working capital for other Self Insurance funds equal to a 95% confidence level that funding will be sufficient to pay all losses and corresponding claim expenses.

The City shall maintain a minimum working capital for other Internal Service Funds that provide services to other City departments at a level equal to 10% of expected revenues.

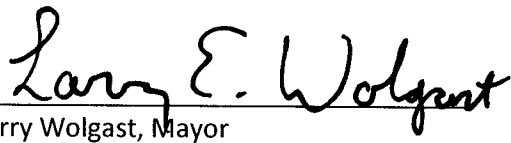
101 Excess unreserved balance

102 In the event that the unreserved balance exceeds the minimum or target balance requirements in the
103 General Fund, Special Revenue Funds, Debt Service Funds, and Enterprise Funds at the end of the fiscal
104 year, the excess may be used in one or a combination of the following ways with authorization from the
105 Governing Body:

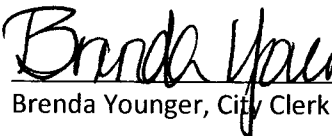
- 106 • Debt reduction
- 107 • One-time expenditures that do not increase recurring operating costs that cannot be funded
108 through current revenues. Emphasis will be placed on one-time uses that reduce future
109 operating costs.
- 110 • Establishment of or increase in reserves for risk management programs, equipment
111 replacement, capital projects, emergencies, or disaster recovery.
- 112 • Fund accrued liabilities, including but not limited to other post-employment benefits.
- 113 • Increase the balance of the reserve levels if known that a future draw down could occur.

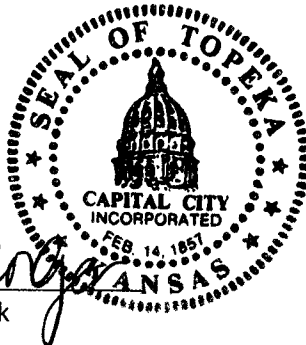
114 ADOPTED and APPROVED by the Governing Body on November 15, 2016.

CITY OF TOPEKA, KANSAS


Larry Wolgast, Mayor

121 ATTEST:

122 
123 Brenda Younger, City Clerk
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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 19, 2017

DATE: December 19, 2017
CONTACT PERSON: Lisa Robertson, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Municipal Code Title 6, Animals
PROJECT #:
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 018 Animals
CIP PROJECT: No
ACTION OF COUNCIL: 1-3-17 Discussion. 1- JOURNAL #:
10-17 Defer until 2-7-17.
2/7/17 Refer to PHS. 5-
2-17 Refer back to
PHS. 12/5/17 Defer 2
weeks.

PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by the Public Health and Safety Committee, revising Title 6, Animals, of the City of Topeka Code. *(Deferred from the meeting of December 5, 2017.)*

Voting Requirement: Majority vote of the City Council (5). The Mayor does not vote.

(Approval would remove inconsistency and duplication within codified ordinances regarding animals within the city limits and allow miniature pot-belly pigs.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Approval would amend the Code provisions regarding animals including allowing miniature pot-belly pigs.

STAFF RECOMMENDATION:

The Public Health and Safety Committee met on April 7, 2017, April 24, 2017, June 12, 2017, July 20, 2017, and September 28, 2017 to consider revisions to TMC Title 6, entitled "Animals;" a matter that the Governing Body referred to the Committee on February 2, 2017. After much consideration and discussion, the Public Health and Safety Committee is recommending approval of the proposed revisions contained in the

corresponding ordinance in accordance with Council Rule 8.5 (c)(1). The Committee is requesting that a vote be taken on this recommended course of action on December 5, 2017.

BACKGROUND:

A year or so ago, a member of the community presented the Governing Body with a petition signed by numerous individuals requesting that the Body consider revising TMC Title 6, entitled "Animals," for the purpose of allowing miniature pot-belly pigs within the city limits. Discussion on this topic ensued and on February 7, 2017, the Governing Body referred the matter to the Public Health and Safety Committee to consider not only the miniature pot-belly pig issue, but to also to conduct a comprehensive review of Title 6.

Title 6 has received little attention over the course of the past two to three decades, as evidenced by the history of revisions attachment. This has resulted in inconsistencies that front-line (Animal Control) personnel must attempt to resolve out in the field more frequently than they would like. The revisions to Title 6, as set out in this ordinance, are being proposed for purposes of eliminating these inconsistencies and unnecessary duplication, as well as developing guidelines that will apply to individuals who wish to harbor miniature pot-belly pigs within the city limits.

Over the course of the five meetings held by the Public Health and Safety Committee, Committee members received testimony from area veterinarians and considered information provided by City Staff; more specifically: Animal Control Supervisor Lisa Pinkley, City Attorney Lisa Robertson, Chief of Prosecution Karan Thadani, Police Legal Advisor Luther Ganieany, Police Accounting Manager Gretchen O'Donovan, Police Records Manager Jaime Dennis, and Animal Control Clerk, Tracy Paige.

A "Comparison Doc" is attached, which is basically a "mark-up" version of TMC Title 6 as it is currently written. The Comparison Doc shows which sections contained within Title 6: (1) have not been revised; (2) have been revised, but not in any substantive way; and (3) have been substantively changed. There is also an explanation of where cross-references to Title 6 (as it is currently written) can be located.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance

History of Revisions

Current Title 6 TMC

Miniature Pig Comparison Chart (other cities)

Comparison Document (Current vs. Proposed)

Clean Version of Recommended Revisions

PHS Committee Report

PHS Committee Draft Minutes 9-28-17

PHS Committee Minutes 7-20-17

PHS Committee Minutes 6-12-17

PHS Committee Minutes 4-24-17

PHS Committee Minutes 4-7-17

K. Hiller - Title 6 Revisions Proposal Memo

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by the Public Health and Safety Committee, revising Title 6, Animals, of the City of Topeka Code.

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

Section 1. That section 6.05.010 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 title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) “Animal” means a live, vertebrate creature, domestic or wild, other than humans.

(b) “Amphibian” is an animal that moves in and out of water, (i.e., frogs and toads, newts and salamanders);

(c) “Animal shelter” means any premises designated by city administrative authority for the purpose of impounding and caring for animals held under authority of this title, excluding wildlife, fowl and livestock.

(d) “At-Large” means when an animal is not on the property of its owner and not under the physical control of the owner by leash or other similar device (voice or remote control only will not be considered adequate control).

(e) “Attack” means any violent or aggressive physical action or contact.

(f) “Bird” is an animal that bears its young in a hard-shelled egg, is covered with feathers and has forelimbs modified into wings, scaly legs and a beak, as opposed

28 to teeth. See also "Fowl."

29 (g) "Cat" is an animal with soft fur, a short snout and retractile claws. A feral
30 cat is a domesticated cat that has returned to the wild, or the offspring of such a cat. A
31 feral cat is unsocialized to humans and has a temperament of extreme fear or
32 resistance to contact with humans. An ear-tipped feral cat is a feral cat that exhibits a
33 straight-line cutting of the tip of its left ear to indicate that it has been sterilized and
34 vaccinated against rabies.

35 (b~~h~~) "Dangerous dog" shall mean any of the following:

36 (1) Any dog with a known propensity, ~~tendency~~ or disposition to attack, to
37 cause injury, or otherwise threaten the safety of human beings or domestic
38 animals; or

39 (2) Any dog which, in a vicious or threatening manner, approaches any
40 person in apparent attack upon the person while on the streets, sidewalks, or any
41 public grounds or places; or on private property other than on the property of the
42 owner; or

43 (3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten
44 a human being or domestic animal; or

45 (4) Any dog which was previously determined to be a ~~vicious~~
46 ~~animal~~ dangerous pursuant to the previous ~~Topeka City Code 18-8 or TMC~~
47 6.05.080 or the current TMC 6.15.170; or

48 (5) Any dog owned or harbored primarily for the purpose of dog fighting
49 shall only be considered dangerous if the dog is evaluated and dangerousness is
50 concluded by a licensed veterinarian or a dog trainer certified by the Certification

51 Council for Professional Dog Trainers with experience in evaluating dogs seized
52 in similar cruelty cases.

53 (6) Notwithstanding the definition of a “dangerous dog” above, no dog may
54 be declared dangerous if any injury was sustained by a person under any of the
55 following conditions:

56 (i) The person was committing a willful trespass or other tort upon
57 the premises occupied by the owner or keeper of the dog;

58 (ii) The person was committing or attempting to commit a crime;

59 (iii) The person provoked, teased, or injured the dog; or

60 (iv) The dog was protecting itself, its owner, its offspring or another
61 human being.

62 (7) No dog may be declared dangerous if any injury was sustained by a
63 domestic animal under any of the following conditions:

64 (i) The domestic animal provoked, teased or injured the dog; or

65 (ii) The dog was protecting itself, its owner, its offspring or another
66 human being; or

67 (iii) The dog injures or kills an animal trespassing on the property of
68 the dog’s owner.

69 (8) Nothing in this chapter shall be deemed to regulate or prohibit the
70 lawful maintenance and use of dogs by law enforcement agencies or include
71 actions by a law enforcement dog while on duty or while performing duties.

72 (i) “Dog” is an animal with a long or short snout, an acute sense of smell and
73 a barking, howling or whining voice. A wild dog is an undomesticated dog that is found

74 in the wild, (i.e., the African wild dog, the dingo, the hyena and the wolf).

75 (ej) “Domestic animal” means any vertebrate animal that is kept as a pet.
76 “Domestic animal” includes, but is not limited to, dogs, cats, rabbits, birds and domestic
77 fowl, one that is sufficiently tame to live with or near an individual owner or family,
78 including, but not limited to, pets such as dogs, cats or miniature pot-belly pigs; or one
79 that can be used to contribute to a family’s support, including, but not limited to, cattle,
80 donkeys, goats, mules, poultry, sheep or swine. When something is domesticated, it is
81 converted to domestic use, as in the case of a wild animal that is tamed. See also
82 “Animal,” “Livestock” and “Pet.”

83 (k) “Exotic animal” means a living mammal or marsupial that is normally found
84 in the wild state, but shall not include a farm animal (livestock).

85 (dl) “Exposed to rabies” means an animal which~~that~~ has been bitten by, or
86 subjected to danger, attack or harm by, any creature known to have been infected with
87 rabies.

88 (m) “Ferret” is a small animal, belonging to the weasel family, which usually
89 weighs less than five pounds.

90 (n) “Fish” is an animal that lives only in water and characteristically has fins,
91 gills and a streamlined body, (i.e., bony fishes, such as catfishes and tunas and
92 cartilaginous fishes, such as sharks and rays).

93 (o) “Fowl” is a group of animals consisting of waterfowl or wildfowl. “Poultry”
94 is a term typically used when referring to domesticated birds or fowl (i.e., chicken, duck,
95 goose or turkey) that are raised for meat, eggs or feathers. See also “Bird.”

96 (ep) “Humane killing” means the painless administration of a lethal dose of an

agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.

(fg) ~~“Humane society” means the Helping Hands Humane Society in the city or~~
any animal shelter contracted with the city of Topeka ~~which~~that is licensed by the state
of Kansas.~~-See also “Animal Shelter.”~~

(r) “Invertebrate” is an animal that does not have a backbone or spinal column.

(s) “Livestock” is a group of domesticated animals (i.e., cattle, donkeys, goats, horses, mules, poultry, sheep, swine and similar animals) that are raised in an agricultural setting to produce commodities such as food, fiber and labor. Livestock are often referred to as “useful animals,” which implies a commercial purpose of being reared for financial gain. See also “Domestic Animal” and “Pet.”

(t) “Miniature, Pot-Belly Pig” is a breed of small pig originating in southeastern Asia and having a straight tail, potbelly, swayback and typically having a black, white or black and white coat.

(u) “Neutered Male” is a male animal that by operation has been made infertile to prevent conception or one that has been certified by a licensed veterinarian as being naturally infertile.

(gy) ~~“Owner” means any person owning, keeping, possessing or harboring of~~

120 legal age who keeps, possesses or harbors any animal, or any person operating a
121 kennel. A parent or legal guardian shall be deemed to be an owner of dogsanimals
122 owned or maintained by children upon their premises.

123 (w) "Pet" means a tamed animal cared for by its owner and kept primarily for a
124 person's companionship and not as a food source. See also "Domestic Animal" and
125 "Livestock."

126 (x) "Rabbit" is a rodent-like animal with soft fur, long ears, a divided upper lip
127 and long hind legs, known for burrowing.

128 (y) "Reptile" is an animal with dry, scaly skin (i.e., lizards, snakes and turtles).
129 Lizards have moderately elongated bodies, a tapering tail and two pairs of legs held
130 outward from the body. Snakes are limbless and have elongated bodies; includes
131 venomous and nonvenomous species. Turtles have trunks that are enclosed in a shell.

132 (z) "Restrained" means confined by building, fence, leash, harness or other
133 appropriate means, or is accompanied by a competent person and under the person's
134 immediate control by leash or held in arms.

135 (aa) "Rodent" is a gnawing animal distinguished by strong, constantly-growing
136 incisors and no canine teeth (i.e., hamsters, mice, porcupines, rats and squirrels).

137 (hbb) "Secure enclosure" or "secure six-sided enclosure" shall mean a pen,
138 kennel or structure with secure sides, a secure top attached to the sides and a secure
139 bottom or floor attached to the sides of the pen or embedded in the ground no less than
140 two feet. The secure enclosure must be at least six feet from any public sidewalk or
141 street. The secure enclosure, other than a residence, must be locked with a key or
142 combination lock when animals are within the enclosure. If the secured enclosure is a

143 ~~residence, then all doors, windows or other means of egress shall be secured in a~~
144 ~~manner to prevent an animal from escaping. All secure enclosures must comply with all~~
145 ~~zoning and building regulations of the city. All secure enclosures must be adequately~~
146 ~~lighted and ventilated and kept in a clean and sanitary condition.~~means a six-sided
147 structure, counting the top and bottom, secured to the sides or embedded in the ground
148 two feet or more for purposes of preventing a dangerous dog, as defined in subsection
149 (h) above, from digging out. The structure must be equipped with a gate or door that is
150 secured with a padlock or combination lock for purposes of preventing escape and
151 ensuring that such gate or door cannot be opened by anyone other than the owner,
152 keeper, possessor or harbinger of the animal.

153 (cc) "Spayed Female" is a female animal that by operation has been made
154 infertile to prevent conception; or one that has been certified by a licensed veterinarian
155 as being naturally infertile.

156 (idd) "Supervision" means within visual and auditory range of the owner.

157 (jee) "Tether". When used as a verb, ~~"tether" or "tethering" shall means~~
158 ~~fastening a dog or cat~~an animal to a stationary object, pulley run line or a stake. When
159 used as a noun, ~~"tether" or "tethers" shall means~~ a chain, leash, rope, cable, chain,
160 string, leather or nylon strap, or any other material used to fasten ~~a dog or cat~~an animal
161 to a stationary object, pulley run line or a stake.

162 (ff) "Vertebrate" is an animal that has a backbone or spinal column such as
163 amphibians, birds, cats, dogs, ferrets, fish, fowl, livestock, miniature pigs, rabbits,
164 reptiles and rodents.

165 (gg) "Veterinary hospital" means any establishment maintained and operated

by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

(khh) "Vicious" means a cross, ferocious or dangerous disposition; or a habit, tendency or disposition to snap, attack or bite any person or domestic animal or pet.

Section 2. That section 6.05.020, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Violations of title, mandatory minimum punishment.

~~The judge of the municipal court of the city shall, upon a conviction of any section in this title, other than TMC 6.05.080, sentence the owner, harbinger or possessor of such animal as follows:~~

~~(a) Fine. A fine of not less than \$1.00 or more than \$499.00; or~~

~~(b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or~~

~~(c) Both Fine and Imprisonment. Both fine and imprisonment not to exceed subsections (a) and (b) of this section.~~

Animal control office.

(a) There is hereby created an office to be known as animal control, which shall be responsible for the enforcement of ordinances relating to animals.

(b) An animal control supervisor shall be appointed by the city manager or designee. The animal control supervisor shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police or designee.

Section 3. That section 6.05.030 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Transportation and handling charges imposed in certain cases.

189 ~~If a person is convicted of a violation of a section in this title and the animal was~~
190 ~~transported by the city police department to an animal shelter, then the judge of the~~
191 ~~municipal court shall impose and collect \$30.00 for handling and transportation of the~~
192 ~~animal.~~

193 **Authority of police officers.**

194 The police officers of the city are authorized to enforce this title and to aid and
195 assist the animal control supervisor and officers in the enforcement of this title.

196 Section 4. That section 6.05.040 of the Code of the City of Topeka, Kansas, is
197 hereby amended to read as follows:

198 **Cruelty to animals.**

199 ~~(a) It shall be unlawful for any person to recklessly or intentionally:~~

200 ~~(1) Kill, injure, maim, torture, burn or mutilate any animal;~~

201 ~~(2) Abandon or leave any animal in any place without ensuring provisions for its~~
202 ~~proper care;~~

203 ~~(3) Have physical custody of any animal and fail to provide such food, potable~~
204 ~~water, protection from the elements, opportunity for exercise adequate to maintain~~
205 ~~health, or other care as is needed for the health or well-being of such animal;~~

206 ~~(i) Food. Food shall be wholesome, free from contamination, and of sufficient~~
207 ~~quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed~~
208 ~~at least once a day except as dictated by veterinary treatment, normal fasts or other~~
209 ~~accepted practices. All food receptacles shall be kept clean.~~

210 ~~(ii) Potable Water. Adequate fresh water shall be made available to animals on a~~
211 ~~regular basis.~~

~~(iii) Protection from the Elements. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals. When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Owners of animals kept outdoors or in an unheated enclosure shall provide the animal with the following minimum standards of shelter:~~

~~(A) It shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material with a solid floor.~~

~~(B) It shall be provided with a sufficient quantity of clean, suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent, to promote insulation and protection against cold and dampness and promote retention of body heat.~~

~~(4) Knowingly leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, defined as more than 80 degrees Fahrenheit or less than 30 degrees Fahrenheit as the heat or cold index taken in the vehicle shall create a legal, rebuttable presumption of violation of this act;~~

~~(5) Use of 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;~~

~~(6) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human; or~~

~~(7) Cause any physical injury other than the acts described in subsection (a)(1) of~~

~~this section.~~

~~(b) It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a dog or cat without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. No person shall:~~

~~(1) Continuously tether a dog or cat for more than 15 minutes without supervision; or~~

~~(2) Use a tether or any assembly or attachments thereto to tether a dog or cat that shall weigh more than one eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or~~

~~(3) Tether a dog or cat on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other manmade or natural obstacles; or~~

~~(4) Tether a dog or cat without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or~~

~~(5) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog or cat protection from attack by other animals; or~~

~~(6) Tether a dog or cat in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of~~

precipitation.

~~(c) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in subsection (a) of this section and subsections thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.~~

~~(d) The owner of an animal killed pursuant to subsection (c) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.~~

~~(e) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (c) of this section, pending prosecution of the owner of such animal for the crime of cruelty to animals, as defined in subsection (a) of this section, shall be assessed to the owner as a cost of the case if the owner or custodian is adjudicated guilty of such crime.~~

~~(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to~~

~~a duly incorporated humane society or licensed veterinarian for sale or other disposition.~~

~~(g) The provisions of this section shall not apply to:~~

~~(1) Normal or accepted veterinary practices;~~

~~(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;~~

~~(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;~~

~~(4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;~~

~~(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;~~

~~(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 byproducts 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 by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any~~

304 ~~person, domestic animal, or farm animal;~~

305 ~~(8) An animal control officer trained by a licensed veterinarian in the use of a~~
306 ~~tranquilizer gun, or trained police officer or animal control officer using an electronic~~
307 ~~control device, when such animal is vicious or could not be captured after reasonable~~
308 ~~attempts using other methods;~~

309 ~~(9) Laying an equine down for medical or identification purposes;~~

310 ~~(10) Normal or accepted practices of pest control, as defined in K.S.A. 2-~~
311 ~~2438a(x), and amendments thereto;~~

312 ~~(11) Accepted practices of animal husbandry pursuant to regulations~~
313 ~~promulgated by the United States Department of Agriculture for domestic pet animals~~
314 ~~under the Animal Welfare Act, Public Law 89-544, as amended and in effect on July 1,~~
315 ~~2006; or~~

316 ~~(12) In situations where delay would result in unnecessary and prolonged~~
317 ~~suffering of an injured or rabid animal, law enforcement officers may utilize alternative~~
318 ~~means to euthanize such animal.~~

319 **Complaint and notice to appear.**

320 Animal control officers shall have the power to issue a complaint and notice to
321 appear against the owner of animals that are subject to, but not in compliance with,
322 applicable provisions of this title; provided, that no owner charged with violating the
323 provisions of TMC 6.15.010 shall be convicted of violating TMC 6.15.010 if the owner
324 produces in court, or at the office of animal control, a valid permit for the dog, cat or
325 miniature pot-belly pig dated prior to the issuance of the complaint and notice to appear.

Section 5. That section 6.05.050 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Mistreatment of young fowl, rabbits and other animals.

~~(a) It shall be unlawful for any person to possess, display, sell or to give away any ducklings, chicks, fowls or rabbits as pets, playthings, novelties, gifts, for advertising or sales promotional purposes, or to suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated.~~

~~(b) This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons regularly and continuously engaged in the business of selling such animals or fowl to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls or rabbits as pets, playthings or novelties, nor shall they suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated.~~

Violations of title, mandatory minimum punishment.

Unless otherwise specifically provided herein, the judge of the municipal court of the city shall, upon a conviction of any section in this title, other than TMC 6.15.170, sentence the owner, keeper, possessor or harbinger of such animal as follows:

- (a) Fine. A fine of not less than \$1.00 or more than \$499.00; or
- (b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or
- (c) Both Fine and Imprisonment. A fine and imprisonment, both in accordance with subsections (a) and (b) of this section.

Section 6. That section 6.05.050 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Exotic or captive wild animals.~~

~~(a) Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to own, keep, maintain or have in his possession or under his control, within the city limits, any live mammal, bird or reptile.~~

~~(b) Selling, Trading. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully sell, offer for sale, trade or offer for trade, within the city limits, any live mammal, bird or reptile.~~

~~(c) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully buy or accept in trade, within the city limits, any live mammal, bird or reptile.~~

~~(d) Exceptions. Persons may buy, own, accept in trade, keep, maintain, possess, sell, offer for sale, trade or offer for trade:~~

~~(1) Domestic dogs.~~

~~(2) Domestic cats.~~

~~(3) Domestic hoofstock.~~

~~(4) Rodents.~~

~~(5) European ferrets.~~

~~(6) Rabbits.~~

~~(7) Birds, except for ostriches, emus, rheas and cassowaries.~~

~~(8) Nonvenomous snakes less than eight feet in length.~~

~~(9) Nonvenomous lizards, except all species of monitor lizards shall be prohibited.~~

~~(10) Turtles, except snapping turtles.~~

372 ~~(11) Amphibians.~~

373 ~~(12) Fish.~~

374 ~~(13) Invertebrates.~~

375 ~~(e) Exemptions.~~

376 ~~(1) The prohibitions in subsections (a) through (c) of this section shall not~~
377 ~~apply to bona fide zoos, as defined by the American Association of Zoological~~
378 ~~Parks and Association of Zoological Parks and Aquariums.~~

379 ~~(2) The prohibitions in subsection (a) of this section shall not apply to:~~

380 ~~(i) Medical institutions.~~

381 ~~(ii) Post-secondary educational institutions.~~

382 ~~(iii) Veterinary clinics in possession of the animals prohibited under~~
383 ~~this section.~~

384 ~~(iv) Circuses, if properly licensed by the city.~~

385 ~~(v) Carnivals, if properly licensed by the city.~~

386 ~~(vi) Persons designated and licensed as animal rehabilitators by the~~
387 ~~state Fish and Game Commission.~~

388 ~~(vii) Disabled persons with permanent mobility impairments who~~
389 ~~qualify to obtain assistance of a service monkey; provided, that:~~

390 ~~(A) The service monkey is Cebus apella (capuchin monkey);~~

391 ~~(B) The service monkey is owned and trained by a registered~~
392 ~~501(c)3 nonprofit organization, Helping Hands Simian Aides~~
393 ~~for the Disabled, Inc., that assists disabled persons living~~
394 ~~with permanent physical disabilities; and~~

395 ~~(C) The service monkey does not leave the residence of the~~
396 ~~qualified disabled person, except for one veterinary~~
397 ~~examination per year or in the event of medical emergency~~
398 ~~to the service monkey.~~

399 ~~(viii) Persons listed in subsections (e)(2)(i) through (vii) of this~~
400 ~~section who are temporarily transporting such animals through the~~
401 ~~city, except that circuses and carnivals need not be licensed by the~~
402 ~~city if merely temporarily transporting an otherwise prohibited~~
403 ~~animal through the city.~~

404 ~~(f) Sanitary Requirements. All persons and institutions listed in subsection (e) of~~
405 ~~this section must ensure that all animals and animal quarters conform to the provisions~~
406 ~~of the nuisance ordinances of the city and are kept in a clean and sanitary condition and~~
407 ~~so maintained as to limit objectionable odors; and shall ensure that all animals are~~
408 ~~maintained in quarters which are adequately constructed so as to prevent their escape.~~

409 ~~(g) Licensing. All persons and institutions listed in subsection (e) of this section~~
410 ~~must be properly licensed, if so required, by any rule or regulation promulgated under~~
411 ~~the authority of federal statute enacted by the United States, or by any statute enacted~~
412 ~~by the state, or by any rule or regulation promulgated by any agency or department as~~
413 ~~authorized by state statute.~~

414 ~~(h) Violations. A violation of any provision of this section shall constitute a new~~
415 ~~and separate offense each calendar day the violation continues to exist.~~

416 ~~(i) Destruction or Removal of Prohibited Animals. Upon conviction of a violation~~
417 ~~of this section, the judge of the municipal court of the city may order the owner,~~

harborer, keeper or possessor to destroy or remove from the city any animal prohibited under this section.

Transportation and handling charges imposed in certain cases.

If a person is convicted of a violation of any section in this title, or of any applicable state or federal law, and the animal was transported by the police department or animal control office to an animal shelter, then the judge of the municipal court shall impose and collect \$30.00 for handling and transportation of the animal.

Section 7. That section 6.05.070 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Injuring or killing of wild and undomesticated animals unlawful —~~
Exceptions.

~~(a) It shall be unlawful for any person to injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by the police department; provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.~~

~~(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a~~

person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

~~(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.~~

Keeping or harboring animals.

(a) Allowed. Except as otherwise specifically provided in subsection (d) below, a person may own, keep, possess, harbor, buy, accept in trade, sell or offer for sale or trade any of the following animals within the city limits in compliance with applicable federal, state and local laws; provided, however, that said animals are kept as pets:

(i) Amphibians.

(ii) Birds.

(iii) cats.

(iv) Dogs.

(v) Ferrets.

(vi) Fish.

(vii) Fowl.

(viii) Livestock.

(ix) Miniature pot-belly pigs.

(x) Rabbits.

(xi) Reptiles.

(xii) Rodents.

(xiii) Invertebrates.

(b) Sanitary Requirements. The owner of any animal(s) listed in subsection (a) of this section must ensure that all animals and animal quarters are in full conformance with the provisions of the nuisance ordinances of the city, kept in a clean and sanitary condition and maintained in a manner that limits objectionable odors; and must further ensure that all animals are maintained in quarters that are adequately constructed so as to prevent their escape. Any area(s) in which an animal(s) is allowed to roam should be cleaned of waste on a regular basis for purposes of preventing the emission of objectionable odors. If an animal control officer determines that a particular odor would be considered objectionable to a reasonable, prudent person, this determination may be considered prima facie evidence of a violation of this section.

(c) Compliance. The owner of any animal(s) listed in subsection (a) of this section must ensure that said animal(s) is properly licensed if required by this title and is being kept in accordance with any applicable rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(d) Prohibitions. It shall be unlawful for any person to knowingly own, keep, possess or harbor any of the following animals within the city limits:

- 487 (i) Venomous snakes and lizards.
- 488 (ii) Nonvenomous snakes if eight feet or more in length.
- 489 (iii) All species of monitor lizards.
- 490 (iv) Cassowaries, emus, ostriches and rheas.
- 491 (v) Snapping turtles.
- 492 (vi) Exotic or captive wild animals; except as otherwise provided in
- 493 TMC 6.20.010(d).

494 Upon conviction of a violation of this subsection (d), the judge of the municipal

495 court of the city may order the owner, keeper, possessor or harborer to destroy or

496 remove from the city any animal prohibited under this section.

497 Section 8. That section 6.05.080 of the Code of the City of Topeka, Kansas, is

498 hereby amended to read as follows:

499 **Dangerous dogs.**

500 ~~(a) In the event that an animal control officer or law enforcement officer has~~

501 ~~probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the~~

502 ~~animal control officer or law enforcement officer may seize and impound such animal at~~

503 ~~the humane society unless the owner agrees to impound the animal at the owner's~~

504 ~~expense at any veterinarian in the city until the conclusion of any pending municipal~~

505 ~~court charge regarding the animal. If an animal is ordered to be impounded pursuant to~~

506 ~~this subsection, the person who owns, harbors, keeps or possesses such animal shall~~

507 ~~be entitled to a hearing in the municipal court within 14 days of such impoundment to~~

508 ~~review the propriety of such impoundment and whether a bond may be posted.~~

509 ~~Impoundment expenses shall be assessed as court costs against a convicted owner~~

and any bond may be applied to such costs.

(b) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any amendments thereto.

(c) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(d) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined, and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the

~~address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.~~

~~(ii) Confinement. All dangerous dogs shall be confined in a secured enclosure. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secured enclosure. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling of the owner or outside the secured enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.~~

~~(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.~~

~~(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the~~

time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

~~(3) The municipal court shall impose a fine of at least \$499.00 and not more than \$1,000 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.~~

~~(4) The municipal court shall impose a fine of \$250.00 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.~~

~~(e) Dangerous Dog At Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.~~

~~(f) Dangerous Dog — Attack on Human. Upon conviction of this section, a dog~~

579 may be destroyed if the dog attacks a human being which results in great bodily harm or
580 death. Upon conviction of this section, the court may destroy a dog that has been
581 previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

582 (g) ~~Dangerous Dog — Attack on Other Animal.~~ Upon conviction of this section, a
583 dog may be destroyed if the dog attacks a domestic animal which results in great bodily
584 harm or death. Upon conviction of this section, the court may destroy a dog that has
585 been previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

586 (h) ~~The impounded dog shall not be destroyed pending appeals of convictions~~
587 ~~under this chapter. The dog shall remain impounded pending the determination of the~~
588 ~~complaint. If the court shall find that there shall not have been a violation, such dog shall~~
589 ~~be released to the custody of the owner. In addition to the fines provided in this section,~~
590 ~~the municipal judge shall have the authority to sentence the person adjudicated guilty of~~
591 ~~this chapter to serve up to a maximum of six months in jail.~~

592 (i) ~~Notwithstanding any other provision of this chapter to the contrary and~~
593 ~~irrespective of whether the dog has been declared dangerous pursuant to this chapter,~~
594 ~~the municipal judge may order any dog destroyed if the municipal judge determines that~~
595 ~~the dog is an immediate threat to public health and safety and that confinement and~~
596 ~~registration of the dog by the owner or keeper of the dog as provided in this chapter will~~
597 ~~not adequately protect public health and safety. No person shall harbor, own, or~~
598 ~~possess a dog that is an immediate threat to public health and safety. In making such~~
599 ~~determination the municipal judge may consider the severity of the attack and such~~
600 ~~other relevant information. The municipal judge shall have the authority to sentence the~~
601 ~~person adjudicated guilty of this section to serve up to a maximum of six months in jail~~

and to pay a fine not to exceed \$1,000.

Keeping or harboring animals on property upon which no person resides.

It shall be unlawful for any person to knowingly confine, keep, harbor or maintain any animals on property uninhabited by humans within the city limits; provided, however, that this prohibition shall not apply to bona fide:

(a) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(b) Medical institutions.

(c) Educational institutions.

(d) Licensed veterinary clinics.

(e) The humane society.

(f) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.

(g) Animals maintained on nonresidential commercial properties for security purposes.

Section 9. That section 6.05.090, Transportation and handling charges imposed in certain cases, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Keeping or harboring animals on property upon which no person resides.~~

~~(a) More Than One Animal Prohibited. It shall be unlawful for any person to confine, harbor, keep or maintain more than one animal on property uninhabited by humans within the city limits.~~

~~(b) Exceptions. The prohibition of this section shall not apply to bona fide:~~

~~(1) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.~~

~~(2) Medical institutions.~~

~~(3) Educational institutions.~~

~~(4) Licensed veterinary clinics.~~

~~(5) The humane society.~~

~~(6) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.~~

~~(7) Animals maintained on nonresidential commercial properties for security purposes.~~

Running at large prohibited.

It shall be unlawful for any person, with no requirement of a culpable mental state, to allow or permit any dog or miniature pot-belly pig to run or be at large, as defined in TMC 6.05.010 above, at any time in the city. The fact of a dog or miniature pot-belly pig being found at large shall be prima facie evidence of a violation of this section.

Section 10. That section 6.05.100 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Dead animals in public places.

~~(a) It shall be unlawful for any person to put any dead animal in any street, avenue, alley or other public place in the city and it shall be the duty of the owner, possessor and all persons having knowledge of any dead animal in the city to immediately report it to the city clerk, giving the kind of animal and the place where such~~

animal may be found.

(b) ~~It shall be the duty of the animal control officer, immediately upon the receipt of a report under this section, to remove or provide for the removal of the dead animal.~~

Cruelty to animals.

(a) It shall be unlawful for any person to recklessly or intentionally:

(1) Kill, injure, maim, torture, burn or mutilate any animal;

(2) Abandon or leave any animal in any place without ensuring provisions for its proper care;

(3) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(i) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(ii) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(iii) Protection from the Elements. A shelter suitable for the species and/or breed concerned and existing climatic conditions shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals.

671 (A) Shelters shall be made of durable material that is
672 moisture and wind-proof, with a solid floor, and of suitable size to
673 accommodate the animal.

674 (B) Shelters shall contain clean, suitable bedding material
675 consisting of a sufficient quantity of hay, straw, cedar shavings or
676 the equivalent to promote insulation and protect the animal against
677 cold and dampness and promote retention of body heat.

678 (C) When sunlight is likely to cause overheating, sufficient
679 shade by natural or artificial means shall be provided to allow all
680 animals kept outdoors to protect themselves from direct sunlight.
681 Keeping an animal in a confined area, such as a garage, shed, or
682 extension of a dwelling, without adequate heating and appropriate
683 ventilation in winter months and adequate cooling and appropriate
684 ventilation in summer months is prohibited.

685 (4) Leave any animal confined in a vehicle for more than five minutes in
686 extreme weather conditions, with no requirement of a culpable mental state.
687 Extreme weather conditions shall be defined as more than 80 degrees
688 Fahrenheit or less than 40 degrees Fahrenheit as the heat or cold index taken in
689 the vehicle and shall create a legal, rebuttable presumption of violation of this
690 act;

691 (5) Use of a wire, pole, stick, rope or any other object to cause an equine
692 to lose its balance or fall, for the purpose of sport or entertainment;

693 (6) Cause, instigate, stage, or train any animal to fight or permit any

animal to fight any other animal or human, in violation of State statute; or

(7) Cause any physical injury other than the acts described in subsection (a)(1) of this section.

(b) It shall be unlawful for any person, with no requirement of a culpable mental state, to attach chains or other tethers, restraints or implements directly to a dog, cat or miniature pot-belly pig without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.

No person shall:

(1) Continuously tether a dog, cat or miniature pot-belly pig for more than 15 minutes without supervision; or

(2) Use a tether or any assembly or attachments thereto to tether a dog, cat or miniature pot-belly pig that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog, cat or miniature pot-belly pig on a choke chain or near stationary objects or fences in a manner that could potentially cause injury, strangulation, or entanglement ; or

(4) Tether a dog, cat or miniature pot-belly pig without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether without securing the animal's water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog, cat or miniature pot-belly pig in an open area where it

717 can be teased by persons or an open area that does not provide the dog, cat or
718 miniature pot-belly pig protection from attack by other animals; or

719 (6) Tether a dog, cat or miniature pot-belly pig in an area where bare earth
720 is present and no steps have been taken to prevent the surface from becoming
721 wet and muddy in the event of precipitation.

722 (c) Any public health officer, animal control officer, law enforcement officer or
723 licensed veterinarian, or any officer or agent of any duly incorporated humane society,
724 animal shelter or other appropriate facility, may take into custody any animal, upon
725 either private or public property, which clearly shows evidence of cruelty to animals, as
726 defined in subsection (a) of this section and subsections thereto. Such officer, agent or
727 veterinarian may inspect, care for or treat such animal or place such animal in the care
728 of a duly incorporated humane society or licensed veterinarian for treatment, boarding
729 and other care or, if it appears, as determined by an officer of such humane society or
730 by such veterinarian, that the animal is diseased or disabled beyond recovery for any
731 useful purpose, the humane killing thereof.

732 (d) The owner of an animal killed pursuant to subsection (c) of this section
733 shall not be entitled to recover damages for the killing of such animal unless the owner
734 proves that such killing was unwarranted.

735 (e) Expenses incurred for the care, treatment or boarding of any animal taken
736 into custody pursuant to subsection (c) of this section, pending prosecution of the owner
737 of such animal for the crime of cruelty to animals, as defined in subsection (a) of this
738 section, shall be assessed to the owner as a cost of the case if the owner or custodian
739 is adjudicated guilty of such crime.

(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(g) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;

(4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;

(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(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 byproducts 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 by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any person, domestic animal, or farm animal;

(8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, or trained police officer or animal control officer using an electronic control device, 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;

(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; or

(12) In situations where delay would result in unnecessary and prolonged suffering of an injured or rabid animal, law enforcement officers may utilize alternative means to euthanize such animal.

Section 11. That section 6.05.110 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Animal fighting.

~~(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.~~

~~(b) Activities Prohibited. A person who engages in any of the following proscribed conduct shall be guilty of a misdemeanor:~~

~~(1) Causing any animal to engage in animal fighting for amusement or financial gain;~~

~~(2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;~~

~~(3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;~~

~~(4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;~~

~~(5) Attending an exhibition of animal fighting as a spectator;~~

~~(6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted.~~

~~(c) Subsections (b)(1) to (b)(4) of this section do not apply to conduct involving dogs.~~

Injuring or killing of wild and undomesticated animals unlawful;

exceptions.

(a) It shall be unlawful for any person to knowingly injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by the police department; provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

Section 12. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.05.120, which said section reads as follows:

Animal fighting.

(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.

(b) Activities Prohibited. A person who knowingly engages in any of the following proscribed conduct shall be guilty of a misdemeanor:

(1) Causing any animal to engage in animal fighting for amusement or financial gain;

(2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;

(3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;

(4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;

(5) Attending an exhibition of animal fighting as a spectator;

(6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted.

Section 13. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.05.130, which said section reads as follows:

Deceased animals.

853 (a) It shall be unlawful for any person to put any deceased animal in any
854 street, avenue, alley or other public place in the city and it shall be the duty of any
855 person having knowledge of any deceased animal in the city to immediately report it to
856 the animal control office, giving the type of animal and the place where such animal may
857 be found.

858 (b) It shall be the duty of animal control officers, immediately upon the receipt
859 of a report under this section, to remove or provide for the removal of any deceased
860 domestic pet located on public property whose owner can be identified and to report the
861 discovery of said animal to the Humane Society. If the owner of a deceased domestic
862 pet contacts animal control for assistance, an animal control officer or designee will
863 respond to the residence and take appropriate action. It shall be the responsibility of
864 animal control or designee to adequately address the removal of any deceased wildlife
865 on public streets or roadways. If deceased wildlife is located on private property, it shall
866 be the responsibility of the property owner to provide for said removal.

867 Section 14. That section 6.10.010 of the Code of the City of Topeka, Kansas, is
868 hereby amended to read as follows:

869 ~~Authority of police officers and parks and recreation department~~
870 ~~employees.~~

871 ~~The police officers of the city are authorized to enforce this title and to aid and~~
872 ~~assist the animal control officer in the enforcement of this title. Employees of the~~
873 ~~department of parks and recreation are authorized to enforce this title and to aid and~~
874 ~~assist the animal control officer in the enforcement of this title with respect to animals at~~
875 ~~large in public parks or recreation areas.~~

Report of certain animals.

Every person shall promptly report to the animal control office:

(a) Any animal which bites a person;

(b) Any rabid animal; or

(c) Any animal suspected of being rabid.

Section 15. That section 6.10.020 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Animal control officer.

~~(a) — There is hereby created an office to be known as animal control officer for the enforcement of ordinances relating to animals.~~

~~(b) — The animal control officer shall be appointed by the city manager or designee. The animal control officer shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police.~~

Demand to produce animal; expense.

An owner, upon demand by the animal control office, shall surrender any rabid animal, any animal which has bitten a human or any animal suspected as having been exposed to rabies, for supervised quarantine or destruction, which expense shall be borne by the owner, and such animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance with the permit provisions set forth in this title.

Section 16. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.10.030, which said section reads as follows:

Killing or removing certain animals restricted.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as provided in this chapter, nor remove any such animal from the city limits, without first obtaining written permission from the animal control office.

Section 17. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.10.040, which said section reads as follows:

Surrender of animal carcass on demand.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control office.

Section 18. That section 6.15.010 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Report of certain animals.

~~Every person shall promptly report to the public health officer:~~

~~(a) Any animal which bites a person;~~

~~(b) Any rabid animal; or~~

~~(c) Any animal suspected of being rabid.~~

Permit.

It shall be unlawful for any person, with no requirement of a culpable mental state, to own, keep, possess or harbor within the corporate limits of this city any dog, cat or miniature pot-belly pig over six months of age without first obtaining a permit therefor from the chief of police or authorized agent, who may issue such permit when proper application is made in writing. This permit requirement shall not apply to ear-tipped feral cats.

922 Section 19. That section 6.15.020 of the Code of the City of Topeka, Kansas, is
923 hereby amended to read as follows:

924 **Demand to produce animal – Expense.**

925 ~~An owner, upon demand by the public health officer, shall surrender any rabid~~
926 ~~animal, any animal which has bitten a human, or any animal suspected as having been~~
927 ~~exposed to rabies, for supervised quarantine or destruction, which expense shall be~~
928 ~~borne by the owner, and such animal may be reclaimed by the owner if and when~~
929 ~~adjudged free of rabies and upon compliance with the permit provisions set forth in this~~
930 ~~title.~~

931 **When required.**

932 The owner of any dog, cat or miniature pot-belly pig shall be required to have a
933 permit for his or her pet(s) upon the date the pet is brought into the city or attains the
934 age of six months, whichever is later.

935 Section 20. That section 6.15.030 of the Code of the City of Topeka, Kansas, is
936 hereby amended to read as follows:

937 **Killing or removing certain animals restricted.**

938 ~~No person shall kill or cause to be killed any rabid animal, any animal suspected~~
939 ~~of having been exposed to rabies, or any animal biting a human, except as provided in~~
940 ~~this chapter, nor remove any such animal from the city limits, without first obtaining~~
941 ~~written permission from the public health officer.~~

942 **Exceptions.**

943 (a) The permit and vaccination requirements of this Article shall not apply to
944 any nonresident dog, cat or miniature pot-belly pig owner who keeps his or her pet(s)

945 within the city for not longer than 30 days; provided, however, that at all times such pet
946 is under restraint.

947 (b) A person owning, keeping, possessing or harboring (i) a dog that has
948 been retired from the United States armed forces, (ii) a registered seeing-eye dog used
949 by visually or hearing-impaired persons or (iii) police or sheriff's department dogs shall
950 not be required to pay the permit fee; but shall be subject to all other applicable
951 regulations of this title including, but not limited to, the requirement of having the rabies
952 vaccination.

953 Section 21. That section 6.15.040 of the Code of the City of Topeka, Kansas, is
954 hereby amended to read as follows:

955 **Surrender of animal carcass on demand.**

956 ~~The carcass of any dead animal exposed to rabies shall upon demand be~~
957 ~~surrendered to the public health officer.~~

958 **Application.**

959 Applications for dog, cat or miniature pot-belly pig permits shall be made with the
960 chief of police or authorized agent upon forms provided by the chief of police or
961 authorized agent, setting forth such information as necessary to properly implement the
962 terms and provisions of this Article. Such forms shall be completed by the applicant and
963 submitted to the chief of police or authorized agent for validation and, after validation
964 and payment of the permit fee, such forms shall serve as the permit.

965 Section 22. That The Code of the City of Topeka, Kansas, is hereby amended
966 by adding a section, to be numbered 6.15.050, which said section reads as follows:

967 **Vaccination certificate prerequisite to issuance.**

No permit shall be issued under this Article except upon the presentation of a valid rabies vaccination certificate, which plainly shows that the last vaccination given to the dog, cat or miniature pot-belly pig is currently effective, and payment of the applicable fee under this Article.

Section 23. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.060, which said section reads as follows:

Fees.

(a) The permit fees required by this Chapter, for each permit year, are as follows:

(1) For each un-spayed female, or non-neutered male \$20.00

(2) For each spayed female, or neutered male \$8.00

(b) No permit fee shall be required of any animal shelter, humane society or veterinary hospital.

(c) Permit fees for kennels, if any, are addressed in State statutes.

Section 24. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.070, which said section reads as follows:

Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit.

Section 25. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.080, which said section reads as follows:

Obtaining permits after deadline; enforcement procedure.

988 (a) Late Charge. If a person obtains a permit within 30 days after either the
989 expiration of an existing permit term or the date on which a permit is required, no late
990 penalty will be charged; if, however, the applicant fails to make application within such
991 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is
992 delinquent in making application, not to exceed a total of \$24.00. The late charge shall
993 be added to and collected with the regular permit. Any portion of a month shall be
994 considered as a full month for the purposes of late charge computation.

995 (b) Application and Renewal Forms. The chief of police shall be authorized to
996 mail application forms for permits and reminder notices to any animal owner of which
997 the chief of police has record.

998 (c) Delinquency Notice. A complaint alleging violation of the renewal
999 provisions of a permit issued under this article and a notice to appear shall be issued
1000 against the owner of a dog, cat or miniature pot-belly pig subject to, but not in
1001 compliance with, such renewal provisions. A courtesy delinquency notice will be issued
1002 to the owner by electronic mail and/or United States mail, first class, postage prepaid, at
1003 the last known addresses of said owner. This notice shall include at least the following:

1004 (1) A title that it is a delinquency notice;

1005 (2) A statement of late payment charges the owner must pay; and

1006 (3) A warning that failure to purchase the applicable permit will result in
1007 the issuance of a complaint and notice to appear and subject the owner to
1008 potential court costs.

1009 (d) Complaint and Notice to Appear. The complaint and notice to appear as
1010 provided in this section shall charge the owner with violations of the particular applicable

ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of this Article shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00.

Section 26. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.090, which said section reads as follows:

Tag.

(a) Upon full compliance with the terms of this Article, the chief of police or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) The permit tag issued pursuant to this section shall be securely attached to the collar or harness of the dog, cat or miniature pot-belly pig for which such permit and tag is issued and said collar or harness shall be worn at all times the pet is off the premises of its owner; provided, however, that if a dog, cat or miniature pot-belly pig is not wearing a collar, the owner must be able to timely produce a valid permit tag upon request.

(c) If a permit tag issued for a dog, cat or miniature pot-belly pig is lost, a new tag may be obtained from the chief of police upon payment of a replacement fee of \$1.00.

(d) No person shall attach a permit tag to any dog, cat or miniature pot-belly pig other than the one for which the tag was issued.

Section 27. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.100, which said section reads as follows:

Unlawful use.

(a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.

(b) No person shall knowingly use any dog, cat or miniature pot-belly pig permit issued for any other dog, cat or miniature pot-belly pig.

Section 28. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.110, which said section reads as follows:

When without a tag.

An animal control officer may take into custody and impound any dog, cat or miniature pot-belly pig not wearing a current registration tag.

Section 29. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.120, which said section reads as follows:

Animals at large; interference.

(a) Any dog or miniature pot-belly pig found to be at large within the city may be impounded at an animal shelter or humane society in a humane manner. It shall be lawful for any animal control officer, in the performance of his or her duty, to pursue and capture any at large dog or miniature pot-belly pig.

(b) It shall be unlawful for any person to knowingly obstruct, hinder or prevent the impounding of any dog or miniature pot-belly pig running at large contrary to the

provisions of this Chapter or to break open, destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take therefrom any dog, cat or miniature pot-belly pig therein impounded.

Section 30. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.130, which said section reads as follows:

Notification of owner.

If the owner of a dog, cat or miniature pot-belly pig can be identified by a tag or other reasonable means, the animal shelter, humane society or designated agent shall notify said owner of the impoundment as soon as possible by telephone and/or electronic or regular mail.

Section 31. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.140, which said section reads as follows:

Detention period.

Impounded dogs, cats or miniature pot-belly pigs shall be kept for a period of not less than 72 hours in order to provide a reasonable opportunity to be claimed by their owner.

Section 32. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.150, which said section reads as follows:

Redemption.

(a) Unless otherwise provided in this section, the owner shall be entitled to take possession of his or her impounded dog, cat or miniature pot-belly pig upon receipt of a citation issued by an animal control officer with instructions to obtain the appropriate permit.

1080 (b) No owner shall be allowed to redeem any dog, cat or miniature pot-belly
1081 pig impounded for being a public nuisance, unless such redemption is authorized by
1082 any court having jurisdiction.

1083 (c) No owner shall be allowed to redeem any dog, cat or miniature pot-belly
1084 pig found to be rabid, or that has been bitten by a rabid animal, unless such redemption
1085 is authorized by any court having jurisdiction.

1086 (d) No owner shall be allowed to redeem any dog, cat or miniature pot-belly
1087 pig when, in the judgment of the animal shelter or humane society, said animal should
1088 be destroyed for humane reasons.

1089 (e) If a person is adjudicated guilty of the crime of cruelty to animals and the
1090 court is satisfied that an animal owned or possessed by such person would be in the
1091 future subjected to such crime, such animal shall not be returned to, or remain with,
1092 such person. Such animal may be turned over to a duly incorporated humane society or
1093 licensed veterinarian for sale or other disposition.

1094 Section 33. That The Code of the City of Topeka, Kansas, is hereby amended
1095 by adding a section, to be numbered 6.15.160, which said section reads as follows:

1096 **Failure to redeem.**

1097 If an impounded dog, cat or miniature pot-belly pig is not redeemed within the 72-
1098 hour detention period set forth in Section 6.20.140 above, then said animal shall be
1099 deemed abandoned and title thereto shall pass to the humane society by operation of
1100 law.

1101 Section 34. That The Code of the City of Topeka, Kansas, is hereby amended
1102 by adding a section, to be numbered 6.15.170, which said section reads as follows:

Dangerous dogs.

(a) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement; Muzzle/Restraint. All dangerous dogs shall be confined within a secure enclosure, which can be either a building (i.e., Morton building, shed or garage) or a dwelling/residence. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secure enclosure; unless the owner keeps the

dangerous dog inside his or her dwelling/residence. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling/residence of the owner or outside the secured enclosure unless it is necessary for the owner (1) to obtain veterinary care for the dangerous dog; or (2) for the limited purposes of allowing said dangerous dog to urinate or defecate; or (3) to surrender the dangerous dog to the humane society to be euthanized by a certified veterinarian; or (4) to respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(iv) Transfer Prohibited. The owner shall not sell or give away the dangerous dog under any circumstances. If the owner no longer wishes to keep the dangerous dog, the dog must be surrendered to the humane society to be euthanized by a certified veterinarian.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk

1149 of the municipal court no later than 20 calendar days after conviction. Upon
1150 receipt, the clerk of the municipal court shall provide a copy of such proof to the
1151 legal department and the dog may then be released. If the owner fails to comply
1152 with the provisions of this chapter within the time provided, the dog shall be
1153 destroyed. If the owner or keeper of the dog contests the determination, he or
1154 she may appeal within 14 days of the finding to the district court pursuant to law.

1155 (3) The municipal court shall impose a fine of at least \$499.00 and not
1156 more than \$1,000.00 on a person who has been convicted of possessing a
1157 dangerous dog for an attack on a human being pursuant to TMC 6.05.010(h)(3).
1158 The municipal court shall have no authority to suspend the fine or any portion of
1159 the fine.

1160 (4) The municipal court shall impose a fine of \$250.00 on a person who
1161 has been convicted of possessing a dangerous dog for an attack on a domestic
1162 animal pursuant to TMC 6.05.010(h)(3). The municipal court shall have no
1163 authority to suspend the fine or any portion of the fine.

1164 (b) In the event that an animal control officer or law enforcement officer has
1165 probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the
1166 animal control officer or law enforcement officer may seize and impound such animal at
1167 the animal shelter or humane society. If an animal is ordered to be impounded pursuant
1168 to this subsection, the person who owns, harbors, keeps or possesses such animal
1169 shall be entitled to a hearing in the municipal court within 14 days of such impoundment
1170 to review the propriety of such impoundment and whether a bond may be posted.
1171 Impoundment expenses shall be assessed as court costs against a convicted owner

and any bond may be applied to such costs. If the owner is personally served with the citation and fails to make an appearance to answer the charges within 72-hours after the failure to appear, the court shall release the animal to the Humane Society or a proper holding facility. If the citation is mailed to a presumed owner, and the presumed owner fails to appear before the court to answer the charges, the court shall release the animal to the Humane Society or a proper holding facility twenty days after the failure to appear.

(c) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any amendments thereto.

(d) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not

1195 confined or registered as required pursuant to this section, in addition to all costs for
1196 impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control
1197 officer or law enforcement officer is empowered to impound the dog, and the dog shall
1198 be destroyed. The municipal judge shall have no authority to suspend the fine or any
1199 portion thereof.

1200 (f) Dangerous Dog – Attack on Human. Upon conviction of this section, a dog
1201 may be destroyed if the dog attacks a human being which results in great bodily harm or
1202 death. Upon conviction of this section, the court may destroy a dog that has been
1203 previously determined to be a dangerous dog as defined at TMC 6.05.010.

1204 (g) Dangerous Dog – Attack on Other Animal. Upon conviction of this section,
1205 a dog may be destroyed if the dog attacks a domestic animal which results in great
1206 bodily harm or death. Upon conviction of this section, the court may destroy a dog that
1207 has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

1208 (h) The impounded dog shall not be destroyed pending appeals of convictions
1209 under this chapter. The dog shall remain impounded pending the determination of the
1210 complaint. If the court shall find that there shall not have been a violation, such dog shall
1211 be released to the custody of the owner. In addition to the fines provided in this section,
1212 the municipal judge shall have the authority to sentence the person adjudicated guilty of
1213 this chapter to serve up to a maximum of six months in jail.

1214 (i) Notwithstanding any other provision of this chapter to the contrary and
1215 irrespective of whether the dog has been declared dangerous pursuant to this chapter,
1216 the municipal judge may order any dog destroyed if the municipal judge determines that
1217 the dog is an immediate threat to public health and safety and that confinement and

registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information. The municipal judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000.00.

Section 35. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.180, which said section reads as follows:

Confinement of certain dogs required.

(a) The owner of any dangerous dog shall confine the animal in the manner set out in 6.15.170(d)(1)(ii) above.

(b) The owner of any un-spayed female dog in heat shall confine the animal within a building or dwelling/residence where the scent of the female cannot be emitted and in such a manner that the female dog cannot come into contact with another dog except for planned breeding. It shall be unlawful for the owner of any un-spayed female dog to knowingly keep such dog in a manner that might cause a nuisance by attracting male dogs to the premises of such owner.

Section 36. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 6.15.190, which said section reads as follows:

Confinement of certain cats required.

(a) The owner of any un-spayed female cat in heat shall confine the animal within a building or dwelling/residence where the scent of the female cannot be emitted

1241 and in such a manner that such female cat cannot come into contact with another cat
1242 except for planned breeding.

1243 (b) It shall be unlawful for the owner of any unaltered male or un-spayed
1244 female cat to knowingly keep such cat in a manner that might cause a nuisance by
1245 attracting other cats to the premises of such owner.

1246 Section 37. That The Code of the City of Topeka, Kansas, is hereby amended
1247 by adding a section, to be numbered 6.15.200, which said section reads as follows:

1248 **Specific requirements and restrictions.**

1249 (a) It shall be unlawful for any person, with no requirement of a culpable
1250 mental state, to keep or harbor a miniature pot-belly pig unless the following
1251 requirements are met:

1252 (1) The pig has undergone a blood test upon initial application for the
1253 permit required by TMC 6.15.010 of this chapter and received a corresponding
1254 health certificate; and

1255 (2) The pig weighs less than 150 pounds;

1256 (3) The pig's height is less than 24 inches, measured at the shoulder;

1257 (4) The pig has been vaccinated against rabies;

1258 (5) The pig has been neutered or spayed upon reaching maturity (6
1259 months).

1260 (b) No more than two miniature pot-bellied pigs are kept or harbored within
1261 any one household or premises.

1262 Section 38. That The Code of the City of Topeka, Kansas, is hereby amended
1263 by adding a section, to be numbered 6.15.210, which said section reads as follows:

Shelter.

Miniature pot-belly pigs shall be confined inside the owner's dwelling/residence; or in a shelter with its sides embedded at least two feet into the ground or an underlayment that will prevent the animal from digging out of the pen and/or running-at-large. The animal shall be provided with sufficient bedding during the winter season and a water source of sufficient size and quantity that will allow them to cool themselves during the summer season. There shall be compliance with all requirements set out in TMC 6.05.100(a)(3)(iii) above.

Section 39. That section 6.20.010 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 and Chapter 6.25 TMC, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~At Large. An animal shall be deemed to be "at large" when it is not on the property of its owner and not under the physical control of the owner by leash or other similar device; voice control only will not be considered adequate control.~~

~~"Attack" means any violent or aggressive physical action or contact.~~

~~"Dog" means any domestic or wild dog.~~

~~"Kennel" means any person engaged in the business of breeding, buying, selling or boarding dogs.~~

~~"Neutered male" means any male dog which by operation has been made infertile or one that has been certified by a licensed veterinarian as being naturally~~

infertile.

~~“Owner” means any person owning, keeping, harboring or possessing any dog or any person operating a kennel.~~

~~“Restraint” means confined by building, fence, leash or other appropriate means, or if accompanied by a competent person and under the person’s immediate control.~~

~~“Secure enclosure” means any structure secure on four sides, top and bottom, equipped with a gate or door that has a lock that secures such gate or door from being opened by anyone other than the owner, harborer, keeper or possessor of the dog, as set forth in TMC 6.20.040(a).~~

~~“Spayed female” means any female dog which has been operated upon to prevent conception.~~

~~“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of dogs.~~

~~Exotic or captive wild animals.~~

Exotic or captive wild animals.

(a) Owning, Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person, with no requirement of a culpable mental state, to own or keep in his or her possession or under his or her control or maintain any live exotic or captive wild animal within the city limits.

(b) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to knowingly buy or accept in trade any live exotic or captive wild animal within the city limits.

(c) Selling, Offering for Sale or Trade. Except as allowed by subsection (d) of

this section, it shall be unlawful for any person to knowingly offer for sale or trade or to sell or trade any live exotic or captive wild animal within the city limits.

(d) Exceptions.

(1) The prohibitions in subsections (a) through (c) of this section shall not apply to bona fide zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) The prohibitions in subsection (a) of this section shall not apply to:

(i) Medical institutions.

(ii) Post-secondary educational institutions.

(iii) Veterinary clinics in possession of the animals prohibited under this section.

(iv) Circuses.

(v) Carnivals.

(vi) Persons designated and licensed as animal rehabilitators by the state Fish and Game Commission.

(vii) Persons listed in subsections (e)(2)(i) through (vii) of this section who are temporarily transporting such animals through the city, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(e) Secure and sanitary quarters. All persons and institutions listed in subsection (d) of this section must ensure that all animal enclosures are secure, as defined in TMC 6.05.010, so as to prevent their escape, conform to the provisions of the

1333 nuisance ordinances of the city and are maintained in a clean and sanitary condition for
1334 purposes of limiting objectionable odors.

1335 (f) Licensing. All persons and institutions listed in subsection (d) of this
1336 section must be properly licensed, if so required, by any rule or regulation promulgated
1337 under the authority of federal statute enacted by the United States, or by any statute
1338 enacted by the state, or by any rule or regulation promulgated by any agency or
1339 department as authorized by state statute.

1340 (g) Violations. A violation of any provision of this section shall constitute a
1341 new and separate offense each calendar day the violation continues to exist.

1342 (h) Destruction or Removal of Prohibited Animals. Upon conviction of a
1343 violation of this section, the judge of the municipal court of the city may order the owner,
1344 keeper, possessor or harbinger to destroy or remove from the city any animal prohibited
1345 under this section.

1346 Section 40. That section 6.20.020 of the Code of the City of Topeka, Kansas, is
1347 hereby repealed.

1348 **Complaint and notice to appear.**

1349 ~~The animal control officer shall have the power to issue a complaint and notice to~~
1350 ~~appear against the owner of a dog subject to, but not in compliance with, this chapter~~
1351 ~~and Chapter 6.25 TMC; provided, that no owner charged with violating the provisions of~~
1352 ~~TMC 6.20.060 shall be convicted of violating TMC 6.20.060 if the owner produces in~~
1353 ~~court, or at the offices of the animal control officer, a valid permit for the dog, issued~~
1354 ~~prior to the issuance of the complaint and notice to appear.~~

Section 41. That section 6.20.030 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Running at large prohibited.~~

~~It shall be unlawful for the owner, keeper or harborer of any dog to permit such dog to run at large. The fact of a dog being found at large shall be prima facie evidence of a violation of this section.~~

Section 42. That section 6.20.040 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Confinement of certain dogs required.~~

~~(a) The owner shall confine within a building or secure enclosure:~~

~~(1) Every fierce, dangerous or vicious dog;~~

~~(2) Every dog having a natural propensity to be fierce, dangerous or vicious; and~~

~~(3) Every unspayed female dog in heat, in such a manner that such female cannot come into contact with another dog except for planned breeding.~~

~~(b) It shall be unlawful for the owner of any unspayed female dogs to keep such dogs in such manner as to cause a nuisance by attracting male dogs to the premises of such owner.~~

Section 43. That section 6.20.050 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Breeding.~~

~~Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling dogs, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any~~

1378 ~~dog is transferred:~~

1379 ~~(a) The date of the sale or transfer of ownership.~~

1380 ~~(b) The name and address of the new owner.~~

1381 ~~(c) A description of the dog sufficient for identification by an animal control officer.~~

1382 ~~(d) Approximate age of the dog.~~

1383 Section 44. That section 6.20.060 of the Code of the City of Topeka, Kansas, is
1384 hereby repealed.

1385 **~~Required.~~**

1386 ~~No person shall own, keep or harbor within the corporate limits of this city any~~
1387 ~~dog over six months of age without first obtaining a permit therefor from the city~~
1388 ~~treasurer, or agent authorized by the city treasurer, who may issue such permit when~~
1389 ~~proper application is made in writing.~~

1390 Section 45. That section 6.20.070 of the Code of the City of Topeka, Kansas, is
1391 hereby repealed.

1392 **~~When required.~~**

1393 ~~The owner of a dog shall be required to have a permit for the dog upon the date it~~
1394 ~~is brought into the city or attains the age of six months, whichever is later.~~

1395 Section 46. That section 6.20.080 of the Code of the City of Topeka, Kansas, is
1396 hereby repealed.

1397 **~~Exception — Nonresidents.~~**

1398 ~~The permit and vaccination requirements of this article shall not apply to a~~
1399 ~~nonresident dog owner who keeps the dog within the city for not longer than 30 days;~~
1400 ~~provided, that at all times such dog is under restraint.~~

1401 Section 47. That section 6.20.090 of the Code of the City of Topeka, Kansas, is
1402 hereby repealed.

1403 ~~**Exception – Seeing-eye dogs, military and police dogs.**~~

1404 ~~A person owning, keeping or harboring a dog that has been retired from the~~
1405 ~~United States armed forces, a registered seeing-eye dog used by visually or hearing-~~
1406 ~~impaired persons, or police or sheriff's department dogs shall not be required to pay the~~
1407 ~~permit fee but shall be subject to all other regulations of this article, including but not~~
1408 ~~limited to the requirement of having the rabies vaccination.~~

1409 Section 48. That section 6.20.100 of the Code of the City of Topeka, Kansas, is
1410 hereby repealed.

1411 ~~**Application.**~~

1412 ~~Applications for dog permits shall be made with the city treasurer or authorized~~
1413 ~~agent upon forms provided by the city treasurer, setting forth such information as~~
1414 ~~necessary to properly implement the terms and provisions of this article. Such forms~~
1415 ~~shall be completed by the applicant and submitted to the city treasurer or authorized~~
1416 ~~agent for validation and, after validation and payment of the permit fee, such forms shall~~
1417 ~~serve as the dog permit.~~

1418 Section 49. That section 6.20.110 of the Code of the City of Topeka, Kansas, is
1419 hereby repealed.

1420 ~~**Vaccination certificate prerequisite to issuance.**~~

1421 ~~No permit shall be issued under this article except upon the presentation of a~~
1422 ~~valid rabies vaccination certificate plainly showing the dog's last vaccination is currently~~
1423 ~~effective and payment of the applicable fee under this article.~~

Section 50. That section 6.20.120 of the Code of the City of Topeka, Kansas, is hereby repealed.

Fees.

~~(a) The fees for permits required by this chapter for each permit year are as follows:~~

~~(1) For each unspayed or nonneutered dog \$20.00~~

~~(2) For each spayed or neutered dog \$8.00~~

~~(3) For any kennel or pet shop covering all dogs kept during the year \$80.00~~

~~(b) No fee shall be required of any humane society or veterinary hospital.~~

Section 51. That section 6.20.130 of the Code of the City of Topeka, Kansas, is hereby repealed.

Term.

~~The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit.~~

Section 52. That section 6.20.140 of the Code of the City of Topeka, Kansas, is hereby repealed.

Obtaining permits after deadline – Enforcement procedure.

~~(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall~~

1447 ~~be added to and collected with the regular permit. Any portion of a month shall be~~
1448 ~~considered as a full month for the purposes of late charge computation.~~

1449 ~~(b) Application and Renewal Forms. The city treasurer shall be authorized to mail~~
1450 ~~application forms for permits and reminder notices to any animal owner of which the~~
1451 ~~treasurer has record.~~

1452 ~~(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of~~
1453 ~~a permit under this article and a notice to appear shall be issued against the owner of a~~
1454 ~~dog subject to but not in compliance with such renewal provisions; provided, that the~~
1455 ~~city treasurer has issued at least 10 days in advance thereof a delinquency notice by~~
1456 ~~United States mail, first class, postage prepaid, to the owner at the last known address~~
1457 ~~of the owner. The complaint and notice to appear will be served as provided by Charter~~
1458 ~~Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall~~
1459 ~~include at least the following:~~

1460 ~~(1) A title that it is a delinquency notice;~~

1461 ~~(2) A statement of late payment charges the owner must pay; and~~

1462 ~~(3) A warning that failure to purchase the applicable permit will result in~~
1463 ~~the issuance of a complaint and notice to appear and subject the owner to~~
1464 ~~potential court costs.~~

1465 ~~(d) Complaint and Notice to Appear. The complaint and notice to appear as~~
1466 ~~provided in this section shall charge the owner with violations of the particular applicable~~
1467 ~~ordinance and order the owner to appear in municipal court at a particular date and~~
1468 ~~time.~~

1469 ~~(e) Fines. Any person charged with a violation of TMC 6.20.060 shall, upon a~~

~~plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00.~~

Section 53. That section 6.20.150 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Tag.~~

~~(a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.~~

~~(b) The tag issued pursuant to this section shall be securely attached to the collar or harness of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.~~

~~(c) If a tag issued for a dog is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.~~

~~(d) No person shall attach a tag to any dog other than the one for which the tag was issued.~~

Section 54. That section 6.20.160 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Unlawful use.~~

~~(a) A permit shall be valid only in the permit year for which issued. A new permit~~

shall be obtained for each permit year and a new permit fee paid.

(b) No person shall use any dog or kennel permit issued for another dog or kennel.

Section 55. That section 6.20.170 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~When at large.~~

~~Any dog found to be at large within the city may be impounded in the animal shelter in a humane manner.~~

Section 56. That section 6.20.180 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~When without a tag.~~

~~The animal control officer may take into custody and impound all dogs not wearing a current registration tag.~~

Section 57. That section 6.20.190 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Killing of dog when unable to capture.~~

~~It shall be lawful for the animal control officer or an assistant, in the performance of duty, to pursue and capture any dog or to kill any dog if they cannot capture such dog.~~

Section 58. That section 6.20.200 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Notification of owner.~~

~~If, by a tag or other reasonable means, the owner can be identified, the animal~~

shelter or its designated agent shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the dog.

Section 59. That section 6.20.210 of the Code of the City of Topeka, Kansas, is hereby repealed.

Detention period.

~~Impounded dogs shall be kept for a period of not less than 72 hours unless sooner claimed by the owner.~~

Section 60. That section 6.20.220 of the Code of the City of Topeka, Kansas, is hereby repealed.

Redemption.

~~(a) The owner shall be entitled to take possession of any impounded dog, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.~~

~~(b) No owner shall be allowed to redeem any dog impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.~~

~~(c) No owner shall be allowed to redeem any dog found to be rabid or any dog which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.~~

~~(d) No owner shall be allowed to redeem any dog when, in the judgment of the animal shelter or humane society, the dog should be destroyed for humane reasons.~~

~~(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such~~

person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

Section 61. That section 6.20.230 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Failure to redeem.~~

~~If an impounded dog is not redeemed within the detention period set forth in TMC 6.20.210, then the dog shall be deemed abandoned and title thereto shall pass to the humane society by operation of law.~~

Section 62. That section 6.20.240 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Interference.~~

~~It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any dog running at large contrary to the provisions of this chapter and Chapter 6.25 TMC or to break open, destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take therefrom a dog therein impounded.~~

Section 63. That section 6.30.010 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:~~

~~“Cat” means any domestic or wild cat.~~

~~“Ear tipped feral cat” means a cat that is unsocialized to humans and has a~~

~~temperament of extreme fear or resistance to contact with humans that exhibits a straight line cutting of the tip of its left ear to indicate that it has been sterilized and vaccinated against rabies.~~

~~“Neutered male” means any male cat which by operation has been made infertile or one that has been certified by a licensed veterinarian as being naturally infertile.~~

~~“Owner” means any person owning, keeping, harboring or possessing any cat or any person operating a kennel.~~

~~“Secure enclosure” means any structure secure on four sides, top and bottom, and equipped with a gate or door that has a lock that secures the gate or door from being opened by anyone other than the owner, harborer, keeper or possessor of the cat as set forth in TMC 6.30.030(a).~~

~~“Spayed female” means any female cat which has been operated upon to prevent conception.~~

~~“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of cats.~~

Restrictions applicable to domestic fowl; poultry.

It shall be unlawful for any person, with no requirement of a culpable mental state, to keep or maintain any domestic fowl or poultry upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance.

1584 Section 64. That section 6.30.020 of the Code of the City of Topeka, Kansas, is
1585 hereby amended to read as follows:

1586 **Complaint – Notice to appear.**

1587 ~~The animal control officer shall have the power to issue a complaint and notice to~~
1588 ~~appear against the owner of a cat subject to, but not in compliance with, this chapter;~~
1589 ~~provided, that no owner charged with violating the provisions of TMC 6.30.050 shall be~~
1590 ~~convicted of a violation of TMC 6.30.050 if the owner produces in court, or at the offices~~
1591 ~~of the animal control officer, a valid permit for the cat, issued prior to the issuance of the~~
1592 ~~complaint and notice to appear.~~

1593 **Enclosure required; running at large prohibited.**

1594 It shall be unlawful for any person, with no requirement of a culpable mental
1595 state, to allow or permit domestic fowl or poultry to run or be at large at any time in the
1596 city. Fowl must be kept on the owner's property, within a fenced area and inside a fully
1597 enclosed pen. The fact of any domestic fowl being found at large shall be prima facie
1598 evidence of a violation of this section.

1599 Section 65. That section 6.30.030 of the Code of the City of Topeka, Kansas, is
1600 hereby amended to read as follows:

1601 **Confinement of female cats in heat.**

1602 ~~(a) The owner shall confine within a building or secure enclosure every unspayed~~
1603 ~~female cat in heat, in such a manner that such female cannot come into contact with~~
1604 ~~another cat except for planned breeding.~~

1605 ~~(b) It shall be unlawful for the owner of any unaltered male or unspayed female~~
1606 ~~cat to keep such cat in such a manner as to cause a nuisance by attracting other cats.~~

Destruction of birds and birds' nests prohibited; exceptions.

It shall be unlawful for any person to knowingly shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:

(a) English sparrows and starlings or the nests thereof may be destroyed at any time by any person or approved pest control firm or company when such destruction may be done without the use of firearms or other weapons or devices;

(b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to animal control, be destroyed by an approved pest control firm or company in accordance with the terms of any required permit issued by the appropriate state or local agency.

Section 66. That section 6.30.040 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Sale or transfer by certain persons – Disclosures.~~

~~Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling cats, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any cat is transferred:~~

~~(a) The date of the sale or transfer of ownership.~~

~~(b) Name and address of the new owner.~~

~~(c) Description of the cat sufficient for identification by an animal control officer.~~

~~(d) Approximate age of the cat.~~

Section 67. That section 6.30.050 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~5Required.~~

~~No person shall own, keep or harbor within the corporate limits of this city any cat over six months of age without first obtaining a permit therefor from the chief of police, or agent authorized by the chief of police, who may issue such permit when proper application is made in writing. This permit requirement shall not apply to ear tipped feral cats.~~

Section 68. That section 6.30.060 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~When required.~~

~~The owner of a cat shall be required to have a permit for the cat upon the date it is brought into the city or attains the age of six months, whichever is later.~~

Section 69. That section 6.30.070 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Exception for nonresidents.~~

~~The permit and vaccination requirements of this article shall not apply to a nonresident cat owner who keeps the cat within the city for not longer than 30 days; provided, that at all times such cat is under restraint.~~

Section 70. That section 6.30.080 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Application.~~

~~Applications for cat permits shall be made with the city treasurer or authorized~~

~~agent upon forms provided by the city treasurer, setting forth such information as necessary to properly implement the terms and provisions of this article. Such forms shall be completed by the applicant and submitted to the city treasurer or authorized agent for validation, and after validation and payment of the permit fee, such forms shall serve as the cat permit.~~

Section 71. That section 6.30.090 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Vaccination certificate prerequisite to issuance.~~

~~No permit shall be issued under this article except upon the presentation of a valid rabies vaccination certificate plainly showing the cat's last vaccination is currently effective and payment of the applicable fee under this article.~~

Section 72. That section 6.30.100 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Fees.~~

~~(a) The fees for the permit required by this article, for each permit year, are as follows:~~

~~(1) For each nonneutered cat \$20.00~~

~~(2) For each neutered cat \$8.00~~

~~(3) For any pet shop, covering all cats kept during the year \$80.00~~

~~(b) No fee under this article shall be required of any humane society or veterinary hospital.~~

Section 73. That section 6.30.110 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Term.~~

~~The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit.~~

Section 74. That section 6.30.120 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Tags.~~

~~(a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar.~~

~~(b) The tag issued under this section, or an engraved tag provided by the owner carrying the same information as set out in subsection (a) of this section, shall be securely attached to the collar of the cat for which such permit and tag is issued and shall be worn at all times the cat is off the premises of the owner.~~

~~(c) If a tag issued for a cat is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.~~

~~(d) No person shall attach a tag to any cat other than the one for which the tag was issued.~~

Section 75. That section 6.30.130 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Validity – Renewal.~~

~~A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.~~

Section 76. That section 6.30.140 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Obtaining permit after deadline — Enforcement procedure.~~

~~(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30 day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit fee. Any portion of a month shall be considered as a full month for the purposes of late charge computation.~~

~~(b) Application and Renewal Forms. The city treasurer shall be authorized to mail application forms for permits and reminder notices to any cat owner of which the treasurer has record.~~

~~(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of the permit issued under this article and a notice to appear shall be issued against the owner of a cat subject to, but not in compliance with, the renewal provisions of this section; provided, that the city treasurer has issued at least 10 days in advance thereof a delinquency notice by United States mail, first class, postage prepaid, to the owner at the last known address of the owner. The complaint and notice to appear will be served as provided by Charter Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall include at least the following:~~

1721 ~~(1) A title that it is a delinquency notice.~~

1722 ~~(2) A statement of late payment charges the owner must pay.~~

1723 ~~(3) A warning that failure to purchase the applicable permit will result in~~
1724 ~~the issuance of a complaint and notice to appear and subject the owner to~~
1725 ~~potential court costs.~~

1726 ~~(d) Complaint and Notice to Appear. The complaint and notice to appear issued~~
1727 ~~under this section shall charge the owner with violations of the particular applicable~~
1728 ~~ordinance and order the owner to appear in municipal court at a particular date and~~
1729 ~~time.~~

1730 ~~(e) Fines. Any person charged with violation of this article shall, upon a plea or~~
1731 ~~finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be~~
1732 ~~subject to a reduction or parole unless the person who is convicted or pleads guilty~~
1733 ~~provides evidence that a permit was purchased prior to the plea or finding of guilt.~~
1734 ~~However, in no event shall the sentence be reduced or paroled to a fine of less than~~
1735 ~~\$25.00.~~

1736 Section 77. That section 6.30.150 of the Code of the City of Topeka, Kansas, is
1737 hereby repealed.

1738 **~~Cats without current tag.~~**

1739 ~~The animal control officer may take into custody and impound all cats not bearing~~
1740 ~~a current registration tag.~~

1741 Section 78. That section 6.30.160 of the Code of the City of Topeka, Kansas, is
1742 hereby repealed.

1743 **~~Notification of owner.~~**

~~If, by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the cat.~~

Section 79. That section 6.30.170 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Detention period.~~

~~Impounded cats shall be kept for a period of not less than 72 hours unless sooner claimed by the owner.~~

Section 80. That section 6.30.180 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Redemption.~~

~~(a) The owner shall be entitled to take possession of any impounded cat, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.~~

~~(b) No owner shall be allowed to redeem any cat impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.~~

~~(c) No owner shall be allowed to redeem any cat found to be rabid or any cat which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.~~

~~(d) No owner shall be allowed to redeem any cat when, in the judgment of the animal shelter or humane society, the cat should be destroyed for humane reasons.~~

~~(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the~~

~~future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.~~

Section 81. That section 6.30.190 of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Failure to redeem.~~

~~If an impounded cat shall not be redeemed within the detention period set forth in TMC 6.30.170, then the cat shall be deemed abandoned and title thereto shall pass to the humane society by operation of law.~~

Section 82. That section 6.35.010 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Keeping near residences or businesses.~~

~~It shall be unlawful for any person to keep cattle, sheep, goats or other food-producing animals in the city in a building or lot within 200 feet of any existing residence or other existing main use structure other than that of the owner of such animals.~~

Keeping near residences or businesses.

It shall be unlawful for any person, with no requirement of a culpable mental state, to keep livestock inside the city limits if in a building or lot that is located within 200 feet of his or her property line. Such building or lot shall comply with all applicable building, property maintenance, planning, zoning, and utility code provisions, in addition to any health and sanitation requirements that may be required by state or local law.

Section 83. That section 6.35.020 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~To be kept in sanitary buildings.~~

~~It shall be unlawful for any person to keep cattle, sheep, goats, equine or any such animals in the city unless such animals are kept in a barn, stable or building which is constructed or equipped with sewer connections, watertight floors approved by the director of environmental code services, flyproof windows and doors and such other sanitary requirements as may be ordered by the director of environmental code services.~~

Swine prohibited.

It shall be unlawful for any person, with no requirement of a culpable mental state, to rear or keep any swine in the city. This prohibition against swine shall not apply to miniature pot-belly pigs kept as pets, which are considered domestic animals pursuant to TMC 6.05.010(j); provided, however, that each pig meets the requirements set out in TMC 6.15.200 of this title.

Section 84. That section 6.35.030 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Swine prohibited.

~~It shall be unlawful for any person to rear or keep any swine in the city.~~

Exceptions to restrictions on keeping livestock.

The provisions of TMC 6.35.010 through 6.35.020 shall not apply to any person engaged in the packinghouse business, or in selling or shipping cattle, sheep, goats, horses or swine insofar as it may be necessary for such parties to bring such livestock into the city and keep such livestock in the city in the legitimate transaction and carrying on of business; provided, that TMC 6.35.010 shall not apply to the keeping of horses on

any parcel of land within the city if there is an intensity of no more than two horses on a minimum of three acres; and, provided, further, that each additional horse shall require an additional one and one-half acres of land to the minimum required.

Section 85. That section 6.35.040 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Exceptions to restrictions on keeping livestock.

~~The provisions of TMC 6.35.010 through 6.35.030 shall not apply to any person engaged in the packinghouse business, or in selling or shipping cattle, sheep, goats, equine or swine insofar as it may be necessary for such parties to bring such livestock into the city and keep such livestock in the city in the legitimate transaction and carrying on of business; provided, that TMC 6.35.010 and 6.35.020 shall not apply to the keeping of equine on any parcel of land within the city, provided there is an intensity of no more than two horses on a minimum of three acres; and, provided further, that each additional equine shall require an additional one and one half acres of land to the minimum required.~~

Running at large or driving herds prohibited.

It shall be unlawful for any person to allow or permit any livestock owned or controlled by such person to run or be at large at any time within the city; or to drive any herd of cattle, horses, mules or swine, or any flock of sheep, upon any street within the city.

Section 86. That section 6.35.050 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Nonconforming keeping of livestock.

~~The lawful use of a building or a lot for keeping livestock and which was existing at the time of the annexation of the building or lot to the city may be continued although such use does not conform with the provisions in this chapter. If a nonconforming use of any building or lot for keeping livestock is discontinued for a period of one year, the use of such building or lot shall thereafter conform to the provisions of this chapter.~~

Additional restrictions; exceptions.

It shall be unlawful for any person to allow any livestock or other similar-type animals to graze or go upon or across any street, avenue, sidewalk, alley, or public park or lot within the city or any premises adjacent thereto, or for such person to restrain or tether such animals at said locations within the city; unless the animals are present upon said property:

(a) as part of a special event for which an appropriate special event permit including a designated time frame is required and subsequently issued; or

(b) for a period of time not to exceed two (2) hours, if no special event permit is required.

Section 87. That section 6.35.070 of The Code of the City of Topeka, Kansas, is hereby repealed.

Running at large or driving herds prohibited.

~~It shall be unlawful for any person to suffer or permit any livestock owned or controlled by such person to run at large, or to drive any herd of cattle, horses, mules or hogs, or any flock of sheep, upon any street in the city.~~

Section 88. That section 6.35.080 of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Grazing in public prohibited.~~

~~It shall be unlawful for any person to graze or permit to be grazed any horses, mules, cattle or other livestock upon any street, avenue, alley, public park or the parking of any street or avenue, or to picket out or fasten any such animal upon any such street, avenue, public park or parking of any street or avenue, or upon premises adjoining thereto, in such manner as to permit such stock to go upon or across any street, avenue, sidewalk, public park or parking of any street or avenue in the city.~~

Section 89. That section 6.40.010 of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Keeping of domestic fowl regulated.~~

~~It shall be unlawful for any person to keep or maintain any domestic fowl upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance.~~

Section 90. That section 6.40.020, Running at large prohibited, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Running at large prohibited.~~

~~It shall be unlawful for any person to allow or permit domestic fowl to run or be at large at any time in the city. For the purpose of this section, the term "at large" shall be defined to include those times during which any domestic fowl shall not be confined or kept in pens sufficiently strong or constructed to keep such fowl on the premises of their owner or keeper.~~

Section 91. That section 6.40.030 of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Destruction of birds and bird's nests prohibited – Exceptions.~~

~~It shall be unlawful for any person to shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:~~

~~(a) English sparrows and starlings or the nests thereof may be destroyed at any time by any person or approved pest control firm or company when such destruction may be done without the use of firearms or other weapons or devices;~~

~~(b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to the environmental code services division, be destroyed by an approved pest control firm or company under the conditions of the permit issued by the environmental code services division.~~

Section 92. That original § 6.05.010, § 6.05.020, § 6.05.030, § 6.05.040, § 6.05.050, § 6.05.070, § 6.05.080, § 6.05.090, § 6.05.100, § 6.05.110, § 6.10.010, § 6.10.020, § 6.15.010, § 6.15.020, § 6.15.030, § 6.15.040, § 6.20.010, § 6.30.010, § 6.30.020, § 6.30.030, § 6.35.010, § 6.35.020, § 6.35.030, § 6.35.040 and § 6.35.050 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 93. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 94. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 95. 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

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

TITLE 6 – ANIMALS

History of Revisions

The following sections were carried over from 1981 Code directly into 1995 Code with no revisions – (except where specifically noted):

Chapter 6.05 – General Provisions

Section 6.05.030 “Transportation and handling charges imposed in certain cases”
Section 6.05.050 “Mistreatment of young fowl, rabbits and other animals” (6.05.050)
Section 6.05.090 “Keeping or harboring animals on property upon which no person resides”
Section 6.05.100 “Dead animals in public places”
Section 6.05.110 “Animal fighting”

Chapter 6.10 – Administration and Enforcement

Section 6.10.010 “Authority of police officers”

Chapter 6.15 – Rabies Control

Section 6.15.010 “Report of certain animals”
Section 6.15.020 “Demand to produce animal; expense”
Section 6.15.030 “Killing or removing certain animals restricted”
Section 6.15.040 “Surrender of animal carcass on demand”

Chapter 6.20 – Dogs - Generally

Section 6.20.010 “Definitions”
Section 6.20.020 “Complaint and notice to appears”
Section 6.20.030 “Running at large prohibited”
Section 6.20.040 “Confinement of certain dogs required”
Section 6.20.050 “Breeding”
Section 6.20.060 “Required”
Section 6.20.070 “When required”
Section 6.20.080 “Exception - nonresidents”
Section 6.20.090 “Exception – seeing-eye dogs, military and police dogs”
Section 6.20.100 “Application”
Section 6.20.110 “Vaccination certificate prerequisite to issuance”
Section 6.20.130 “Term”
Section 6.20.140 “Obtaining permits after deadline – enforcement procedure”
Section 6.20.150 “Tag”
Section 6.20.160 “Unlawful use”
Section 6.20.170 “When at large”
Section 6.20.180 “When without a tag”
Section 6.20.190 “Killing of dog when unable to capture”
Section 6.20.200 “Notification of owner”
Section 6.20.210 “Detention period”
Section 6.20.240 “Interference”

Chapter 6.30 – Cats

Section 6.30.020 “Complaint – Notice to appear”

Section 6.30.030 “Confinement of female cats in heat”

******Section 6.30.040 “Sale or transfer by certain persons – Disclosures”

Section 6.30.050 “Required”

Section 6.30.060 “When required”

Section 6.30.070 “Exception for nonresidents”

Section 6.30.080 “Application”

Section 6.30.090 “Vaccination certificate prerequisite to issuance”

Section 6.30.110 “Term”

Section 6.30.120 “Tags”

Section 6.30.130 “Validity – Renewal”

Section 6.30.140 “Obtaining permit after deadline – Enforcement procedure”

Section 6.30.150 “Cats without current tag”

Section 6.30.160 “Notification of owner”

Section 6.30.170 “Detention period”

Section 6.30.190 “Failure to redeem”

Chapter 6.35 -- Livestock

Section 6.35.010 “Keeping near residences or businesses”

*****Section 6.35.020 “To be kept in sanitary buildings”

Section 6.35.030 “Swine prohibited”

Section 6.35.040 “Exceptions to restrictions on keeping livestock”

Section 6.35.050 “Nonconforming keeping of livestock”

Section 6.35.070 “Running at large or driving herds prohibited”

Section 6.35.080 “Grazing in public prohibited”

Chapter 6.40 – Fowl

Section 6.40.010 “Keeping of domestic fowl regulated”

Section 6.40.020 “Running at large prohibited”

*****Section 6.40.030 “Destruction of birds and bird’s nests prohibited – Exceptions”

NOTES --

*****Revised by Ordinance 17076 more than twenty (20) years ago -- (1-28-97) -- Fifty-four (54) of the fifty-six (56) Sections noted above (except 6.35.010 and 6.40.030) have not been updated, reorganized or repealed in over twenty (20) years

******Ordinance 16375 contained a revision, which repealed the previous requirement that vets inform the City of cats receiving (or not having current) rabies vaccinations. This ordinance was approved prior to the 1995 re-codification -- (10-1-91)

The following fourteen (14) sections have been revised within the past ten (10) years:

Ordinance 17470 (2-22-00) – 1 Section:

Section 6.20.230 “Failure to redeem”

Ordinance 18477 (7-12-05) – 1 Section:

Section 6.10.020 “Animal control officer”

Ordinance 19473 (9-28-10) – 4 Sections revised:

Section 6.05.020 “Violations of title, mandatory minimum punishment”

Section 6.05.040 “Cruelty to animals”

Section 6.30.010 “Definitions”

Section 6.30.050 “Required”

Ordinance 19611 (7-26-11) – 2 Sections:

Section 6.20.120 “Fees”

Section 6.30.100 “Fees”

Ordinance 19631 (8-23-11) – 2 Sections:

Section 6.20.220 “Redemption”

Section 6.30.180 “Redemption”

Ordinance 19703 (2-14-12) – 1 Section:

Section 6.05.070 “Injuring or killing of wild and undomesticated animals unlawful; exceptions”

Ordinance 19859 (11-12-13) – 1 Section:

Section 6.05.060 “Exotic or captive wild animals”

Ordinance 20031 -- 10-11-16 – 2 Sections:

Section 6.05.010 “Definitions”

Section 6.05.080 “Dangerous dogs”

The following Chapter (6.25) and section (6.35.060) were repealed within the past ten (10) years:

Ordinance 19473 (9-28-10) – 1 Chapter repealed:

Chapter 6.25 “Pit Bull Dogs”

Ordinance 19899 (4-15-14) – 1 Section repealed:

Section 6.35.060 “Livestock as a nuisance”

MINOR REVISIONS

Ordinance 16375 (10-1-91)

***This ordinance pre-dated the 1995 recodification

Ordinance 17076 (1-28-97)

Section 6.35.020 “To be kept in sanitary buildings” –

Replaced references to “sanitary engineer of the health department” with “director of environmental code services”

Section 6.40.030 “Destruction of birds and bird’s nests prohibited – Exceptions” –

Replaced references to “health department” with “Environmental Code Services Division”

Ordinance 17470 (2-22-00)

Section 6.20.230 “Failure to redeem” –

*Revised from “....impounded dog **shall not be** redeemed” to “....impounded dog **is not** redeemed” and replaced “18-126” with “18-125”*

Ordinance 18477 (7-12-05)

Section 6.10.020 “Animal control officer” –

Revised to replace references to “city administrator” or “mayor by and with the advice and consent of the city council” with “city manager” These revisions were necessary due to the adoption of Charter Ordinance 94 on July 20, 2004 and the election that occurred on November 2, 2004, which changed the form of government

Ordinance 19611 (7-26-11)

Section 6.20.060 “Fees” –

Increased fees listed in subsection (a) from \$8.00 to \$20.00, \$5.00 to \$8.00 and \$40.00 to \$80.00

Section 6.30.100 “Fees” –

Increased fees listed in subsection (a) from \$8.00 to \$20.00, \$5.00 to \$8.00 and \$40.00 to \$80.00 and deleted subsection (c), which contained the following language: “No fee under this article shall be required of any pet shot with a valid cat permit”

Ordinance 19631 (8-23-11)

Section 6.20.220 “Redemption” –

Replaced the word “resume” with the word “take” in subsection (a) in reference to an owner retrieving possession of an impounded dog

Section 6.30.180 “Redemption” –

Replaced the word “resume” with the word “take” in subsection (a) in reference to an owner retrieving possession of an impounded dog

Ordinance 19703 (2-14-12)

Section 6.05.070 “Injuring or killing of wild and undomesticated animals unlawful; exceptions” –

Revised subsection (b) by replacing the word “foregoing” with the words “prohibition of subsection (a)” and adding the words “and Tourism” to the reference to “Kansas Department of Wildlife and Parks” so that it reads “Kansas Department of Wildlife, Parks and Tourism (KDWPT)”

Added a new subsection (c): Notwithstanding the prohibition in subsection (a), it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.”

Ordinance 19859 (11-12-13)

Section 6.05.060 “Exotic or captive wild animals” –

Revised subsection (e)(2), which sets forth specific exemptions, to add a new subsection (vii) related to service monkeys used by disabled persons with permanent mobility impairments.

Ordinance 19899 (4-15-14) – Section 24 on page 36; lines 304-308

Section 6.35.060 “Livestock as a nuisance” –

Deleted section that referenced the keeping of livestock as being a public nuisance in violation of the property maintenance code

MAJOR REVISIONS

Ordinance 19473 (9-28-10)

Section 6.05.010 “Definitions” –

*Revised to add a definition of “dangerous dog” as new subsection (b)
Revised to add a definition of “humane killing” as new subsection (d)
Revised to expand the definition of “Humane Society” in subsection (e)
Revised to expand the definition of “owner” in subsection (f)
Revised the definition of “secure enclosure” in subsection (g)
Revised to add a definition of “supervision” as subsection (h)
Revised to add a definition of “tether” as subsection (i)*

Section 6.05.020 “Violations of title, mandatory minimum punishment” –

Revised to update the code section referenced

Section 6.05.040 “Cruelty to animals” –

Revised to revamp the parameters for what equates cruelty to animals and to outline certain circumstances to which the provisions of this particular section do not apply

Section 6.05.080 “Dangerous dogs” –

Revised to overhaul this particular section by deleting the previous language in its entirety and incorporating new language

Chapter 6.25 “Pit Bull Dogs” –

Repealed in its entirety

Section 6.30.010 “Definitions” –

Revised to add a definition for “ear-tipped feral cat”

Section 6.30.050 “Required” –

Revised to replace reference to “city treasurer” with “chief of police” and to clarify that permits for keeping cats does not apply to ear-tipped feral cats.

Ordinance 20031 (10-11-16)

Section 6.05.010 “Definitions” –

*Revised to amend definition of “dangerous dog” in subsection (b) by adding additional specifics in paragraphs (6) and (7)
Revised to add a new definition of “domestic animal”*

Section 6.05.080 “Dangerous dogs” –

Revised to clarify the circumstances under which the municipal court has the discretion to order the destruction of a dangerous dog; more specifically in subsection (f), if related to an attack on a human, and subsection (g), if related to an attack on another animal. Corresponding fines are set forth in newly added paragraphs (3) and (4) in subsection (d).

1 **Title 6**

2 **ANIMALS**

3 **Chapters:**

4 **6.05 General Provisions**

5 **6.10 Administration and Enforcement**

6 **6.15 Rabies Control**

7 **6.20 Dogs – Generally**

8 **6.25 *Repealed***

9 **6.30 Cats**

10 **6.35 Livestock**

11 **6.40 Fowl**

12 **Cross References:** Health and sanitation, TMC Title 8, Division 1; hauling of stable manure,
13 offal, house refuse, night soil or dead animals on Kansas Avenue, TMC 9.05.050; animal noise,
14 TMC 9.45.330; animals prohibited on buses, TMC 10.40.060; Topeka Zoological Park, Chapter
15 11.35 TMC.

16 **State Law References:** Livestock and domestic animals, K.S.A. Chapter 47.

17 **Chapter 6.05**

18 **GENERAL PROVISIONS**

19 Sections:

- 20 6.05.010 Definitions.
- 21 6.05.020 Violations of title, mandatory minimum punishment.
- 22 6.05.030 Transportation and handling charges imposed in certain cases.
- 23 6.05.040 Cruelty to animals.
- 24 6.05.050 Mistreatment of young fowl, rabbits and other animals.
- 25 6.05.060 Exotic or captive wild animals.
- 26 6.05.070 Injuring or killing of wild and undomesticated animals unlawful – Exceptions.
- 27 6.05.080 Dangerous dogs.
- 28 6.05.090 Keeping or harboring animals on property upon which no person resides.
- 29 6.05.100 Dead animals in public places.
- 30 6.05.110 Animal fighting.

31 **6.05.010 Definitions.**

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

34 (a) “Animal shelter” means any premises designated by city administrative authority for the
35 purpose of impounding and caring for animals held under authority of this title.

36 (b) “Dangerous dog” shall mean any of the following:

37 (1) Any dog with a known propensity, tendency or disposition to attack, to cause injury, or
38 otherwise threaten the safety of human beings or domestic animals; or

39 (2) Any dog which, in a vicious or threatening manner, approaches any person in apparent
40 attack upon the person while on the streets, sidewalks, or any public grounds or places; or on
41 private property other than on the property of the owner; or

42 (3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten a human being or
43 domestic animal; or

44 (4) Any dog which was previously determined to be a vicious animal pursuant to the previous
45 Topeka City Code 18-8 or TMC 6.05.080; or

46 (5) Any dog owned or harbored primarily for the purpose of dog fighting shall only be
47 considered dangerous if the dog is evaluated and dangerousness is concluded by a licensed
48 veterinarian or a dog trainer certified by the Certification Council for Professional Dog
49 Trainers with experience in evaluating dogs seized in similar cruelty cases.

50 (6) Notwithstanding the definition of a “dangerous dog” above, no dog may be declared
51 dangerous if any injury was sustained by a person under any of the following conditions:

(i) The person was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog;

(ii) The person was committing or attempting to commit a crime;

(iii) The person provoked, teased, or injured the dog; or

(iv) The dog was protecting itself, its owner, its offspring or another human being.

(7) No dog may be declared dangerous if any injury was sustained by a domestic animal under any of the following conditions:

(i) The domestic animal provoked, teased or injured the dog; or

(ii) The dog was protecting itself, its owner, its offspring or another human being.

(8) Nothing in this chapter shall be deemed to regulate or prohibit the lawful maintenance and use of dogs by law enforcement agencies or include actions by a law enforcement dog while on duty or while performing duties.

(c) "Domestic animal" means any vertebrate animal that is kept as a pet. "Domestic animal" includes, but is not limited to, dogs, cats, rabbits, birds and domestic fowl.

(d) "Exposed to rabies" means an animal which has been bitten by or subjected to danger, attack or harm by any creature known to have been infected with rabies.

(e) "Humane killing" means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.

(f) "Humane society" means the Helping Hands Humane Society in the city or any animal shelter contracted with the city of Topeka which is licensed by the state of Kansas.

(g) "Owner" means any person owning, keeping, possessing or harboring any animal, or any person operating a kennel. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.

(h) "Secure enclosure" or "secure six-sided enclosure" shall mean a pen, kennel or structure with secure sides, a secure top attached to the sides and a secure bottom or floor attached to the sides of the pen or embedded in the ground no less than two feet. The secure enclosure must be at least six feet from any public sidewalk or street. The secure enclosure, other than a residence, must be locked with a key or combination lock when animals are within the enclosure. If the secured enclosure is a residence, then all doors, windows or other means of egress shall be secured in a manner to prevent an animal from escaping. All secure enclosures must comply with all zoning and building regulations of the city. All secure enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(i) "Supervision" means within visual and auditory range of the owner.

(j) Tether. When used as a verb, "tether" or "tethering" shall mean fastening a dog or cat to a stationary object, pulley run line or a stake. When used as a noun, "tether" or "tethers" shall mean a chain, leash, rope, cable, chain, string, leather or nylon strap, or any other material used to fasten a dog or cat to a stationary object, pulley run line or a stake.

(k) "Vicious" means a cross, ferocious or dangerous disposition or a habit, tendency or disposition to snap, attack or bite any person or domestic animal. (Ord. 20031 § 1, 10-11-16.)

Cross References: Definitions generally, TMC 1.10.020.

6.05.020 Violations of title, mandatory minimum punishment.

The judge of the municipal court of the city shall, upon a conviction of any section in this title, other than TMC 6.05.080, sentence the owner, harbinger or possessor of such animal as follows:

(a) Fine. A fine of not less than \$1.00 or more than \$499.00; or

(b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or

(c) Both Fine and Imprisonment. Both fine and imprisonment not to exceed subsections (a) and (b) of this section. (Ord. 19473 § 2, 9-28-10.)

Cross References: Municipal judge, TMC 2.25.150.

6.05.030 Transportation and handling charges imposed in certain cases.

If a person is convicted of a violation of a section in this title and the animal was transported by the city police department to an animal shelter, then the judge of the municipal court shall impose and collect \$30.00 for handling and transportation of the animal. (Code 1981 § 8-8. Code 1995 § 18-3.)

Cross References: Municipal judge, TMC 2.25.150; police department, TMC 2.25.230.

6.05.040 Cruelty to animals.

(a) It shall be unlawful for any person to recklessly or intentionally:

(1) Kill, injure, maim, torture, burn or mutilate any animal;

(2) Abandon or leave any animal in any place without ensuring provisions for its proper care;

(3) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(i) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(ii) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(iii) Protection from the Elements. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford

them protection and prevent severe discomfort of such animals. When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Owners of animals kept outdoors or in an unheated enclosure shall provide the animal with the following minimum standards of shelter:

(A) It shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material with a solid floor.

(B) It shall be provided with a sufficient quantity of clean, suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent, to promote insulation and protection against cold and dampness and promote retention of body heat.

(4) Knowingly leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, defined as more than 80 degrees Fahrenheit or less than 30 degrees Fahrenheit as the heat or cold index taken in the vehicle shall create a legal, rebuttable presumption of violation of this act;

(5) Use of 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;

(6) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human; or

(7) Cause any physical injury other than the acts described in subsection (a)(1) of this section.

(b) It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a dog or cat without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. No person shall:

(1) Continuously tether a dog or cat for more than 15 minutes without supervision; or

(2) Use a tether or any assembly or attachments thereto to tether a dog or cat that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog or cat on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other manmade or natural obstacles; or

(4) Tether a dog or cat without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog or cat protection from attack by other animals; or

(6) Tether a dog or cat in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

(c) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in subsection (a) of this section and subsections thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.

(d) The owner of an animal killed pursuant to subsection (c) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(e) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (c) of this section, pending prosecution of the owner of such animal for the crime of cruelty to animals, as defined in subsection (a) of this section, shall be assessed to the owner as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(g) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;

(4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;

(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(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 byproducts 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 by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any person, domestic animal, or farm animal;

(8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, or trained police officer or animal control officer using an electronic control device, 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;

(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; or

(12) In situations where delay would result in unnecessary and prolonged suffering of an injured or rabid animal, law enforcement officers may utilize alternative means to euthanize such animal. (Ord. 19473 § 3, 9-28-10.)

Cross References: Police department, TMC 2.25.230.

State Law References: Cruelty to animals, K.S.A. 21-4310, 21-4311.

6.05.050 Mistreatment of young fowl, rabbits and other animals.

(a) It shall be unlawful for any person to possess, display, sell or to give away any ducklings, chicks, fowls or rabbits as pets, playthings, novelties, gifts, for advertising or sales promotional purposes, or to suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated.

(b) This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons regularly and continuously engaged in the business of selling such animals or fowl to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls or rabbits as pets, playthings or novelties, nor shall they suffer or cause such animals or fowl to be dyed, colored or in any way artificially treated. (Code 1981 § 8-3. Code 1995 § 18-5.)

6.05.060 Exotic or captive wild animals.

(a) Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to own, keep, maintain or have in his possession or under his control, within the city limits, any live mammal, bird or reptile.

233 (b) Selling, Trading. Except as allowed by subsection (d) of this section, it shall be unlawful for
234 any person to willfully sell, offer for sale, trade or offer for trade, within the city limits, any live
235 mammal, bird or reptile.

236 (c) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be
237 unlawful for any person to willfully buy or accept in trade, within the city limits, any live mammal,
238 bird or reptile.

239 (d) Exceptions. Persons may buy, own, accept in trade, keep, maintain, possess, sell, offer for sale,
240 trade or offer for trade:

241 (1) Domestic dogs.

242 (2) Domestic cats.

243 (3) Domestic hoofstock.

244 (4) Rodents.

245 (5) European ferrets.

246 (6) Rabbits.

247 (7) Birds, except for ostriches, emus, rheas and cassowaries.

248 (8) Nonvenomous snakes less than eight feet in length.

249 (9) Nonvenomous lizards, except all species of monitor lizards shall be prohibited.

250 (10) Turtles, except snapping turtles.

251 (11) Amphibians.

252 (12) Fish.

253 (13) Invertebrates.

254 (e) Exemptions.

255 (1) The prohibitions in subsections (a) through (c) of this section shall not apply to bona fide
256 zoos, as defined by the American Association of Zoological Parks and Association of
257 Zoological Parks and Aquariums.

258 (2) The prohibitions in subsection (a) of this section shall not apply to:

259 (i) Medical institutions.

260 (ii) Post-secondary educational institutions.

261 (iii) Veterinary clinics in possession of the animals prohibited under this section.

262 (iv) Circuses, if properly licensed by the city.

(v) Carnivals, if properly licensed by the city.

(vi) Persons designated and licensed as animal rehabilitators by the state Fish and Game Commission.

(vii) Disabled persons with permanent mobility impairments who qualify to obtain assistance of a service monkey; provided, that:

(A) The service monkey is *Cebus apella* (capuchin monkey);

(B) The service monkey is owned and trained by a registered 501(c)3 nonprofit organization, Helping Hands Simian Aides for the Disabled, Inc., that assists disabled persons living with permanent physical disabilities; and

(C) The service monkey does not leave the residence of the qualified disabled person, except for one veterinary examination per year or in the event of medical emergency to the service monkey.

(viii) Persons listed in subsections (e)(2)(i) through (vii) of this section who are temporarily transporting such animals through the city, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(f) Sanitary Requirements. All persons and institutions listed in subsection (e) of this section must ensure that all animals and animal quarters conform to the provisions of the nuisance ordinances of the city and are kept in a clean and sanitary condition and so maintained as to limit objectionable odors; and shall ensure that all animals are maintained in quarters which are adequately constructed so as to prevent their escape.

(g) Licensing. All persons and institutions listed in subsection (e) of this section must be properly licensed, if so required, by any rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(h) Violations. A violation of any provision of this section shall constitute a new and separate offense each calendar day the violation continues to exist.

(i) Destruction or Removal of Prohibited Animals. Upon conviction of a violation of this section, the judge of the municipal court of the city may order the owner, harborer, keeper or possessor to destroy or remove from the city any animal prohibited under this section. (Ord. 19859 § 1, 11-12-13.)

Cross References: Municipal judge, TMC 2.25.150.

6.05.070 Injuring or killing of wild and undomesticated animals unlawful – Exceptions.

(a) It shall be unlawful for any person to injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by the police department;

provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land. (Ord. 19703 § 1, 2-14-12.)

Cross References: Police department, TMC 2.25.230.

6.05.080 Dangerous dogs.

(a) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the animal control officer or law enforcement officer may seize and impound such animal at the humane society unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs.

(b) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any amendments thereto.

(c) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(d) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined, and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip

inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement. All dangerous dogs shall be confined in a secured enclosure. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secured enclosure. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling of the owner or outside the secured enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

(3) The municipal court shall impose a fine of at least \$499.00 and not more than \$1,000 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(4) The municipal court shall impose a fine of \$250.00 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within

24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. Upon conviction of this section, a dog may be destroyed if the dog attacks a human being which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

(g) Dangerous Dog – Attack on Other Animal. Upon conviction of this section, a dog may be destroyed if the dog attacks a domestic animal which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

(h) The impounded dog shall not be destroyed pending appeals of convictions under this chapter. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

(i) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information. The municipal judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000. (Ord. 20031 § 2, 10-11-16.)

Cross References: City attorney, TMC 2.25.120; police department, TMC 2.25.230; municipal judge, TMC 2.25.150; animal control officer, TMC 6.10.020.

State Law References: Permitting dangerous animal to be at large, K.S.A. 21-3418.

6.05.090 Keeping or harboring animals on property upon which no person resides.

(a) More Than One Animal Prohibited. It shall be unlawful for any person to confine, harbor, keep or maintain more than one animal on property uninhabited by humans within the city limits.

(b) Exceptions. The prohibition of this section shall not apply to bona fide:

(1) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) Medical institutions.

(3) Educational institutions.

(4) Licensed veterinary clinics.

(5) The humane society.

(6) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.

(7) Animals maintained on nonresidential commercial properties for security purposes. (Code 1981 § 8-11. Code 1995 § 18-9.)

6.05.100 Dead animals in public places.

(a) It shall be unlawful for any person to put any dead animal in any street, avenue, alley or other public place in the city and it shall be the duty of the owner, possessor and all persons having knowledge of any dead animal in the city to immediately report it to the city clerk, giving the kind of animal and the place where such animal may be found.

(b) It shall be the duty of the animal control officer, immediately upon the receipt of a report under this section, to remove or provide for the removal of the dead animal. (Code 1981 §§ 8-163, 8-164. Code 1995 § 18-10.)

Cross References: City clerk, TMC 2.25.110; animal control officer, TMC 6.10.020.

State Law References: Disposal of dead animals, K.S.A. 47-1201 et seq.

6.05.110 Animal fighting.

(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.

(b) Activities Prohibited. A person who engages in any of the following proscribed conduct shall be guilty of a misdemeanor:

(1) Causing any animal to engage in animal fighting for amusement or financial gain;

(2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;

(3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;

(4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;

(5) Attending an exhibition of animal fighting as a spectator;

(6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted.

(c) Subsections (b)(1) to (b)(4) of this section do not apply to conduct involving dogs. (Code 1981 § 8-10. Code 1995 § 18-11.)

State Law References: Dog fighting, K.S.A. 21-4315 et seq.

Chapter 6.10

ADMINISTRATION AND ENFORCEMENT

Sections:

6.10.010 Authority of police officers and parks and recreation department employees.

6.10.020 Animal control officer.

6.10.010 Authority of police officers and parks and recreation department employees.

The police officers of the city are authorized to enforce this title and to aid and assist the animal control officer in the enforcement of this title. Employees of the department of parks and recreation are authorized to enforce this title and to aid and assist the animal control officer in the enforcement of this title with respect to animals at large in public parks or recreation areas. (Code 1981 § 8-24. Code 1995 § 18-31.)

Cross References: Department of parks and recreation, TMC 2.25.220; police department, TMC 2.25.230.

6.10.020 Animal control officer.

(a) There is hereby created an office to be known as animal control officer for the enforcement of ordinances relating to animals.

(b) The animal control officer shall be appointed by the city manager or designee. The animal control officer shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police. (Ord. 18477 § 1, 7-12-05; Code 1981 §§ 8-22, 8-23. Code 1995 § 18-32.)

Cross References: Police department, TMC 2.25.230.

The following sections refer to animal control officer responsibilities: Municipal court, TMC 2.110.160, 2.110.170, 2.110.180, 2.110.210; animals, TMC 6.05.080, 6.05.100, 6.20.020, 6.20.050, 6.20.180, 6.20.190, 6.30.020, 6.30.040, 6.30.150.

Chapter 6.15

RABIES CONTROL

Sections:

6.15.010 Report of certain animals.

6.15.020 Demand to produce animal – Expense.

6.15.030 Killing or removing certain animals restricted.

6.15.040 Surrender of animal carcass on demand.

6.15.010 Report of certain animals.

Every person shall promptly report to the public health officer:

(a) Any animal which bites a person;

(b) Any rabid animal; or

(c) Any animal suspected of being rabid. (Code 1981 § 8-181. Code 1995 § 18-56.)

6.15.020 Demand to produce animal – Expense.

An owner, upon demand by the public health officer, shall surrender any rabid animal, any animal which has bitten a human, or any animal suspected as having been exposed to rabies, for supervised quarantine or destruction, which expense shall be borne by the owner, and such animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance with the permit provisions set forth in this title. (Code 1981 § 8-184. Code 1995 § 18-59.)

6.15.030 Killing or removing certain animals restricted.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as provided in this chapter, nor remove any such animal from the city limits, without first obtaining written permission from the public health officer. (Code 1981 § 8-186(d). Code 1995 § 18-62.)

6.15.040 Surrender of animal carcass on demand.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the public health officer. (Code 1981 § 8-186(e). Code 1995 § 18-63.)

506 **Chapter 6.20**

507 **DOGS – GENERALLY**

508 Sections:

509 Article I. General Provisions

- 510 6.20.010 Definitions.
511 6.20.020 Complaint and notice to appear.
512 6.20.030 Running at large prohibited.
513 6.20.040 Confinement of certain dogs required.
514 6.20.050 Breeding.

515 Article II. Permit

- 516 6.20.060 Required.
517 6.20.070 When required.
518 6.20.080 Exception – Nonresidents.
519 6.20.090 Exception – Seeing-eye dogs, military and police dogs.
520 6.20.100 Application.
521 6.20.110 Vaccination certificate prerequisite to issuance.
522 6.20.120 Fees.
523 6.20.130 Term.
524 6.20.140 Obtaining permits after deadline – Enforcement procedure.
525 6.20.150 Tag.
526 6.20.160 Unlawful use.

527 Article III. Impoundment

- 528 6.20.170 When at large.
529 6.20.180 When without a tag.
530 6.20.190 Killing of dog when unable to capture.
531 6.20.200 Notification of owner.
532 6.20.210 Detention period.
533 6.20.220 Redemption.
534 6.20.230 Failure to redeem.
535 6.20.240 Interference.

536 **Article I. General Provisions**

537 **6.20.010 Definitions.**

538 The following words, terms and phrases, when used in this chapter and Chapter 6.25 TMC, shall
539 have the meanings ascribed to them in this section, except where the context clearly indicates a
540 different meaning:

541 At Large. An animal shall be deemed to be “at large” when it is not on the property of its owner
542 and not under the physical control of the owner by leash or other similar device; voice control only
543 will not be considered adequate control.

544 “Attack” means any violent or aggressive physical action or contact.

545 “Dog” means any domestic or wild dog.

546 “Kennel” means any person engaged in the business of breeding, buying, selling or boarding dogs.

547 “Neutered male” means any male dog which by operation has been made infertile or one that has
548 been certified by a licensed veterinarian as being naturally infertile.

549 “Owner” means any person owning, keeping, harboring or possessing any dog or any person
550 operating a kennel.

551 “Restraint” means confined by building, fence, leash or other appropriate means, or if
552 accompanied by a competent person and under the person’s immediate control.

553 “Secure enclosure” means any structure secure on four sides, top and bottom, equipped with a gate
554 or door that has a lock that secures such gate or door from being opened by anyone other than the
555 owner, harbinger, keeper or possessor of the dog, as set forth in TMC 6.20.040(a).

556 “Spayed female” means any female dog which has been operated upon to prevent conception.

557 “Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian
558 for the diagnosis and treatment of diseases and injuries of dogs. (Code 1981 § 8-41. Code 1995 §
559 18-86.)

560 **Cross References:** Definitions generally, TMC 1.10.020.

561 **6.20.020 Complaint and notice to appear.**

562 The animal control officer shall have the power to issue a complaint and notice to appear against
563 the owner of a dog subject to, but not in compliance with, this chapter and Chapter 6.25 TMC;
564 provided, that no owner charged with violating the provisions of TMC 6.20.060 shall be convicted
565 of violating TMC 6.20.060 if the owner produces in court, or at the offices of the animal control
566 officer, a valid permit for the dog, issued prior to the issuance of the complaint and notice to
567 appear. (Code 1981 § 8-43. Code 1995 § 18-87.)

568 **Cross References:** Animal control officer, TMC 6.10.020.

569 **6.20.030 Running at large prohibited.**

570 It shall be unlawful for the owner, keeper or harbinger of any dog to permit such dog to run at large.
571 The fact of a dog being found at large shall be prima facie evidence of a violation of this section.
572 (Code 1981 § 8-42. Code 1995 § 18-88.)

573 **6.20.040 Confinement of certain dogs required.**

574 (a) The owner shall confine within a building or secure enclosure:

575 (1) Every fierce, dangerous or vicious dog;

576 (2) Every dog having a natural propensity to be fierce, dangerous or vicious; and

577 (3) Every unspayed female dog in heat, in such a manner that such female cannot come into
578 contact with another dog except for planned breeding.

(b) It shall be unlawful for the owner of any unspayed female dogs to keep such dogs in such manner as to cause a nuisance by attracting male dogs to the premises of such owner. (Code 1981 § 8-44. Code 1995 § 18-89.)

State Law References: Permitting dangerous animals to be at large, K.S.A. 21-3418.

6.20.050 Breeding.

Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling dogs, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any dog is transferred:

(a) The date of the sale or transfer of ownership.

(b) The name and address of the new owner.

(c) A description of the dog sufficient for identification by an animal control officer.

(d) Approximate age of the dog. (Ord. 16374 § 1(8-65), 10-1-91. Code 1995 § 18-91.)

Cross References: City treasurer, TMC 2.25.140; animal control officer, TMC 6.10.020.

Article II. Permit

6.20.060 Required.

No person shall own, keep or harbor within the corporate limits of this city any dog over six months of age without first obtaining a permit therefor from the city treasurer, or agent authorized by the city treasurer, who may issue such permit when proper application is made in writing. (Code 1981 § 8-56. Code 1995 § 18-101.)

Cross References: City treasurer, TMC 2.25.140.

6.20.070 When required.

The owner of a dog shall be required to have a permit for the dog upon the date it is brought into the city or attains the age of six months, whichever is later. (Code 1981 § 8-62. Code 1995 § 18-102.)

6.20.080 Exception – Nonresidents.

The permit and vaccination requirements of this article shall not apply to a nonresident dog owner who keeps the dog within the city for not longer than 30 days; provided, that at all times such dog is under restraint. (Code 1981 § 8-57. Code 1995 § 18-103.)

6.20.090 Exception – Seeing-eye dogs, military and police dogs.

A person owning, keeping or harboring a dog that has been retired from the United States armed forces, a registered seeing-eye dog used by visually or hearing-impaired persons, or police or sheriff's department dogs shall not be required to pay the permit fee but shall be subject to all other regulations of this article, including but not limited to the requirement of having the rabies vaccination. (Code 1981 § 8-57.5. Code 1995 § 18-104.)

Cross References: Police department, TMC 2.25.230.

6.20.100 Application.

Applications for dog permits shall be made with the city treasurer or authorized agent upon forms provided by the city treasurer, setting forth such information as necessary to properly implement the terms and provisions of this article. Such forms shall be completed by the applicant and submitted to the city treasurer or authorized agent for validation and, after validation and payment of the permit fee, such forms shall serve as the dog permit. (Code 1981 § 8-58. Code 1995 § 18-105.)

Cross References: City treasurer, TMC 2.25.140.

6.20.110 Vaccination certificate prerequisite to issuance.

No permit shall be issued under this article except upon the presentation of a valid rabies vaccination certificate plainly showing the dog's last vaccination is currently effective and payment of the applicable fee under this article. (Code 1981 § 8-59. Code 1995 § 18-106.)

6.20.120 Fees.

(a) The fees for permits required by this chapter for each permit year are as follows:

- | | |
|---|---------|
| (1) For each unspayed or nonneutered dog | \$20.00 |
| (2) For each spayed or neutered dog | \$8.00 |
| (3) For any kennel or pet shop covering all dogs kept during the year | \$80.00 |

(b) No fee shall be required of any humane society or veterinary hospital. (Ord. 19611 § 1, 7-26-11.)

6.20.130 Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-61. Code 1995 § 18-108.)

6.20.140 Obtaining permits after deadline – Enforcement procedure.

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The city treasurer shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the treasurer has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of a permit under this article and a notice to appear shall be issued against the owner of a dog subject to but not in compliance with such renewal provisions; provided, that the city treasurer has issued at least 10

days in advance thereof a delinquency notice by United States mail, first class, postage prepaid, to the owner at the last known address of the owner. The complaint and notice to appear will be served as provided by Charter Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall include at least the following:

(1) A title that it is a delinquency notice;

(2) A statement of late payment charges the owner must pay; and

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear as provided in this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of TMC 6.20.060 shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-66. Code 1995 § 18-109.)

Cross References: City treasurer, TMC 2.25.140.

6.20.150 Tag.

(a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) The tag issued pursuant to this section shall be securely attached to the collar or harness of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.

(c) If a tag issued for a dog is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.

(d) No person shall attach a tag to any dog other than the one for which the tag was issued. (Code 1981 § 8-63. Code 1995 § 18-110.)

Cross References: City treasurer, TMC 2.25.140.

6.20.160 Unlawful use.

(a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.

(b) No person shall use any dog or kennel permit issued for another dog or kennel. (Code 1981 § 8-64. Code 1995 § 18-111.)

Article III. Impoundment

6.20.170 When at large.

Any dog found to be at large within the city may be impounded in the animal shelter in a humane manner. (Code 1981 § 8-77. Code 1995 § 18-121.)

6.20.180 When without a tag.

The animal control officer may take into custody and impound all dogs not wearing a current registration tag. (Code 1981 § 8-78. Code 1995 § 18-122.)

Cross References: Animal control officer, TMC 6.10.020.

6.20.190 Killing of dog when unable to capture.

It shall be lawful for the animal control officer or an assistant, in the performance of duty, to pursue and capture any dog or to kill any dog if they cannot capture such dog. (Code 1981 § 8-79. Code 1995 § 18-123.)

Cross References: Animal control officer, TMC 6.10.020.

6.20.200 Notification of owner.

If, by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. (Code 1981 § 8-80. Code 1995 § 18-124.)

6.20.210 Detention period.

Impounded dogs shall be kept for a period of not less than 72 hours unless sooner claimed by the owner. (Code 1981 § 8-81. Code 1995 § 18-125.)

6.20.220 Redemption.

(a) The owner shall be entitled to take possession of any impounded dog, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.

(b) No owner shall be allowed to redeem any dog impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any dog found to be rabid or any dog which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any dog when, in the judgment of the animal shelter or humane society, the dog should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition. (Ord. 19631 § 1, 8-23-11.)

715 **6.20.230 Failure to redeem.**

716 If an impounded dog is not redeemed within the detention period set forth in TMC 6.20.210, then
717 the dog shall be deemed abandoned and title thereto shall pass to the humane society by operation
718 of law. (Ord. 17470 § 1, 2-22-00; Code 1981 § 8-83. Code 1995 § 18-127.)

719 **6.20.240 Interference.**

720 It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any dog
721 running at large contrary to the provisions of this chapter and Chapter 6.25 TMC or to break open,
722 destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take
723 therefrom a dog therein impounded. (Code 1981 § 8-84. Code 1995 § 18-128.)

724

Chapter 6.25

725

PIT BULL DOGS

726

(Repealed by Ord. 19473)

727 **Chapter 6.30**

728 **CATS**

729 Sections:

730 Article I. Generally

731 6.30.010 Definitions.

732 6.30.020 Complaint – Notice to appear.

733 6.30.030 Confinement of female cats in heat.

734 6.30.040 Sale or transfer by certain persons – Disclosures.

735 Article II. Permit

736 6.30.050 Required.

737 6.30.060 When required.

738 6.30.070 Exception for nonresidents.

739 6.30.080 Application.

740 6.30.090 Vaccination certificate prerequisite to issuance.

741 6.30.100 Fees.

742 6.30.110 Term.

743 6.30.120 Tags.

744 6.30.130 Validity – Renewal.

745 6.30.140 Obtaining permit after deadline – Enforcement procedure.

746 Article III. Impoundment

747 6.30.150 Cats without current tag.

748 6.30.160 Notification of owner.

749 6.30.170 Detention period.

750 6.30.180 Redemption.

751 6.30.190 Failure to redeem.

752 **Article I. Generally**

753 **6.30.010 Definitions.**

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

756 “Cat” means any domestic or wild cat.

757 “Ear-tipped feral cat” means a cat that is unsocialized to humans and has a temperament of
758 extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of
759 its left ear to indicate that it has been sterilized and vaccinated against rabies.

760 “Neutered male” means any male cat which by operation has been made infertile or one that has
761 been certified by a licensed veterinarian as being naturally infertile.

“Owner” means any person owning, keeping, harboring or possessing any cat or any person operating a kennel.

“Secure enclosure” means any structure secure on four sides, top and bottom, and equipped with a gate or door that has a lock that secures the gate or door from being opened by anyone other than the owner, harboring, keeper or possessor of the cat as set forth in TMC 6.30.030(a).

“Spayed female” means any female cat which has been operated upon to prevent conception.

“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of cats. (Ord. 19473 § 33, 9-28-10.)

Cross References: Definitions generally, TMC 1.10.020.

6.30.020 Complaint – Notice to appear.

The animal control officer shall have the power to issue a complaint and notice to appear against the owner of a cat subject to, but not in compliance with, this chapter; provided, that no owner charged with violating the provisions of TMC 6.30.050 shall be convicted of a violation of TMC 6.30.050 if the owner produces in court, or at the offices of the animal control officer, a valid permit for the cat, issued prior to the issuance of the complaint and notice to appear. (Code 1981 § 8-202. Code 1995 § 18-202.)

Cross References: Animal control officer, TMC 6.10.020.

6.30.030 Confinement of female cats in heat.

(a) The owner shall confine within a building or secure enclosure every unspayed female cat in heat, in such a manner that such female cannot come into contact with another cat except for planned breeding.

(b) It shall be unlawful for the owner of any unaltered male or unspayed female cat to keep such cat in such a manner as to cause a nuisance by attracting other cats. (Code 1981 § 8-203. Code 1995 § 18-203.)

6.30.040 Sale or transfer by certain persons – Disclosures.

Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling cats, with or without monetary compensation, shall provide the city treasurer the following information within 10 days after ownership of any cat is transferred:

(a) The date of the sale or transfer of ownership.

(b) Name and address of the new owner.

(c) Description of the cat sufficient for identification by an animal control officer.

(d) Approximate age of the cat. (Ord. 16375 § 1(8-220), 10-1-91. Code 1995 § 18-204.)

Cross References: City treasurer, TMC 2.25.140; animal control officer, TMC 6.10.020.

795 **Article II. Permit**

796 **6.30.050 Required.**

797 No person shall own, keep or harbor within the corporate limits of this city any cat over six months
798 of age without first obtaining a permit therefor from the chief of police, or agent authorized by the
799 chief of police, who may issue such permit when proper application is made in writing. This permit
800 requirement shall not apply to ear-tipped feral cats. (Ord. 19473 § 34, 9-28-10.)

801 **Cross References:** Police department, TMC 2.25.230.

802 **6.30.060 When required.**

803 The owner of a cat shall be required to have a permit for the cat upon the date it is brought into the
804 city or attains the age of six months, whichever is later. (Code 1981 § 8-217. Code 1995 § 18-217.)

805 **6.30.070 Exception for nonresidents.**

806 The permit and vaccination requirements of this article shall not apply to a nonresident cat owner
807 who keeps the cat within the city for not longer than 30 days; provided, that at all times such cat is
808 under restraint. (Code 1981 § 8-212. Code 1995 § 18-218.)

809 **6.30.080 Application.**

810 Applications for cat permits shall be made with the city treasurer or authorized agent upon forms
811 provided by the city treasurer, setting forth such information as necessary to properly implement
812 the terms and provisions of this article. Such forms shall be completed by the applicant and
813 submitted to the city treasurer or authorized agent for validation, and after validation and payment
814 of the permit fee, such forms shall serve as the cat permit. (Code 1981 § 8-213. Code 1995 §
815 18-219.)

816 **Cross References:** City treasurer, TMC 2.25.140.

817 **6.30.090 Vaccination certificate prerequisite to issuance.**

818 No permit shall be issued under this article except upon the presentation of a valid rabies
819 vaccination certificate plainly showing the cat's last vaccination is currently effective and payment
820 of the applicable fee under this article. (Code 1981 § 8-214. Code 1995 § 18-220.)

821 **6.30.100 Fees.**

822 (a) The fees for the permit required by this article, for each permit year, are as follows:

- (1) For each nonneutered cat \$20.00
- (2) For each neutered cat \$8.00
- (3) For any pet shop, covering
all cats kept during the year \$80.00

823
824 (b) No fee under this article shall be required of any humane society or veterinary hospital. (Ord.
825 19611 § 2, 7-26-11.)

6.30.110 Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-216. Code 1995 § 18-222.)

6.30.120 Tags.

(a) Upon full compliance with the terms of this article, the city treasurer or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar.

(b) The tag issued under this section, or an engraved tag provided by the owner carrying the same information as set out in subsection (a) of this section, shall be securely attached to the collar of the cat for which such permit and tag is issued and shall be worn at all times the cat is off the premises of the owner.

(c) If a tag issued for a cat is lost, a new tag may be obtained from the city treasurer upon payment of a replacement fee of \$1.00.

(d) No person shall attach a tag to any cat other than the one for which the tag was issued. (Code 1981 § 8-218. Code 1995 § 18-223.)

Cross References: City treasurer, TMC 2.25.140.

6.30.130 Validity – Renewal.

A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid. (Code 1981 § 8-219. Code 1995 § 18-224.)

6.30.140 Obtaining permit after deadline – Enforcement procedure.

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit fee. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The city treasurer shall be authorized to mail application forms for permits and reminder notices to any cat owner of which the treasurer has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of the permit issued under this article and a notice to appear shall be issued against the owner of a cat subject to, but not in compliance with, the renewal provisions of this section; provided, that the city treasurer has issued at least 10 days in advance thereof a delinquency notice by United States mail, first class, postage prepaid, to the owner at the last known address of the owner. The complaint and notice to appear will be served as provided by Charter Ordinance No. 37, Section 2 (Appx. A, Section A10-25). A delinquency notice shall include at least the following:

(1) A title that it is a delinquency notice.

(2) A statement of late payment charges the owner must pay.

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear issued under this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with violation of this article shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to the plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-221. Code 1995 § 18-225.)

Cross References: City treasurer, TMC 2.25.140.

Article III. Impoundment

6.30.150 Cats without current tag.

The animal control officer may take into custody and impound all cats not bearing a current registration tag. (Code 1981 § 8-231. Code 1995 § 18-236.)

Cross References: Animal control officer, TMC 6.10.020.

6.30.160 Notification of owner.

If, by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent shall, as soon as possible upon impoundment, notify the owner by telephone or mail of the impoundment of the cat. (Code 1981 § 8-232. Code 1995 § 18-237.)

6.30.170 Detention period.

Impounded cats shall be kept for a period of not less than 72 hours unless sooner claimed by the owner. (Code 1981 § 8-233. Code 1995 § 18-238.)

6.30.180 Redemption.

(a) The owner shall be entitled to take possession of any impounded cat, except as provided in this section, upon compliance with the permit provisions of this chapter and payment of the impoundment fees.

(b) No owner shall be allowed to redeem any cat impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any cat found to be rabid or any cat which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any cat when, in the judgment of the animal shelter or humane society, the cat should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a

899 duly incorporated humane society or licensed veterinarian for sale or other disposition. (Ord.
900 19631 § 2, 8-23-11.)

901 **6.30.190 Failure to redeem.**

902 If an impounded cat shall not be redeemed within the detention period set forth in TMC 6.30.170,
903 then the cat shall be deemed abandoned and title thereto shall pass to the humane society by
904 operation of law. (Code 1981 § 8-235. Code 1995 § 18-240.)

905 **Chapter 6.35**

906 **LIVESTOCK**

907 Sections:

908 6.35.010 Keeping near residences or businesses.

909 6.35.020 To be kept in sanitary buildings.

910 6.35.030 Swine prohibited.

911 6.35.040 Exceptions to restrictions on keeping livestock.

912 6.35.050 Nonconforming keeping of livestock.

913 6.35.060 *Repealed.*

914 6.35.070 Running at large or driving herds prohibited.

915 6.35.080 Grazing in public prohibited.

916 **6.35.010 Keeping near residences or businesses.**

917 It shall be unlawful for any person to keep cattle, sheep, goats or other food-producing animals in
918 the city in a building or lot within 200 feet of any existing residence or other existing main use
919 structure other than that of the owner of such animals. (Code 1981 § 8-101. Code 1995 § 18-261.)

920 **6.35.020 To be kept in sanitary buildings.**

921 It shall be unlawful for any person to keep cattle, sheep, goats, equine or any such animals in the
922 city unless such animals are kept in a barn, stable or building which is constructed or equipped
923 with sewer connections, watertight floors approved by the director of environmental code services,
924 flyproof windows and doors and such other sanitary requirements as may be ordered by the
925 director of environmental code services. (Ord. 17076 § 1, 1-28-97; Code 1981 § 8-102. Code 1995
926 § 18-262.)

927 **6.35.030 Swine prohibited.**

928 It shall be unlawful for any person to rear or keep any swine in the city. (Code 1981 § 8-103. Code
929 1995 § 18-263.)

930 **6.35.040 Exceptions to restrictions on keeping livestock.**

931 The provisions of TMC 6.35.010 through 6.35.030 shall not apply to any person engaged in the
932 packinghouse business, or in selling or shipping cattle, sheep, goats, equine or swine insofar as it
933 may be necessary for such parties to bring such livestock into the city and keep such livestock in
934 the city in the legitimate transaction and carrying on of business; provided, that TMC 6.35.010 and
935 6.35.020 shall not apply to the keeping of equine on any parcel of land within the city, provided
936 there is an intensity of no more than two horses on a minimum of three acres; and, provided
937 further, that each additional equine shall require an additional one and one-half acres of land to the
938 minimum required. (Code 1981 § 8-104. Code 1995 § 18-264.)

939 **Cross References:** Parking vehicle having offensive odor, TMC 10.60.030.

940 **6.35.050 Nonconforming keeping of livestock.**

941 The lawful use of a building or a lot for keeping livestock and which was existing at the time of the
942 annexation of the building or lot to the city may be continued although such use does not conform
943 with the provisions in this chapter. If a nonconforming use of any building or lot for keeping

944 livestock is discontinued for a period of one year, the use of such building or lot shall thereafter
945 conform to the provisions of this chapter. (Code 1981 § 8-104.1. Code 1995 § 18-265.)

946 **6.35.060 Livestock as a nuisance.**

947 ~~Repealed by Ord. 19899.~~ (Code 1981 § 8-104.2. Code 1995 § 18-266.)

948 **6.35.070 Running at large or driving herds prohibited.**

949 It shall be unlawful for any person to suffer or permit any livestock owned or controlled by such
950 person to run at large, or to drive any herd of cattle, horses, mules or hogs, or any flock of sheep,
951 upon any street in the city. (Code 1981 § 8-105. Code 1995 § 18-267.)

952 **6.35.080 Grazing in public prohibited.**

953 It shall be unlawful for any person to graze or permit to be grazed any horses, mules, cattle or other
954 livestock upon any street, avenue, alley, public park or the parking of any street or avenue, or to
955 picket out or fasten any such animal upon any such street, avenue, public park or parking of any
956 street or avenue, or upon premises adjoining thereto, in such manner as to permit such stock to go
957 upon or across any street, avenue, sidewalk, public park or parking of any street or avenue in the
958 city. (Code 1981 § 8-106. Code 1995 § 18-268.)

Chapter 6.40

FOWL

Sections:

6.40.010 Keeping of domestic fowl regulated.

6.40.020 Running at large prohibited.

6.40.030 Destruction of birds and bird's nests prohibited – Exceptions.

6.40.010 Keeping of domestic fowl regulated.

It shall be unlawful for any person to keep or maintain any domestic fowl upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance. (Code 1981 § 8-144. Code 1995 § 18-291.)

6.40.020 Running at large prohibited.

It shall be unlawful for any person to allow or permit domestic fowl to run or be at large at any time in the city. For the purpose of this section, the term “at large” shall be defined to include those times during which any domestic fowl shall not be confined or kept in pens sufficiently strong or constructed to keep such fowl on the premises of their owner or keeper. (Code 1981 § 8-145. Code 1995 § 18-292.)

6.40.030 Destruction of birds and bird's nests prohibited – Exceptions.

It shall be unlawful for any person to shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:

(a) English sparrows and starlings or the nests thereof may be destroyed at any time by any person or approved pest control firm or company when such destruction may be done without the use of firearms or other weapons or devices;

(b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to the environmental code services division, be destroyed by an approved pest control firm or company under the conditions of the permit issued by the environmental code services division. (Ord. 17076 § 2, 1-28-97; Code 1981 § 8-146. Code 1995 § 18-293.)

COMPARISON CHART
SWINE, MINIATURE PIG PROVISIONS

<i>CITY</i>	<i>PURE BREED CERTIFICATION REQUIRED?</i>	<i>STERILIZATION REQUIRED?</i>	<i>VACCINATION or BLOOD TESTING REQUIRED?</i>	<i>WEIGHT or HEIGHT RESTRICTIONS?</i>	<i>RESTRICTION on NUMBER per RESIDENCE?</i>	<i>REGISTRATION or PERMIT REQUIRED?</i>	<i>PROHIBITION AGAINST RUNNING at LARGE?</i>
Kansas City, MO	Yes			No	Yes – four pets per residence; (includes pigs, dogs and cats)		Yes
Lawrence	Yes – within four weeks (1) of birth or (2) after entering city limits	Yes – males/after four weeks; females/after twelve weeks	Yes – must receive vaccination after twelve weeks in age	Yes – cannot exceed 150 pounds	No	Yes	
Olathe*	No	No	No	No	No	No	
Overland Park**	No	No	No	No	No	No	Yes
Shawnee	Yes	Yes – both males and females after four weeks	Yes – must undergo blood testing each year and receive corresponding health certificate	Yes – must be less than 100 pounds	Yes – one pig; and no more than five total pets per residence (includes pigs, dogs and cats)	Yes – prior to the age of four months	Yes
SNCO	No	No	No	No	No		Yes
<i>Topeka (proposed)</i>	No	Yes – both males and females upon age of maturity	Yes – must receive vaccination	Yes – must be less than 150 pounds and 24 inches	Yes –two pigs per any one household		Yes
UG of WyCo/ KCK	Yes	Yes – both males and females after four weeks	Yes – must undergo blood testing each year and receive corresponding health certificate	Yes – must be less than 100 pounds	Yes – one pig; and no more than five total pets per residence (includes pigs, dogs and cats)	Yes – prior to the age of four months	Yes
Wichita	Yes	Yes – both males and females upon age of maturity	Yes – must undergo blood test	Yes – must be less than 80 pounds	Yes – one pig per licensed premises	Yes – must keep a current animal maintenance permit	Yes

**Swine” is included within the definition of “domestic animal” for purposes of property care and it appears as though pigs would be allowed to be kept as a pet.

**Pigs and swine are not addressed; there is an ordinance for “domestic animals” but that term is not specifically defined (it excludes dogs and cats, but includes cows and horses although not limited thereto.)

COMPARISON DOC

(Current Title 6 versus Proposed Title 6)

Title 6

ANIMALS

Chapters:

- 6.05 General Provisions**
- 6.10 Rabies Control**
- 6.15 Dogs, Cats and Miniature Pot-Belly Pigs**
- 6.20 Exotic or Captive Wild Animals**
- 6.25 *Repealed***
- 6.30 Domestic Fowl, Poultry**
- 6.35 Livestock**

Cross References: Health and sanitation, TMC Title 8, Division 1; hauling of stable manure, offal, house refuse, night soil or dead animals on Kansas Avenue, TMC 9.05.050; animal noise, TMC 9.45.330; animals prohibited on buses, TMC 10.40.060; Topeka Zoological Park, Chapter 11.35 TMC.

State Law References: Livestock and domestic animals, K.S.A. Chapter 47.

CODE: *Cross references to where the language is currently located in the existing code are set out in green-colored font.*

New or proposed revisions are set out in either red or blue-colored font -- (depending upon what printer the document is printed from).

28 **Chapter 6.05**

29 **GENERAL PROVISIONS**

30 Sections:

31 **Article I. Definitions**

32
33
34 6.05.010 Definitions.

35
36 **Article II. Administration and Enforcement**

37
38 6.05.020 Animal control office.
39 6.05.030 Authority of police officers.
40 6.05.040 Complaint and notice to appear.
41 6.05.050 Violations of title, mandatory minimum punishment.
42 6.05.060 Transportation and handling charges imposed in certain cases.

43
44 **Article III. Miscellaneous**

45
46 6.05.070 Keeping or harboring animals.
47 6.05.080 Keeping or harboring animals on property upon which no person resides.
48 6.05.090 Running at large prohibited.
49 6.05.100 Cruelty to animals.
50 6.05.110 Injuring or killing of wild, undomesticated animals unlawful; exceptions.
51 6.05.120 Animal fighting.
52 6.05.130 Deceased animals.
53

54 **Article I. Definitions**

55
56 **6.05.010 Definitions.** *Combined all definitions contained throughout Title 6 into one section, for*
57 *easier reference*

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

- 60 (a) **“Animal”** means a live, vertebrate creature, domestic or wild, other than humans.
- 61 (b) **“Amphibian”** is an animal that moves in and out of water, (i.e., frogs and toads, newts and
62 salamanders);
- 63 (c) **“Animal shelter”** means any premises designated by city administrative authority for the
64 purpose of impounding and caring for animals held under authority of this title, excluding
65 wildlife, fowl and livestock. **Currently 6.05.010(a)**

(d) **“At-Large”** means when an animal is not on the property of its owner and not under the physical control of the owner by leash or other similar device; (~~voice~~ or remote control only will not be considered adequate control). **Currently 6.20.010**

(e) **“Attack”** means any violent or aggressive physical action or contact. **Currently 6.20.010**

(f) **“Bird”** is an animal that bears its young in a hard-shelled egg, is covered with feathers and has forelimbs modified into wings, scaly legs and a beak, as opposed to teeth. See also “Fowl.”

(g) **“Cat”** is an animal with soft fur, a short snout and retractile claws. A *feral cat* is a domesticated cat that has returned to the wild, or the offspring of such a cat. A feral cat is un-socialized to humans and has a temperament of extreme fear or resistance to contact with humans. An *ear-tipped feral cat* is a feral cat that exhibits a straight-line cutting of the tip of its left ear to indicate that it has been sterilized and vaccinated against rabies. **Currently 6.30.010, which currently reads:** “Cat” means any domestic or wild cat; “Ear-tipped feral cat” means a cat that is un-socialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its left ear to indicate that it has been sterilized and vaccinated against rabies.

(h) **“Dangerous dog”** shall mean any of the following:

(1) Any dog with a known propensity, ~~tendency~~ or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property other than on the property of the owner; or

(3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten a human being or domestic animal; or

(4) Any dog which was previously determined to be ~~a vicious animal~~ dangerous pursuant to the previous TMC 6.05.080 or current TMC 6.15.170; or

(5) Any dog owned or harbored primarily for the purpose of dog fighting shall only be considered dangerous if the dog is evaluated and dangerousness is concluded by a licensed veterinarian or a dog trainer certified by the Certification Council for Professional Dog Trainers with experience in evaluating dogs seized in similar cruelty cases.

(6) Notwithstanding the definition of a “dangerous dog” above, no dog may be declared dangerous if any injury was sustained by a person under any of the following conditions:

(i) The person was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog;

(ii) The person was committing or attempting to commit a crime;

(iii) The person provoked, teased or injured the dog; or

(iv) The dog was protecting itself, its owner, its offspring or another human being.

(7) No dog may be declared dangerous if any injury was sustained by a domestic animal under any of the following conditions:

(i) The domestic animal provoked, teased or injured the dog; or

(ii) The dog was protecting itself, its owner, its offspring or another human being; or

(iii) The dog injures or kills an animal trespassing on the property of the dog's owner.

(8) Nothing in this chapter shall be deemed to regulate or prohibit the lawful maintenance and use of dogs by law enforcement agencies or include actions by a law enforcement dog while on duty or while performing duties. **Currently 6.05.010(b)**

(i) **“Dog”** is an animal with a long or short snout, an acute sense of smell and a barking, howling or whining voice. A *wild dog* is an undomesticated dog that is found in the wild, (i.e., the African wild dog, the dingo, the hyena and the wolf). **Currently 6.20.010, which currently reads: “Dog” means any domestic or wild dog.**

(j) **“Domestic animal”** means one that is sufficiently tame to live with or near an individual owner or family, including, but not limited to, pets such as dogs, cats or miniature pot-belly pigs; or one that can be used to contribute to a family's support, including, but not limited to, cattle, donkeys, goats, mules, poultry, sheep or swine. When something is domesticated, it is converted to domestic use, as in the case of a wild animal that is tamed. *See also* “Animal,” “Livestock” and “Pet.” **Currently 6.05.010(c), which currently reads: “Domestic animal” means any vertebrate animal that is kept as a pet. “Domestic animal” includes, but is not limited to, dogs, cats, rabbits, birds and domestic fowl.**

(k) **“Exotic animal”** means a living mammal or marsupial that is normally found in the wild state, but shall not include a farm animal (livestock).

(l) **“Exposed to rabies”** means an animal that has been bitten by, or subjected to danger, attack or harm by, any creature known to have been infected with rabies. **Currently 6.05.010(d)**

(m) **“Ferret”** is a small animal, belonging to the weasel family, which usually weighs less than five pounds.

(n) **“Fish”** is an animal that lives only in water and characteristically has fins, gills and a streamlined body, (i.e., bony fishes, such as catfishes and tunas and cartilaginous fishes, such as sharks and rays).

(o) **“Fowl”** is a group of animals consisting of waterfowl or wildfowl. **“Poultry”** is a term typically used when referring to domesticated birds or fowl (i.e., chicken, duck, goose or turkey) that are raised for meat, eggs or feathers. *See also*, “Bird.”

(p) **“Humane killing”** means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel

on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal. **Currently 6.05.010(e)**

(q) **“Humane society”** means ~~the Helping Hands Humane Society in the city or~~ any animal shelter contracted with the city of Topeka that is licensed by the state of Kansas. See also “Animal Shelter.” **Currently 6.05.010(f)**

(r) **“Invertebrate”** is an animal that does not have a backbone or spinal column.

~~(s) **“Kennel”** means any person engaged in the business of breeding, buying, selling or boarding animals.~~ **Currently 6.20.010: NOTE – Deleted since covered by State Law**

(s) **“Livestock”** is a group of domesticated animals (i.e., cattle, donkeys, goats, horses, mules, poultry, sheep, swine and similar animals) that are raised in an agricultural setting to produce commodities such as food, fiber and labor. Livestock are often referred to as “useful animals,” which implies a commercial purpose of being reared for financial gain. See also “Domestic Animal” and “Pet.”

(t) **“Miniature, Pot-Belly Pig”** is a breed of small pig originating in southeastern Asia and having a straight tail, potbelly, swayback and typically having a black, white or black and white coat.

(u) **“Neutered Male”** is a male animal that by operation has been made infertile to prevent conception or one that has been certified by a licensed veterinarian as being naturally infertile. **Currently 6.20.010 and 6.30.010: “Neutered Males” means any male dog (cat) which by operation has been made infertile or one that has been certified by a licensed veterinarian as being naturally infertile.**

(v) **“Owner”** means any person of legal age who keeps, possesses or harbors any animal; ~~or any person operating a kennel.~~ A parent or legal guardian shall be deemed to be an owner of animals owned or maintained by children upon their premises. **Currently 6.05.010(g); 6.20.010 and 6.30.010: NOTE – Combined these three definitions and replaced references to “dog” or “cat” with the word “animal.”**

(w) **“Pet”** means a tamed animal cared for by its owner and kept primarily for a person's companionship and not as a food source. See also “Domestic Animal” and “Livestock.”

(x) **“Rabbit”** is a rodent-like animal with soft fur, long ears, a divided upper lip and long hind legs, known for burrowing.

(y) **“Reptile”** is an animal with dry, scaly skin (i.e., lizards, snakes and turtles). *Lizards* have moderately elongated bodies, a tapering tail and two pairs of legs held outward from the body. *Snakes* are limbless and have elongated bodies; includes venomous and nonvenomous species. *Turtles* have trunks that are enclosed in a shell.

(z) **“Restrained”** means confined by building, fence, leash, harness or other appropriate means, or is accompanied by a competent person and under the person’s immediate control by leash or held in arms. **Currently 6.20.010:** NOTE – Added the word “harness” to list and added “by leash or held in arms” to end of definition.

(aa) **“Rodent”** is a gnawing animal distinguished by strong, constantly-growing incisors and no canine teeth (i.e., hamsters, mice, porcupines, rats and squirrels).

(bb) **“Secure enclosure”** means ~~any structure secure on four~~ a six-sided structure, counting the top and bottom, secured to the sides or embedded in the ground two feet or more for purposes of preventing a dangerous dog, as defined in subsection (h) above, from digging out. The structure must be equipped with a gate or door that ~~has~~ is secured with a padlock or combination lock for purposes of preventing escape and ensuring that such gate or door cannot be opened by anyone other than the owner, keeper, possessor or harbinger of the animal. **Currently 6.05.010(h); 6.20.010 and 6.30.010:** NOTE – Used definition contained in 6.20.010 and 6.30.010, as opposed to definition contained in 6.05.010(h)

(cc) **“Spayed Female”** is a female animal that by operation has been made infertile to prevent conception; or one that has been certified by a licensed veterinarian as being naturally infertile. **Currently 6.20.010 and 6.30.010, which currently reads:** “Spayed Female” means any female dog (cat) which has been operated on to prevent conception.

(dd) **“Supervision”** means within visual and auditory range of the owner. **Currently 6.05.010(i)**

(ee) **“Tether”** when used as a verb means fastening an animal to a stationary object, pulley run line or stake And when used as a noun means a chain, leash, rope, cable, string, leather or nylon strap, or any other material used to fasten an animal to a stationary object, pulley run line or stake. **Currently 6.05.010(j)**

(ff) **“Vertebrate”** is an animal that has a backbone or spinal column such as amphibians, birds, cats, dogs, ferrets, fish, fowl, livestock, miniature pigs, rabbits, reptiles and rodents.

(gg) **“Veterinary hospital”** means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals. **Currently 6.20.010 and 6.30.010:** NOTE – Replaced references to “dog” or “cat” with the word “animal”

(hh) **“Vicious”** means a cross, ferocious or dangerous disposition; or a habit, tendency or disposition to snap, attack or bite any person, domestic animal or pet. **Currently 6.05.010(k):** NOTE – Added reference to “pet”

(Ord. 20031 § 1, 10-11-16.) (Code 1981 § 8-41. Code 1995 § 18-86.)

Cross References: Definitions generally, TMC 1.10.020.

208 **Article II. Administration and Enforcement**

209
210 **6.05.020 Animal control office. Currently 6.10.020**

211 (a) There is hereby created an office to be known as animal control, which shall be responsible
212 for the enforcement of ordinances relating to animals.

213 (b) An animal control supervisor shall be appointed by the city manager or designee. The animal
214 control supervisor shall receive such salary as may be provided by ordinance and shall be
215 responsible to the chief of police or designee. (Ord. 18477 § 1, 7-12-05; Code 1981 §§ 8-22, 8-
216 23. Code 1995 § 18-32.)

217 *Cross References:* Police department, TMC 2.25.230.

218 **6.05.030 Authority of police officers. Currently 6.10.010: NOTE – Deleted reference to parks**
219 **and recreation employees**

220 The police officers of the city are authorized to enforce this title and to aid and assist the animal
221 control supervisor and officers in the enforcement of this title. (Code 1981 § 8-24. Code 1995 §
222 18-31.)

223 *Cross References:* Police department, TMC 2.25.230.

224 **6.05.040 Complaint and notice to appear. Currently 6.20.020 and 6.30.020**

225 Animal control officers shall have the power to issue a complaint and notice to appear against the
226 owner of animals that are subject to, but not in compliance with, applicable provisions of this
227 Title 6; provided, that no owner charged with violating the provisions of TMC 6.15.010 shall be
228 convicted of violating TMC 6.15.010 if the owner produces in court, or at the office of animal
229 control, a valid permit for the dog, cat or miniature pot-belly pig dated prior to the issuance of
230 the complaint and notice to appear. (Code 1981 § 8-43. Code 1995 § 18-87.)

231 *Cross References:* Municipal court, TMC 2.110.160, 2.110.170, 2.110.180, 2.110.210

232 **6.05.050 Violations of title, mandatory minimum punishment. Currently 6.05.020**

233 Unless otherwise specifically provided herein, ~~T~~he judge of the municipal court of the city shall,
234 upon a conviction of any section in this Title 6, other than TMC 6.15.170, sentence the owner,
235 keeper, possessor or harbinger of such animal as follows:

236 (a) Fine. A fine of not less than \$1.00 or more than \$499.00; or

237 (b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or

238 (c) Both Fine and Imprisonment. A fine and imprisonment, both in accordance with subsections
239 (a) and (b) of this section. (Ord. 19473 § 2, 9-28-10.)

240 *Cross References:* Municipal judge, TMC 2.25.150.

6.05.060 Transportation and handling charges imposed in certain cases. Currently 6.05.030

If a person is convicted of a violation of any section in this Title 6, or of any applicable state or federal law, and the animal was transported by the police department or animal control office to an animal shelter, then the judge of the municipal court shall impose and collect \$30.00 for handling and transportation of the animal. (Code 1981 § 8-8. Code 1995 § 18-3.)

Cross References: Municipal judge, TMC 2.25.150; police department, TMC 2.25.230.

Article III. Miscellaneous

6.05.070 Keeping or harboring animals. Currently 6.05.060(d)(1) through (13): NOTE – Used to be titled “Exotic or captive wild animals,” which did not accurately portray all that was addressed therein. Separated portion that deals with domestic animals from portion that deals with exotic animals; created a new Chapter 6.20 dealing only with exotic or captive wild animals

(a) Allowed. Except as otherwise specifically provided in subsection (d) below, a person may own, keep, possess, harbor, buy, accept in trade, sell or offer for sale or trade any of the following animals within the city limits in compliance with applicable federal, state and local laws; provided, however, that said animals are kept as pets:

- (i) amphibians
- (ii) birds
- (iii) cats
- (iv) dogs
- (v) ferrets
- (vi) fish
- (vii) fowl
- (viii) livestock
- (ix) miniature pot-belly pigs
- (x) rabbits
- (xi) reptiles
- (xii) rodents
- (xiii) invertebrates

(b) Sanitary Requirements. The owner of any animal(s) listed in subsection (a) of this section must ensure that all animals and animal quarters are in full conformance with the provisions of the nuisance ordinances of the city, kept in a clean and sanitary condition and maintained in a manner that limits objectionable odors; and must further ensure that all animals are maintained in quarters that are adequately constructed so as to prevent their escape. Any area(s) in which an animal(s) is allowed to roam should be cleaned of waste on a regular basis for purposes of preventing the emission of objectionable odors. If an animal control officer determines that a particular odor would be considered objectionable to a reasonable, prudent person, this determination may be considered prima facie evidence of a violation of this section. Currently 6.05.060(f): NOTE – Added that sanitary conditions must be maintained for domestic animals; as this currently required for exotic animals.

(c) Compliance. The owner of any animal(s) listed in subsection (a) of this section must ensure that said animal(s) is properly licensed if required by this Title 6 and is being kept in accordance with any applicable rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute. **Currently 6.05.060(g):**
NOTE – Added that owner must comply with all laws, rules or regs that may apply to any domestic animal; as this currently required for exotic animals

(d) Prohibitions. It shall be unlawful for any person to knowingly own, keep, possess or harbor any of the following animals within the city limits: **Currently 6.05.060(d)(7)(8)(9) and (10):**
NOTE – Set forth the types of domestic animals that are prohibited in a specific, separate list contained in a specific, separate subsection that references prohibition in the title; easier to find prohibited domestic animals

- (i) venomous snakes and lizards
- (ii) nonvenomous snakes if eight feet or more in length
- (iii) all species of monitor lizards
- (iv) cassowaries, emus, ostriches and rheas
- (v) snapping turtles
- (vi) exotic or captive wild animals; except as otherwise provided in Section 6.20.010(d)

Upon conviction of a violation of this subsection (d), the judge of the municipal court of the city may order the owner, keeper, possessor or harbinger to destroy or remove from the city any animal prohibited under this section.

6.05.080 Keeping or harboring animals on property upon which no person resides.
Currently 6.05.090

It shall be unlawful for any person to knowingly confine, keep, harbor or maintain ~~more than one~~any animals on property uninhabited by humans within the city limits; provided, however, that this prohibition shall not apply to bona fide:

(a) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(b) Medical institutions.

(c) Educational institutions.

(d) Licensed veterinary clinics.

(e) The humane society.

(f) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.

(g) Animals maintained on nonresidential commercial properties for security purposes. (Code 1981 § 8-11. Code 1995 § 18-9.) (Ord. 19859 § 1, 11-12-13.)

~~6.05.060 — Sale or transfer by certain persons, breeders; disclosures.~~ **Currently 6.20.050 and 6.30.040**

~~Any business, individual, organization or entity engaged in the practice or business of breeding and/or selling domestic animals, with or without monetary compensation, shall provide the chief of police with the following information within 10 days after ownership of any domestic animal is transferred:~~

~~(a) The date of the sale or transfer of ownership.~~

~~(b) Name and address of the new owner.~~

~~(c) Description of the animal sufficient for identification by an animal control officer.~~

~~(d) Approximate age of the animal. (Ord. 16375 § 1(8-220), 10-1-91. Code 1995 § 18-204.)~~

~~—Cross References: Animal control officer, TMC 6.10.020.~~

6.05.090 Running at large prohibited.

It shall be unlawful for any person, with no requirement of a culpable mental state, to allow or permit any dog, ~~cat~~ or miniature pot-belly pig to run or be at large, as defined in Section 6.05.010 above, at any time in the city. The fact of a dog, ~~cat~~ or miniature pot-belly pig being found at large shall be prima facie evidence of a violation of this section. (Code 1981 § 8-42. Code 1995 § 18-88.) **Currently 6.20.030:** NOTE – Deleted references to “cat” and added references to “miniature pig”

6.05.100 Cruelty to animals. Currently 6.05.040: NOTE – Added references to “miniature pig” where appropriate in subsection (b)

(a) It shall be unlawful for any person to recklessly or intentionally:

(1) Kill, injure, maim, torture, burn or mutilate any animal;

(2) Abandon or leave any animal in any place without ensuring provisions for its proper care;

(3) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(i) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(ii) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(iii) Protection from the Elements. ~~Natural or artificial~~ shelter appropriate to suitable the climatic conditions for the species and/or breed concerned and existing climatic

conditions shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals.

(A) Shelters shall be made of durable material that is moisture and wind-proof, with a solid floor, and of suitable size to accommodate the animal.

(B) Shelters shall contain clean, suitable bedding material consisting of a sufficient quantity of hay, straw, cedar shavings or the equivalent to promote insulation and protect the animal against cold and dampness and promote retention of body heat.

When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Keeping an animal in a confined area, such as a garage, shed, or extension of a dwelling, without adequate heating and appropriate ventilation in winter months and adequate cooling and appropriate ventilation in summer months is prohibited. Owners of animals kept outdoors or in an unheated enclosure shall provide the animal with the following minimum standards of shelter:

~~(A) It shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material with a solid floor.~~

~~(B) It shall be provided with a sufficient quantity of clean, suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent, to promote insulation and protection against cold and dampness and promote retention of body heat.~~

(4) ~~Knowingly~~ Leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, with no requirement of a culpable mental state. Extreme weather conditions shall be defined as more than 80 degrees Fahrenheit or less than 340 degrees Fahrenheit as the heat or cold index taken in the vehicle and shall create a legal, rebuttable presumption of violation of this act;

(5) Use of 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;

(6) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human, in violation of State statute; or

(7) Cause any physical injury other than the acts described in subsection (a)(1) of this section.

(b) It shall be unlawful for any person, with no requirement of a culpable mental state, to attach chains or other tethers, restraints or implements directly to a dog, cat or miniature pot-belly pig without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. No person shall:

(1) Continuously tether a dog, cat or miniature pot-belly pig for more than 15 minutes without supervision; or

(2) Use a tether or any assembly or attachments thereto to tether a dog, cat or miniature pot-belly pig that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog, cat or miniature pot-belly pig on a choke chain or near stationary objects or fences in ~~such~~ a manner ~~as to~~ that could potentially cause injury, strangulation, or entanglement ~~of the dog on fences, trees, or other manmade or natural obstacles~~; or

(4) Tether a dog, cat or miniature pot-belly pig without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether without securing the animal's water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog, cat or miniature pot-belly pig protection from attack by other animals; or

(6) Tether a dog, cat or miniature pot-belly pig in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

(c) Any public health officer, animal control officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in subsection (a) of this section and subsections thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.

(d) The owner of an animal killed pursuant to subsection (c) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(e) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (c) of this section, pending prosecution of the owner of such animal for the crime of cruelty to animals, as defined in subsection (a) of this section, shall be assessed to the owner as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(g) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;

(4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;

(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(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 byproducts 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 by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any person, domestic animal, or farm animal;

(8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, or trained police officer or animal control officer using an electronic control device, 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;

(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; or

(12) In situations where delay would result in unnecessary and prolonged suffering of an injured or rabid animal, law enforcement officers may utilize alternative means to euthanize such animal. (Ord. 19473 § 3, 9-28-10.)

Cross References: Police department, TMC 2.25.230.

State Law References: Cruelty to animals, K.S.A. 21-4310, 21-4311.

~~6.05.080—Mistreatment of young fowl, rabbits and other animals.~~ Currently 6.05.050

~~(a) It shall be unlawful for any person to possess, display, sell or to give away any baby chicks, fowls or rabbits as pets, playthings, novelties or gifts for advertising or sales promotional purposes; or to suffer or cause such animals to be dyed, colored or in any way artificially treated.~~

~~(b) This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons regularly and continuously engaged in the business of selling such animals or fowl to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, fowls or rabbits as pets, playthings, novelties or gifts, nor shall they suffer or cause such animals to be dyed, colored or in any way artificially treated. (Code 1981 § 8-3. Code 1995 § 18-5.)~~

6.05.110 Injuring or killing of wild and undomesticated animals unlawful; exceptions. Currently 6.05.070

(a) It shall be unlawful for any person to knowingly injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by the police department; provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land. (Ord. 19703 § 1, 2-14-12.)

Cross References: Police department, TMC 2.25.230.

6.05.120 Animal fighting. Currently 6.05.110

(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.

(b) Activities Prohibited. A person who knowingly engages in any of the following proscribed conduct shall be guilty of a misdemeanor:

- (1) Causing any animal to engage in animal fighting for amusement or financial gain;
- (2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;
- (3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;
- (4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;
- (5) Attending an exhibition of animal fighting as a spectator;
- (6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted.

~~(c) Subsections (b)(1) to (b)(4) of this section do not apply to conduct involving dogs.~~ (Code 1981 § 8-10. Code 1995 § 18-11.)

State Law References: Dog fighting, K.S.A. 21-4315 et seq.

6.05.130 ~~Deceased~~ animals ~~in public places~~. **Currently 6.05.100** NOTE – Replaced reference to “city clerk” with “animal control office.”

(a) It shall be unlawful for any person to put any ~~deceased~~ animal in any street, avenue, alley or other public place in the city and it shall be the duty of any person having knowledge of any ~~deceased~~ animal in the city to immediately report it to the animal control office, giving the type of animal and the place where such animal may be found.

(b) It shall be the duty of ~~the~~ animal control officers, immediately upon the receipt of a report under this section, to remove, or provide for the removal of, ~~the dead any deceased domestic pet located on public property whose owner can be identified and to report the discovery of said animal to the Humane Society~~. If the owner of a deceased domestic pet contacts animal control for assistance, an animal control officer, or designee, will respond to the residence and take appropriate action. It shall be the responsibility of animal control, or designee, to adequately address the removal of any deceased wildlife on public streets or roadways. If deceased wildlife is located on private property, it shall be the responsibility of the property owner to provide for said removal~~immediately upon the receipt of a report~~. (Code 1981 §§ 8-163, 8-164. Code 1995 § 18-10.)

Cross References: Animal control officer, TMC 6.10.020.

State Law References: Disposal of dead animals, K.S.A. 47-1201 et seq.

540 **Chapter 6.10**

541 **RABIES CONTROL**

542 Sections:

- 543
544 6.10.010 Report of certain animals.
545 6.10.020 Demand to produce animal; expense.
546 6.10.030 Killing or removing certain animals restricted.
547 6.10.040 Surrender of animal carcass on demand.

548 **6.10.010 Report of certain animals. Currently 6.15.010:** NOTE – Replaced reference
549 made to “public health officer” with “animal control office.”

550 Every person shall promptly report to the animal control office:

551
552 (a) Any animal which bites a person;

553
554 (b) Any rabid animal; or

555
556 (c) Any animal suspected of being rabid. (Code 1981 § 8-181. Code 1995 § 18-56.)
557

558 **6.10.020 Demand to produce animal; expense. Currently 6.15.020:** NOTE – Replaced
559 reference made to “public health officer” with “animal control office.”

560 An owner, upon demand by the animal control office, shall surrender any rabid animal, any
561 animal which has bitten a human or any animal suspected as having been exposed to rabies, for
562 supervised quarantine or destruction, which expense shall be borne by the owner, and such
563 animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance
564 with the permit provisions set forth in this title. (Code 1981 § 8-184. Code 1995 § 18-59.)
565

566 **6.10.030 Killing or removing certain animals restricted. Currently 6.15.030:** NOTE –
567 Replaced reference made to “public health officer” with “animal control office.”

568 No person shall kill or cause to be killed any rabid animal, any animal suspected of having been
569 exposed to rabies, or any animal biting a human, except as provided in this chapter, nor remove
570 any such animal from the city limits, without first obtaining written permission from the animal
571 control office. (Code 1981 § 8-186(d). Code 1995 § 18-62.)
572

573 **6.10.040 Surrender of animal carcass on demand. Currently 6.15.040:** NOTE –
574 Replaced reference made to “public health officer” with “animal control office.”

575 The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the
576 animal control office. (Code 1981 § 8-186(e). Code 1995 § 18-63.)
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Chapter 6.15

DOGS, CATS AND MINIATURE, POT-BELLY PIGS

Sections:

Article I. Permits and Tags

- 6.15.010 Permit.
- 6.15.020 When required.
- 6.15.030 Exceptions.
- 6.15.040 Application.
- 6.15.050 Vaccination certificate prerequisite to issuance.
- 6.15.060 Fees.
- 6.15.070 Term.
- 6.15.080 Obtaining Permits after deadline; enforcement procedure.
- 6.15.090 Tag.
- 6.15.100 Unlawful use.

Article II. Impoundment and Redemption

- 6.15.110 When without a tag.
- 6.15.120 Animals at large; interference.
- 6.15.130 Notification of owner.
- 6.15.140 Detention period.
- 6.15.150 Redemption.
- 6.15.160 Failure to redeem.

Article III. Dangerous Dogs

- 6.15.170 Dangerous dogs.

Article IV. Specific Confinement Requirements

- 6.15.180 Confinement of certain dogs required
- 6.15.190 Confinement of certain cats required

Article V. Miniature, Pot Belly Pigs New Article

- 6.15.200 Specific requirements and restrictions
- 6.15.210 Shelter

Article I. Permit and Tag

6.15.010 Permit. Currently 6.20.060 and 6.30.050: NOTE – Replaced reference made to “city treasurer” with “chief of police” and added reference to “miniature pig.”

~~No~~It shall be unlawful for any person, shall with no requirement of a culpable mental state, to own, keep, possess or harbor within the corporate limits of this city any dog, cat or miniature pot-belly pig over six months of age without first obtaining a permit therefor from the chief of police or authorized agent, who may issue such permit when proper application is made in writing. This permit requirement shall not apply to ear-tipped feral cats. (Code 1981 § 8-56. Code 1995 § 18-101.)

Cross References: Police department, TMC 2.25.230.

6.15.020 When required. Currently 6.20.070 and 6.30.060: NOTE – Added reference to “miniature pig.”

The owner of any dog, cat or miniature pot-belly pig shall be required to have a permit for his or her pet(s) upon the date the pet is brought into the city or attains the age of six months, whichever is later. (Code 1981 § 8-62. Code 1995 § 18-102.)

6.15.030 Exceptions. Currently 6.20.080 and 6.30.070: NOTE – Added reference to “miniature pig” in subsection (a)

(a) The permit and vaccination requirements of this Article shall not apply to any nonresident dog, cat or miniature pig owner who keeps his or her pet(s) within the city for not longer than 30 days; provided, however, that at all times such pet is under restraint. (Code 1981 § 8-57. Code 1995 § 18-103.)

(b) A person owning, keeping, possessing or harboring (i) a dog that has been retired from the United States armed forces, (ii) a registered seeing-eye dog used by visually or hearing-impaired persons or (iii) police or sheriff’s department dogs shall not be required to pay the permit fee; but shall be subject to all other applicable regulations of this Title 6, including, but not limited to, the requirement of having the rabies vaccination. (Code 1981 § 8-57.5. Code 1995 § 18-104.)

Cross References: Police department, TMC 2.25.230.

6.15.040 Application. Currently 6.20.100 and 6.30.080: NOTE – Replaced reference made to “city treasurer” with “chief of police” and added reference to “miniature pig.”

Applications for dog, cat or miniature pot-belly pig permits shall be made with the chief of police or authorized agent upon forms provided by the chief of police or authorized agent, setting forth such information as necessary to properly implement the terms and provisions of this Article. Such forms shall be completed by the applicant and submitted to the chief of police or authorized agent for validation and, after validation and payment of the permit fee, such forms shall serve as the permit. (Code 1981 § 8-58. Code 1995 § 18-105.)

Cross References: Police department, TMC 2.25.230.

6.15.050 Vaccination certificate prerequisite to issuance. Currently 6.20.110 and 6.30.090: NOTE – Added reference to “miniature pig” in subsection (a)

No permit shall be issued under this Article except upon the presentation of a valid rabies vaccination certificate, which plainly shows that the last vaccination given to the dog, cat or

miniature pot-belly pig is currently effective, and payment of the applicable fee under this Article. (Code 1981 § 8-59. Code 1995 § 18-106.)

6.15.060 Fees. Currently 6.20.120 and 6.30.100

(a) The permit fees required by this Chapter, for each permit year, are as follows:

- | | |
|---|--------------------|
| (1) For each un-spayed female, or non-neutered male | \$20.00 |
| (2) For each spayed female, or neutered male | \$8.00 |
| (3) For any kennel or pet shop covering all animals kept during the year | \$80.00 |

(b) No permit fee shall be required of any animal shelter, humane society or veterinary hospital.

(c) Permit fees for kennels, if any, are addressed in State statutes. (Ord. 19611 § 1, 7-26-11.)

6.15.070 Term. Currently 6.20.130 and 6.30.110

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-61. Code 1995 § 18-108.)

6.15.080 Obtaining permits after deadline; enforcement procedure. Currently 6.20.140 and 6.30.140: NOTE – Replaced reference made to “city treasurer” with “chief of police,” added reference to “miniature pig” and deleted next to last sentence in subsection (c) due to the fact that Charter Ordinance 37 was repealed (and the complaint and notice to appear is now handled under the municipal court code)

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The chief of police shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the chief of police has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of a permit issued under this article and a notice to appear shall be issued against the owner of a dog, cat or miniature pot-belly pig subject to, but not in compliance with, such renewal provisions; ~~provided, that the chief of police has issued, at least 10 days in advance thereof, a~~ courtesy

delinquency notice will be issued to the owner by electronic mail and/or United States mail, first class, postage prepaid, ~~to the owner~~ at the last known addresses of said owner. ~~A delinquency~~This notice shall include at least the following:

(1) A title that it is a delinquency notice;

(2) A statement of late payment charges the owner must pay; and

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear as provided in this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of this Article shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-66. Code 1995 § 18-109.)

Cross References: Police department, TMC 2.25.230.

6.15.090 Tag. Currently 6.20.150 and 6.30.120: NOTE – Replaced reference made to “city treasurer” with “chief of police” and added reference to “miniature pig.”

(a) Upon full compliance with the terms of this Article, the chief of police or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) The permit tag issued pursuant to this Section shall be securely attached to the collar or harness of the dog, cat or miniature pot-belly pig for which such permit and tag is issued and said collar or harness shall be worn at all times the pet is off the premises of its owner; provided, however, that if a cat, dog or miniature pot-belly pig is not wearing a collar, the owner must be able to timely produce a valid permit tag upon request.

(c) If a permit tag issued for a dog, cat or miniature pot-belly pig is lost, a new tag may be obtained from the chief of police upon payment of a replacement fee of \$1.00.

(d) No person shall attach a permit tag to any dog, cat or miniature pot-belly pig other than the one for which the tag was issued. (Code 1981 § 8-63. Code 1995 § 18-110.)

Cross References: Police department, TMC 2.25.230.

6.15.100 Unlawful use. Currently 6.20.160 and 6.30.130: NOTE – Added reference to “miniature pig” and deleted reference to “kennel” because covered by State Law

(a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.

(b) No person shall knowingly use any dog, cat or; miniature pot-belly pig ~~or kennel~~ permit issued for any other dog, cat or miniature pot-belly pig ~~or kennel~~. (Code 1981 § 8-64. Code 1995 § 18-111.)

Article II. Impoundment and Redemption

6.15.110 When without a tag. Currently 6.20.180 and 6.30.150: NOTE – Added reference to “miniature pig”

An animal control officer may take into custody and impound any dog, cat or miniature pot-belly pig not wearing a current registration tag. (Code 1981 § 8-78. Code 1995 § 18-122.)

Cross References: Animal control officer, TMC 6.10.020.

6.15.120 Animals at large; interference.

(a) Any dog or miniature pot-belly pig found to be at large within the city may be impounded at an animal shelter or humane society in a humane manner. It shall be lawful for any animal control officer, in the performance of his or her duty, to pursue and capture any at large dog or miniature pot-belly pig. (Code 1981 § 8-79. Code 1995 § 18-123.) **Currently 6.20.170 and 6.20.190:** NOTE – Added reference to “miniature pig”

(b) It shall be unlawful for any person to knowingly obstruct, hinder or prevent the impounding of any dog or miniature pot-belly pig running at large contrary to the provisions of this Chapter or to break open, destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take therefrom any dog, cat or miniature pot-belly pig therein impounded. (Code 1981 §§ 8-77 and 8-84. Code 1995 §§ 18-121 and 18-128.) **Currently 6.20.240:** NOTE – Added reference to “cat” and “miniature pig”

6.15.130 Notification of owner. Currently 6.20.200 and 6.30.160: NOTE – Added reference to “miniature pig”

If the owner of a dog, cat or miniature pot-belly pig can be identified by a tag or other reasonable means, the animal shelter, humane society or designated agent shall notify said owner of the impoundment as soon as possible by telephone and/or electronic or regular mail. (Code 1981 § 8-80. Code 1995 § 18-124.)

6.15.140 Detention period. Currently 6.20.210 and 6.30.170: NOTE – Added reference to “miniature pig”

Impounded dogs, cats or miniature pot-belly pigs shall be kept for a period of not less than 72 hours in order to provide a reasonable opportunity to be claimed by their owner. (Code 1981 § 8-81. Code 1995 § 18-125.)

6.15.150 Redemption. Currently 6.20.220 and 6.30.180: NOTE – Added references to “miniature pig”

(a) Unless otherwise provided in this Section, the owner shall be entitled to take possession of his or her impounded dog, cat or miniature pot-belly pig upon receipt of a citation issued by an animal control officer with instructions to obtain the appropriate permit~~compliance with the permit provisions of this Chapter and payment of the impoundment fees.~~

(b) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig found to be rabid, or that has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig when, in the judgment of the animal shelter or humane society, said animal should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to, or remain with, such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition. (Ord. 19631 § 1, 8-23-11.)

6.15.160 Failure to redeem. Currently 6.20.230 and 6.30.190: NOTE – Added reference to “miniature pig”

If an impounded dog, cat or miniature pot-belly pig is not redeemed within the 72-hour detention period set forth in Section 6.20.140 above, then said animal shall be deemed abandoned and title thereto shall pass to the humane society by operation of law. (Ord. 17470 § 1, 2-22-00; Code 1981 § 8-83. Code 1995 § 18-127.)

Article III. Dangerous Dogs

6.15.170 Dangerous dogs. Currently 6.05.080

(a) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement; Muzzle/Restraint. All dangerous dogs shall be confined within a secured enclosure, which can be either a building (i.e., Morton building, shed or garage) or a dwelling/residence. It shall be unlawful for any owner to maintain a dangerous dog

upon any premises that does not have a secured enclosure; unless the owner keeps the dangerous dog inside his or her dwelling/residence. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling/residence of the owner or outside the secured enclosure unless it is necessary for the owner (1) to obtain veterinary care for the dangerous dog; or (2) for the limited purposes of allowing said dangerous dog to urinate or defecate; or (3) to sell or give away/surrender the dangerous dog to the humane society to be euthanized by a certified veterinarian; or (4) to respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(iv) Transfer Prohibited. The owner shall not sell or give away the dangerous dog under any circumstances. If the owner no longer wishes to keep the dangerous dog, the dog must be surrendered to the humane society to be euthanized by a certified veterinarian.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

(3) The municipal court shall impose a fine of at least \$499.00 and not more than \$1,000.00 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(h)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(4) The municipal court shall impose a fine of \$250.00 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to TMC 6.05.010(h)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(b) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the animal control officer or law enforcement officer may seize and impound such animal at the animal shelter or humane society ~~unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal~~. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors,

keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs. If the owner is personally served with the citation and fails to make an appearance to answer the charges within 72-hours after the failure to appear, the court shall release the animal to the Humane Society or a proper holding facility. If the citation is mailed to a presumed owner, and the presumed owner fails to appear before the court to answer the charges, the court shall release the animal to the Humane Society or a proper holding facility twenty days after the failure to appear.

(c) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any amendments thereto.

(d) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. Upon conviction of this section, a dog may be destroyed if the dog attacks a human being which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(g) Dangerous Dog – Attack on Other Animal. Upon conviction of this section, a dog may be destroyed if the dog attacks a domestic animal which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(h) The impounded dog shall not be destroyed pending appeals of convictions under this chapter. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the municipal judge shall have the

authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

(i) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information. The municipal judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000.00. (Ord. 20031 2§ 2, 10-11-16.)

Cross References: City attorney, TMC 2.25.120; police department, TMC 2.25.230; municipal judge, TMC 2.25.150; animal control officer, TMC 6.10.020.

State Law References: Permitting dangerous animal to be at large, K.S.A. 21-3418.

Article IV. Specific Confinement Requirements

6.15.180 Confinement of certain dogs required. **Currently 6.20.040**

(a) The owner of any dangerous dog shall confine the animal in the manner set out in Section 6.15.170(d)(1)(ii) above~~within a building or secure enclosure.~~

~~(1) Every dangerous or vicious dog;~~

~~(2) Every dog having a natural propensity to be dangerous or vicious; and~~

~~(3) Every un-spayed female dog in heat, in such a manner that such female cannot come into contact with another dog except for planned breeding.~~

(b) The owner of any un-spayed female dog in heat shall confine the animal within a building or dwelling/residence where the scent of the female cannot be emitted and in such a manner that the female dog cannot come into contact with another dog except for planned breeding. It shall be unlawful for the owner of any un-spayed female dogs to knowingly keep such dogs in such a manner ~~as to~~that might cause a nuisance by attracting male dogs to the premises of such owner. (Code 1981 § 8-44. Code 1995 § 18-89.)

State Law References: Permitting dangerous animals to be at large, K.S.A. 21-3418.

6.15.190 Confinement of certain cats required. **Currently 6.30.030**

(a) The owner of any un-spayed female cat in heat shall confine the animal within a building or ~~dwelling/residence~~secure enclosure ~~every un-spayed female cat in heat where the scent of the female cannot be emitted and~~ in such a manner that such female cat cannot come into contact with another cat except for planned breeding.

(b) It shall be unlawful for the owner of any unaltered male or un-spayed female cat to knowingly keep such cat in ~~such~~ a manner ~~as to~~ that might cause a nuisance by attracting other cats to the premises of such owner. (Code 1981 § 8-203. Code 1995 § 18-203.)

Article V. Miniature, Pot-Belly Pigs **Entirely New Article**

6.15.200 Specific requirements and restrictions.

(a) It shall be unlawful for any person, with no requirement of a culpable mental state, to keep or harbor a miniature, pot-belly pig unless the following requirements are met:

- (1) The pig has undergone a blood test upon initial application for the permit required by Section 6.15.010 of this chapter and received a corresponding health certificate; and
- (2) The pig weighs less than 150 pounds;
- (3) The pig's height is less than 24 inches, measured at the shoulder;
- (4) The pig has been vaccinated against rabies;
- (5) The pig has been neutered or spayed upon reaching maturity (6 months).

(b) No more than two miniature, pot-bellied pigs are kept or harbored within any one household or premises.

6.15.210 Shelter.

Miniature pot-belly pigs shall be confined inside the owner's dwelling/residence; or in a shelter with its sides embedded at least two feet into the ground or an underlayment that will prevent the animal from digging out of the pen and/or running-at-large. The animal shall be provided with sufficient bedding during the winter season and a water source of sufficient size and quantity that will allow them to cool themselves during the summer season. There shall be compliance with all requirements set out in Section 6.05.100(a)(3)(iii) above.

Chapter 6.20

EXOTIC OR CAPTIVE WILD ANIMALS

Sections:

6.20.010 Exotic or captive wild animals.

6.20.010 Exotic or captive wild animals. Currently 6.05.060(a)(b)(c)(e)(f)(g)(h) and (i):

NOTE – Removed former subsection (d), (which deals with domestic animals that are allowed and those that are prohibited). This language is now found in Section 6.05.040 above. The remaining subsections – now (a) through (h) due to re-lettering – are addressed in this new Chapter 6.20; and the language contained in these eight remaining subsections is the same.

(a) Owning, Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person, with no requirement of a culpable mental state, to own or keep in his or her possession or under his or her control or maintain any live exotic or captive wild animal within the city limits.

(b) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully knowingly buy or accept in trade any live exotic or captive wild animal within the city limits.

(c) Selling, Offering for Sale or Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully knowingly offer for sale or trade or to sell or trade any live exotic or captive wild animal within the city limits.

(d) Exceptions.

(1) The prohibitions in subsections (a) through (c) of this section shall not apply to bona fide zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) The prohibitions in subsection (a) of this section shall not apply to:

(i) Medical institutions.

(ii) Post-secondary educational institutions.

(iii) Veterinary clinics in possession of the animals prohibited under this section.

(iv) Circuses, ~~if properly licensed by the city.~~

(v) Carnivals, ~~if properly licensed by the city.~~

(vi) Persons designated and licensed as animal rehabilitators by the state Fish and Game Commission.

~~(vii) Disabled persons with permanent mobility impairments who qualify to obtain assistance of a service monkey; provided that:~~

(A) ~~The service monkey is Cebus apella (capuchin monkey);~~

(B) ~~The service monkey is owned and trained by a registered 501(c)3 nonprofit organization, Helping Hands Simian Aides for the Disabled, Inc., that assists disabled persons living with permanent physical disabilities; and~~

(C) ~~The service monkey does not leave the residence of the qualified disabled person, except for one veterinary examination per year or in the event of medical emergency to the service monkey.~~

(viii) Persons listed in subsections (e)(2)(i) through (vii) of this section who are temporarily transporting such animals through the city, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(e) Secure and Sanitary Quarters Requirements. All persons and institutions listed in subsection (d) of this section must ensure that all ~~animals and animal quarters enclosures~~ are secure, as defined in Section 6.05.010, so as to prevent their escape, conform to the provisions of the nuisance ordinances of the city and are ~~kept maintained~~ in a clean and sanitary condition and so maintained as to for purposes of limiting objectionable odors; ~~and shall ensure that all animals are maintained in quarters which are adequately constructed so as to prevent their escape.~~

(f) Licensing. All persons and institutions listed in subsection (d) of this section must be properly licensed, if so required, by any rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(g) Violations. A violation of any provision of this section shall constitute a new and separate offense each calendar day the violation continues to exist.

(h) Destruction or Removal of Prohibited Animals. Upon conviction of a violation of this section, the judge of the municipal court of the city may order the owner, keeper, possessor or harborer to destroy or remove from the city any animal prohibited under this section. (Ord. 19859 § 1, 11-12-13.)

Cross References: Municipal judge, TMC 2.25.150.

1008

Chapter 6.25

1009

PIT BULL DOGS

1010

(Repealed by Ord. 19473)

1011

1012

1013

Chapter 6.30 **Currently Chapter 6.40**

DOMESTIC FOWL, POULTRY

Sections:

6.30.010 Restrictions applicable to domestic fowl; poultry.

6.30.020 Enclosure required; running at large prohibited.

6.30.030 Destruction of birds and birds' nests prohibited; exceptions.

6.30.010 Restrictions applicable to domestic fowl; poultry. **Currently 6.40.010**

It shall be unlawful for any person, with no requirement of a culpable mental state, to keep or maintain any domestic fowl or poultry upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance. (Code 1981 § 8-144. Code 1995 § 18-291.)

6.30.020 Enclosure required; running at large prohibited. **Currently 6.40.020**

It shall be unlawful for any person, with no requirement of a culpable mental state, to allow or permit domestic fowl or poultry to run or be at large at any time in the city. ~~For the purpose of this section, the term "at large" shall be defined to include those times during which any domestic fowl or poultry shall not be confined or kept in pens sufficiently strong or constructed to keep such fowl on the premises of their owner or keeper. Fowl must be kept on the owner's property, within a fenced area and inside a fully enclosed pen.~~ The fact of any domestic fowl being found at large shall be prima facie evidence of a violation of this section. - (Code 1981 § 8-145. Code 1995 § 18-292.)

6.30.030 Destruction of birds and birds' nests prohibited; exceptions. **Currently 6.40.030**

It shall be unlawful for any person to knowingly shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:

(a) English sparrows and starlings or the nests thereof may be destroyed at any time by any person or approved pest control firm or company when such destruction may be done without the use of firearms or other weapons or devices;

(b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to ~~the environmental code services division~~ animal control, be destroyed by an approved pest control firm or company ~~under the conditions of the~~ in accordance with the terms of any required permit issued by the ~~environmental code services division~~ appropriate state or local agency. (Ord. 17076 § 2, 1-28-97; Code 1981 § 8-146. Code 1995 § 18-293.)

Chapter 6.35

LIVESTOCK

Sections:

6.35.010 Keeping near residences or businesses.

6.35.020 Swine prohibited.

6.35.030 Exceptions to restrictions on keeping livestock.

6.35.040 Running at large or driving herds prohibited.

6.35.050 Additional restrictions; exceptions~~Grazing in public prohibited.~~

6.35.010 Keeping near residences or businesses. **Currently 6.35.010:** NOTE – Referenced need to comply with all applicable code provisions and state/local regulations

It shall be unlawful for any person, with no requirement of a culpable mental state, to keep livestock inside the city limits if in a building or lot that is located within 200 feet of his or her property line~~any existing residence or other existing principal use structure other than that of the owner of such animals. “Principal use” as used in this section means the main use of land or structures as distinguished from a secondary or accessory use. Such building or lot shall comply with all applicable building, property maintenance, planning, zoning, and utility code provisions, in addition to any health and sanitation requirements that may be required by state or local law.~~
(Code 1981 § 8-101. Code 1995 § 18-261.)

~~**6.35.020 To be kept in sanitary buildings.** **Currently 6.35.020:** Replaced references to “environmental code services director” with “development services manager”~~

~~It shall be unlawful for any person to keep livestock inside the city limits unless such animals are kept in a barn, stable or building that is constructed or equipped with sewer connections, watertight floors approved by the director or designee, flyproof windows and doors and such other sanitary requirements as may be ordered by the director or designee. (Ord. 17076 § 1, 1-28-97; Code 1981 § 8-102. Code 1995 § 18-262.)~~

6.35.020 Swine prohibited. **Currently 6.35.030:** NOTE – Referenced the miniature pig definition and “specification” provision

It shall be unlawful for any person, with no requirement of a culpable mental state, to rear or keep any swine in the city. This prohibition against swine shall not apply to miniature pot-belly pigs kept as pets, which are considered domestic animals pursuant to Section 6.05.010(j); provided, however, that each pig meets the requirements set out in Section 6.15.200 of this Title 6. (Code 1981 § 8-103. Code 1995 § 18-263.)

6.35.030 Exceptions to restrictions on keeping livestock. **Currently 6.35.040**

The provisions of TMC 6.35.010 through 6.35.020 shall not apply to any person engaged in the packinghouse business, or in selling or shipping cattle, sheep, goats, horses or swine insofar as it may be necessary for such parties to bring such livestock into the city and keep such livestock in the city in the legitimate transaction and carrying on of business; provided, that TMC 6.35.010 shall not apply to the keeping of horses on any parcel of land within the city if there is an intensity of no more than two horses on a minimum of three acres; and, provided, further, that

each additional horse shall require an additional one and one-half acres of land to the minimum required. (Code 1981 § 8-104. Code 1995 § 18-264.)

Cross References: Parking vehicle having offensive odor, TMC 10.60.030.

~~**6.35.050—Nonconforming keeping of livestock. Currently 6.35.050**~~

~~The lawful use of a building or a lot for keeping livestock that was in existence at the time of the annexation of the building or lot into the city may be continued; even though such use does not conform with the provisions in this chapter. If a nonconforming use of any building or lot for keeping livestock is discontinued for a period of one year, the use of such building or lot shall thereafter conform to the provisions of this Chapter. (Code 1981 § 8-104.1. Code 1995 § 18-265.)~~

~~**6.35.060—Livestock as a nuisance.**~~

~~Repealed by Ord. 19899. (Code 1981 § 8-104.2. Code 1995 § 18-266.)~~

6.35.040 Running at large or driving herds prohibited. Currently 6.35.070

It shall be unlawful for any person to allow or permit any livestock owned or controlled by such person to run or be at large at any time within the city; or to drive any herd of cattle, horses, mules or swine, or any flock of sheep, upon any street within the city. (Code 1981 § 8-105. Code 1995 § 18-267.)

~~**6.35.050**~~ **Grazing inAdditional restrictions; exceptions public prohibited. Currently**

6.35.080: NOTE – Did not change substantively; but, reworded language so that it is easier to read and follow, in addition to adding an exception for animals that may be “on-site” for a short period of time or included as part of a special event.

It shall be unlawful for any person to ~~permit~~allow any livestock or other similar-type animals to graze or go upon or across any street, avenue, sidewalk, alley, or public park or lot within the city or any premises adjacent thereto, or for such person. ~~It shall be unlawful for any person to restrain or tether livestock or similar typesuch animals at said locationsupon any street, avenue, sidewalk, alley or public park or lot within the city; or for any person to permit any such animal to go upon or across any street, avenue, sidewalk, alley or public park, or upon any premises adjacent theretounless the animals are present upon said property:~~

(a) as part of a special event for which an appropriate special event permit including a designated time frame is required and subsequently issued; or

(b) for a period of time not to exceed two (2) hours, if no special event permit is required. (Code 1981 § 8-106. Code 1995 § 18-268.)

CLEAN

Title 6

ANIMALS

Chapters:

6.05 General Provisions

6.10 Rabies Control

6.15 Dogs, Cats and Miniature Pot-Belly Pigs

6.20 Exotic or Captive Wild Animals

6.25 *Repealed*

6.30 Domestic Fowl, Poultry

6.35 Livestock

Cross References: Health and sanitation, TMC Title 8, Division 1; hauling of stable manure, offal, house refuse, night soil or dead animals on Kansas Avenue, TMC 9.05.050; animal noise, TMC 9.45.330; animals prohibited on buses, TMC 10.40.060; Topeka Zoological Park, Chapter 11.35 TMC.

State Law References: Livestock and domestic animals, K.S.A. Chapter 47.

21 **Chapter 6.05**

22 **GENERAL PROVISIONS**

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47 **Article I. Definitions**

48
49 **6.05.010 Definitions.**

50 The following words, terms and phrases, when used in this title, shall have the meanings ascribed
51 to them in this section, except where the context clearly indicates a different meaning:
52

53 (a) **“Animal”** means a live, vertebrate creature, domestic or wild, other than humans.
54

55 (b) **“Amphibian”** is an animal that moves in and out of water, (i.e., frogs and toads, newts and
56 salamanders);
57

58 (c) **“Animal shelter”** means any premises designated by city administrative authority for the
59 purpose of impounding and caring for animals held under authority of this title, excluding
60 wildlife, fowl and livestock.
61

62 (d) **“At-Large”** means when an animal is not on the property of its owner and not under the
63 physical control of the owner by leash or other similar device (voice or remote control only will
64 not be considered adequate control).

(e) **“Attack”** means any violent or aggressive physical action or contact.

(f) **“Bird”** is an animal that bears its young in a hard-shelled egg, is covered with feathers and has forelimbs modified into wings, scaly legs and a beak, as opposed to teeth. See also “Fowl.”

(g) **“Cat”** is an animal with soft fur, a short snout and retractile claws. A *feral cat* is a domesticated cat that has returned to the wild, or the offspring of such a cat. A feral cat is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans. An *ear-tipped feral cat* is a feral cat that exhibits a straight-line cutting of the tip of its left ear to indicate that it has been sterilized and vaccinated against rabies.

(h) **“Dangerous dog”** shall mean any of the following:

(1) Any dog with a known propensity or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property other than on the property of the owner; or

(3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten a human being or domestic animal; or

(4) Any dog which was previously determined to be dangerous pursuant to the previous TMC 6.05.080 or current TMC 6.15.170; or

(5) Any dog owned or harbored primarily for the purpose of dog fighting shall only be considered dangerous if the dog is evaluated and dangerousness is concluded by a licensed veterinarian or a dog trainer certified by the Certification Council for Professional Dog Trainers with experience in evaluating dogs seized in similar cruelty cases.

(6) Notwithstanding the definition of a “dangerous dog” above, no dog may be declared dangerous if any injury was sustained by a person under any of the following conditions:

(i) The person was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog;

(ii) The person was committing or attempting to commit a crime;

(iii) The person provoked, teased or injured the dog; or

(iv) The dog was protecting itself, its owner, its offspring or another human being.

(7) No dog may be declared dangerous if any injury was sustained by a domestic animal under any of the following conditions:

(i) The domestic animal provoked, teased or injured the dog; or

(ii) The dog was protecting itself, its owner, its offspring or another human being; or

(iii) The dog injures or kills an animal trespassing on the property of the dog's owner.

(8) Nothing in this chapter shall be deemed to regulate or prohibit the lawful maintenance and use of dogs by law enforcement agencies or include actions by a law enforcement dog while on duty or while performing duties.

(i) **“Dog”** is an animal with a long or short snout, an acute sense of smell and a barking, howling or whining voice. A *wild dog* is an undomesticated dog that is found in the wild, (i.e., the African wild dog, the dingo, the hyena and the wolf).

(j) **“Domestic animal”** means one that is sufficiently tame to live with or near an individual owner or family, including, but not limited to, pets such as dogs, cats or miniature pot-belly pigs; or one that can be used to contribute to a family's support, including, but not limited to, cattle, donkeys, goats, mules, poultry, sheep or swine. When something is domesticated, it is converted to domestic use, as in the case of a wild animal that is tamed. *See also* “Animal,” “Livestock” and “Pet.”

(k) **“Exotic animal”** means a living mammal or marsupial that is normally found in the wild state, but shall not include a farm animal (livestock).

(l) **“Exposed to rabies”** means an animal that has been bitten by, or subjected to danger, attack or harm by, any creature known to have been infected with rabies.

(m) **“Ferret”** is a small animal, belonging to the weasel family, which usually weighs less than five pounds.

(n) **“Fish”** is an animal that lives only in water and characteristically has fins, gills and a streamlined body, (i.e., bony fishes, such as catfishes and tunas and cartilaginous fishes, such as sharks and rays).

(o) **“Fowl”** is a group of animals consisting of waterfowl or wildfowl. **“Poultry”** is a term typically used when referring to domesticated birds or fowl (i.e., chicken, duck, goose or turkey) that are raised for meat, eggs or feathers. *See also*, “Bird.”

(p) **“Humane killing”** means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.

(q) **“Humane society”** means any animal shelter contracted with the city of Topeka that is licensed by the state of Kansas. See also “Animal Shelter.”

(r) **“Invertebrate”** is an animal that does not have a backbone or spinal column.

(s) **“Livestock”** is a group of domesticated animals (i.e., cattle, donkeys, goats, horses, mules, poultry, sheep, swine and similar animals) that are raised in an agricultural setting to produce commodities such as food, fiber and labor. Livestock are often referred to as “useful animals,” which implies a commercial purpose of being reared for financial gain. See also “Domestic Animal” and “Pet.”

(t) **“Miniature, Pot-Belly Pig”** is a breed of small pig originating in southeastern Asia and having a straight tail, potbelly, swayback and typically having a black, white or black and white coat.

(u) **“Neutered Male”** is a male animal that by operation has been made infertile to prevent conception or one that has been certified by a licensed veterinarian as being naturally infertile.

(v) **“Owner”** means any person of legal age who keeps, possesses or harbors any animal. A parent or legal guardian shall be deemed to be an owner of animals owned or maintained by children upon their premises.

(w) **“Pet”** means a tamed animal cared for by its owner and kept primarily for a person's companionship and not as a food source. See also “Domestic Animal” and “Livestock.”

(x) **“Rabbit”** is a rodent-like animal with soft fur, long ears, a divided upper lip and long hind legs, known for burrowing.

(y) **“Reptile”** is an animal with dry, scaly skin (i.e., lizards, snakes and turtles). *Lizards* have moderately elongated bodies, a tapering tail and two pairs of legs held outward from the body. *Snakes* are limbless and have elongated bodies; includes venomous and nonvenomous species. *Turtles* have trunks that are enclosed in a shell.

(z) **“Restrained”** means confined by building, fence, leash, harness or other appropriate means, or is accompanied by a competent person and under the person’s immediate control by leash or held in arms.

(aa) **“Rodent”** is a gnawing animal distinguished by strong, constantly-growing incisors and no canine teeth (i.e., hamsters, mice, porcupines, rats and squirrels).

(bb) **“Secure enclosure”** means a six-sided structure, counting the top and bottom, secured to the sides or embedded in the ground two feet or more for purposes of preventing a dangerous dog, as defined in subsection (h) above, from digging out. The structure must be equipped with a gate or door that is secured with a padlock or combination lock for purposes of preventing escape and ensuring that such gate or door cannot be opened by anyone other than the owner, keeper, possessor or harbinger of the animal.

(cc) **“Spayed Female”** is a female animal that by operation has been made infertile to prevent conception; or one that has been certified by a licensed veterinarian as being naturally infertile.

(dd) **“Supervision”** means within visual and auditory range of the owner.

(ee) **“Tether”** when used as a verb means fastening an animal to a stationary object, pulley run line or stake And when used as a noun means a chain, leash, rope, cable, string, leather or nylon strap, or any other material used to fasten an animal to a stationary object, pulley run line or stake.

(ff) **“Vertebrate”** is an animal that has a backbone or spinal column such as amphibians, birds, cats, dogs, ferrets, fish, fowl, livestock, miniature pigs, rabbits, reptiles and rodents.

(gg) **“Veterinary hospital”** means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

(hh) **“Vicious”** means a cross, ferocious or dangerous disposition; or a habit, tendency or disposition to snap, attack or bite any person, domestic animal or pet.
(Ord. 20031 § 1, 10-11-16.) (Code 1981 § 8-41. Code 1995 § 18-86.)

Cross References: Definitions generally, TMC 1.10.020.

Article II. Administration and Enforcement

6.05.020 Animal control office.

(a) There is hereby created an office to be known as animal control, which shall be responsible for the enforcement of ordinances relating to animals.

(b) An animal control supervisor shall be appointed by the city manager or designee. The animal control supervisor shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police or designee. (Ord. 18477 § 1, 7-12-05; Code 1981 §§ 8-22, 8-23. Code 1995 § 18-32.)

Cross References: Police department, TMC 2.25.230.

6.05.030 Authority of police officers.

The police officers of the city are authorized to enforce this title and to aid and assist the animal control supervisor and officers in the enforcement of this title. (Code 1981 § 8-24. Code 1995 § 18-31.)

Cross References: Police department, TMC 2.25.230.

6.05.040 Complaint and notice to appear.

Animal control officers shall have the power to issue a complaint and notice to appear against the owner of animals that are subject to, but not in compliance with, applicable provisions of this Title 6; provided, that no owner charged with violating the provisions of TMC 6.15.010 shall be

convicted of violating TMC 6.15.010 if the owner produces in court, or at the office of animal control, a valid permit for the dog, cat or miniature pot-belly pig dated prior to the issuance of the complaint and notice to appear. (Code 1981 § 8-43. Code 1995 § 18-87.)

Cross References: Municipal court, TMC 2.110.160, 2.110.170, 2.110.180, 2.110.210

6.05.050 Violations of title, mandatory minimum punishment.

Unless otherwise specifically provided herein, the judge of the municipal court of the city shall, upon a conviction of any section in this Title 6, other than TMC 6.15.170, sentence the owner, keeper, possessor or harbinger of such animal as follows:

(a) Fine. A fine of not less than \$1.00 or more than \$499.00; or

(b) Imprisonment. Imprisonment in the city jail for not more than 179 days; or

(c) Both Fine and Imprisonment. A fine and imprisonment, both in accordance with subsections (a) and (b) of this section. (Ord. 19473 § 2, 9-28-10.)

Cross References: Municipal judge, TMC 2.25.150.

6.05.060 Transportation and handling charges imposed in certain cases.

If a person is convicted of a violation of any section in this Title 6, or of any applicable state or federal law, and the animal was transported by the police department or animal control office to an animal shelter, then the judge of the municipal court shall impose and collect \$30.00 for handling and transportation of the animal. (Code 1981 § 8-8. Code 1995 § 18-3.)

Cross References: Municipal judge, TMC 2.25.150; police department, TMC 2.25.230.

Article III. Miscellaneous

6.05.070 Keeping or harboring animals.

(a) Allowed. Except as otherwise specifically provided in subsection (d) below, a person may own, keep, possess, harbor, buy, accept in trade, sell or offer for sale or trade any of the following animals within the city limits in compliance with applicable federal, state and local laws; provided, however, that said animals are kept as pets:

- (i) amphibians
- (ii) birds
- (iii) cats
- (iv) dogs
- (v) ferrets
- (vi) fish
- (vii) fowl
- (viii) livestock
- (ix) miniature pot-belly pigs
- (x) rabbits

- (xi) reptiles
- (xii) rodents
- (xiii) invertebrates

(b) Sanitary Requirements. The owner of any animal(s) listed in subsection (a) of this section must ensure that all animals and animal quarters are in full conformance with the provisions of the nuisance ordinances of the city, kept in a clean and sanitary condition and maintained in a manner that limits objectionable odors; and must further ensure that all animals are maintained in quarters that are adequately constructed so as to prevent their escape. Any area(s) in which an animal(s) is allowed to roam should be cleaned of waste on a regular basis for purposes of preventing the emission of objectionable odors. If an animal control officer determines that a particular odor would be considered objectionable to a reasonable, prudent person, this determination may be considered prima facie evidence of a violation of this section.

(c) Compliance. The owner of any animal(s) listed in subsection (a) of this section must ensure that said animal(s) is properly licensed if required by this Title 6 and is being kept in accordance with any applicable rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute. (d) Prohibitions. It shall be unlawful for any person to knowingly own, keep, possess or harbor any of the following animals within the city limits:

- (i) venomous snakes and lizards
- (ii) nonvenomous snakes if eight feet or more in length
- (iii) all species of monitor lizards
- (iv) cassowaries, emus, ostriches and rheas
- (v) snapping turtles
- (vi) exotic or captive wild animals; except as otherwise provided in Section 6.20.010(d)

Upon conviction of a violation of this subsection (d), the judge of the municipal court of the city may order the owner, keeper, possessor or harbinger to destroy or remove from the city any animal prohibited under this section.

6.05.080 Keeping or harboring animals on property upon which no person resides.

It shall be unlawful for any person to knowingly confine, keep, harbor or maintain any animals on property uninhabited by humans within the city limits; provided, however, that this prohibition shall not apply to bona fide:

- (a) Zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.
- (b) Medical institutions.
- (c) Educational institutions.
- (d) Licensed veterinary clinics.

(e) The humane society.

(f) Persons or households engaged in the commercial business of buying, selling, training or boarding animals.

(g) Animals maintained on nonresidential commercial properties for security purposes. (Code 1981 § 8-11. Code 1995 § 18-9.) (Ord. 19859 § 1, 11-12-13.)

6.05.090 Running at large prohibited.

It shall be unlawful for any person, with no requirement of a culpable mental state, to allow or permit any dog or miniature pot-belly pig to run or be at large, as defined in Section 6.05.010 above, at any time in the city. The fact of a dog or miniature pot-belly pig being found at large shall be prima facie evidence of a violation of this section. (Code 1981 § 8-42. Code 1995 § 18-88.)

6.05.100 Cruelty to animals.

(a) It shall be unlawful for any person to recklessly or intentionally:

(1) Kill, injure, maim, torture, burn or mutilate any animal;

(2) Abandon or leave any animal in any place without ensuring provisions for its proper care;

(3) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(i) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(ii) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(iii) Protection from the Elements. A shelter suitable for the species and/or breed concerned and existing climatic conditions shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals.

(A) Shelters shall be made of durable material that is moisture and wind-proof, with a solid floor, and of suitable size to accommodate the animal.

(B) Shelters shall contain clean, suitable bedding material consisting of a sufficient quantity of hay, straw, cedar shavings or the equivalent to promote insulation and protect the animal against cold and dampness and promote retention of body heat.

When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Keeping an animal in a confined area, such as a garage, shed, or extension of a dwelling, without adequate heating and appropriate ventilation in winter months and adequate cooling and appropriate ventilation in summer months is prohibited.

(4) Leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, with no requirement of a culpable mental state. Extreme weather conditions shall be defined as more than 80 degrees Fahrenheit or less than 40 degrees Fahrenheit as the heat or cold index taken in the vehicle and shall create a legal, rebuttable presumption of violation of this act;

(5) Use of 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;

(6) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human, in violation of State statute; or

(7) Cause any physical injury other than the acts described in subsection (a)(1) of this section.

(b) It shall be unlawful for any person, with no requirement of a culpable mental state, to attach chains or other tethers, restraints or implements directly to a dog, cat or miniature pot-belly pig without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. No person shall:

(1) Continuously tether a dog, cat or miniature pot-belly pig for more than 15 minutes without supervision; or

(2) Use a tether or any assembly or attachments thereto to tether a dog, cat or miniature pot-belly pig that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog, cat or miniature pot-belly pig on a choke chain or near stationary objects or fences in a manner that could potentially cause injury, strangulation, or entanglement ; or

(4) Tether a dog, cat or miniature pot-belly pig without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether without securing the animal's water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog, cat or miniature pot-belly pig protection from attack by other animals; or

(6) Tether a dog, cat or miniature pot-belly pig in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

(c) Any public health officer, animal control officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in subsection (a) of this section and subsections thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.

(d) The owner of an animal killed pursuant to subsection (c) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(e) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (c) of this section, pending prosecution of the owner of such animal for the crime of cruelty to animals, as defined in subsection (a) of this section, shall be assessed to the owner as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in subsection (a) of this section, and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

(g) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) Bona fide experiments carried on by any research facility that is in compliance with the Animal Welfare Act (7 USC Sections 2131 through 2159), and any amendments thereto;

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or 47;

(4) Rodeo practices accepted by the Professional Cowboys Rodeo Association;

(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of domestic animals, by the owner thereof or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, law enforcement officer, animal control officer, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(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 byproducts 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 by any person of any domestic animal which is found outside on private, owned, or rented property on which the domestic animal is trespassing, and which the animal is found injuring, worrying, or posing an immediate threat to any person, domestic animal, or farm animal;

(8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, or trained police officer or animal control officer using an electronic control device, 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;

(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; or

(12) In situations where delay would result in unnecessary and prolonged suffering of an injured or rabid animal, law enforcement officers may utilize alternative means to euthanize such animal. (Ord. 19473 § 3, 9-28-10.)

Cross References: Police department, TMC 2.25.230.

State Law References: Cruelty to animals, K.S.A. 21-4310, 21-4311.

6.05.110 Injuring or killing of wild and undomesticated animals unlawful; exceptions.

(a) It shall be unlawful for any person to knowingly injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a

permit by the police department; provided, however, that rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property or privately owned property posted during the hunting season by a person to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land. (Ord. 19703 § 1, 2-14-12.)

Cross References: Police department, TMC 2.25.230.

6.05.120 Animal fighting.

(a) Defined. For purposes of this section, the term “animal fighting” means any fight or wrestling match between cocks or other birds, between dogs, bulls, bears or any other animal, or between any such animal and a person, except at exhibits sponsored by licensed rodeos and circuses.

(b) Activities Prohibited. A person who knowingly engages in any of the following proscribed conduct shall be guilty of a misdemeanor:

(1) Causing any animal to engage in animal fighting for amusement or financial gain;

(2) Training any animal under circumstances evincing an intent that such animal engage in animal fighting, for amusement or financial gain;

(3) Permitting any act described in subsection (b)(1) or (b)(2) of this section to occur on premises under his control;

(4) Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting;

(5) Attending an exhibition of animal fighting as a spectator;

(6) Placing or accepting a wager at any place where an exhibition of animal fighting is being conducted. (Code 1981 § 8-10. Code 1995 § 18-11.)

State Law References: Dog fighting, K.S.A. 21-4315 et seq.

6.05.130 Deceased animals.

(a) It shall be unlawful for any person to put any deceased animal in any street, avenue, alley or other public place in the city and it shall be the duty of any person having knowledge of any

deceased animal in the city to immediately report it to the animal control office, giving the type of animal and the place where such animal may be found.

(b) It shall be the duty of animal control officers, immediately upon the receipt of a report under this section, to remove or provide for the removal of any deceased domestic pet located on public property whose owner can be identified and to report the discovery of said animal to the Humane Society. If the owner of a deceased domestic pet contacts animal control for assistance, an animal control officer, or designee, will respond to the residence and take appropriate action. It shall be the responsibility of animal control, or designee, to adequately address the removal of any deceased wildlife on public streets or roadways. If deceased wildlife is located on private property, it shall be the responsibility of the property owner to provide for said removal. (Code 1981 §§ 8-163, 8-164. Code 1995 § 18-10.)

Cross References: Animal control officer, TMC 6.10.020.

State Law References: Disposal of dead animals, K.S.A. 47-1201 et seq.

582 **Chapter 6.10**

583 **RABIES CONTROL**

584 Sections:

- 585
586 6.10.010 Report of certain animals.
587 6.10.020 Demand to produce animal; expense.
588 6.10.030 Killing or removing certain animals restricted.
589 6.10.040 Surrender of animal carcass on demand.

590
591 **6.10.010 Report of certain animals.**

592 Every person shall promptly report to the animal control office:

- 593
594 (a) Any animal which bites a person;
595
596 (b) Any rabid animal; or
597
598 (c) Any animal suspected of being rabid. (Code 1981 § 8-181. Code 1995 § 18-56.)
599

600 **6.10.020 Demand to produce animal; expense.**

601 An owner, upon demand by the animal control office, shall surrender any rabid animal, any
602 animal which has bitten a human or any animal suspected as having been exposed to rabies, for
603 supervised quarantine or destruction, which expense shall be borne by the owner, and such
604 animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance
605 with the permit provisions set forth in this title. (Code 1981 § 8-184. Code 1995 § 18-59.)
606

607 **6.10.030 Killing or removing certain animals restricted.**

608 No person shall kill or cause to be killed any rabid animal, any animal suspected of having been
609 exposed to rabies, or any animal biting a human, except as provided in this chapter, nor remove
610 any such animal from the city limits, without first obtaining written permission from the animal
611 control office. (Code 1981 § 8-186(d). Code 1995 § 18-62.)
612

613 **6.10.040 Surrender of animal carcass on demand.**

614 The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the
615 animal control office. (Code 1981 § 8-186(e). Code 1995 § 18-63.)
616

617 **Chapter 6.15**

618 **DOGS, CATS AND MINIATURE, POT-BELLY PIGS**

619 Sections:

620 **Article I. Permits and Tags**

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Article I. Permit and Tag

6.15.010 Permit.

It shall be unlawful for any person, with no requirement of a culpable mental state, to own, keep, possess or harbor within the corporate limits of this city any dog, cat or miniature pot-belly pig over six months of age without first obtaining a permit therefor from the chief of police or authorized agent, who may issue such permit when proper application is made in writing. This permit requirement shall not apply to ear-tipped feral cats. (Code 1981 § 8-56. Code 1995 § 18-101.)

Cross References: Police department, TMC 2.25.230.

6.15.020 When required.

The owner of any dog, cat or miniature pot-belly pig shall be required to have a permit for his or her pet(s) upon the date the pet is brought into the city or attains the age of six months, whichever is later. (Code 1981 § 8-62. Code 1995 § 18-102.)

6.15.030 Exceptions.

(a) The permit and vaccination requirements of this Article shall not apply to any nonresident dog, cat or miniature pig owner who keeps his or her pet(s) within the city for not longer than 30 days; provided, however, that at all times such pet is under restraint. (Code 1981 § 8-57. Code 1995 § 18-103.)

(b) A person owning, keeping, possessing or harboring (i) a dog that has been retired from the United States armed forces, (ii) a registered seeing-eye dog used by visually or hearing-impaired persons or (iii) police or sheriff's department dogs shall not be required to pay the permit fee; but shall be subject to all other applicable regulations of this Title 6, including, but not limited to, the requirement of having the rabies vaccination. (Code 1981 § 8-57.5. Code 1995 § 18-104.)

Cross References: Police department, TMC 2.25.230.

6.15.040 Application.

Applications for dog, cat or miniature pot-belly pig permits shall be made with the chief of police or authorized agent upon forms provided by the chief of police or authorized agent, setting forth such information as necessary to properly implement the terms and provisions of this Article. Such forms shall be completed by the applicant and submitted to the chief of police or authorized agent for validation and, after validation and payment of the permit fee, such forms shall serve as the permit. (Code 1981 § 8-58. Code 1995 § 18-105.)

Cross References: Police department, TMC 2.25.230.

6.15.050 Vaccination certificate prerequisite to issuance.

No permit shall be issued under this Article except upon the presentation of a valid rabies vaccination certificate, which plainly shows that the last vaccination given to the dog, cat or

miniature pot-belly pig is currently effective, and payment of the applicable fee under this Article. (Code 1981 § 8-59. Code 1995 § 18-106.)

6.15.060 Fees.

(a) The permit fees required by this Chapter, for each permit year, are as follows:

- | | |
|---|---------|
| (1) For each un-spayed female, or non-neutered male | \$20.00 |
| (2) For each spayed female, or neutered male | \$8.00 |

(b) No permit fee shall be required of any animal shelter, humane society or veterinary hospital.

(c) Permit fees for kennels, if any, are addressed in State statutes. (Ord. 19611 § 1, 7-26-11.)

6.15.070 Term.

The permit term shall be for a period of 12 consecutive months commencing on the date of application for the permit. (Code 1981 § 8-61. Code 1995 § 18-108.)

6.15.080 Obtaining permits after deadline; enforcement procedure.

(a) Late Charge. If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of \$2.00 shall be assessed for each month the applicant is delinquent in making application, not to exceed a total of \$24.00. The late charge shall be added to and collected with the regular permit. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

(b) Application and Renewal Forms. The chief of police shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the chief of police has record.

(c) Delinquency Notice. A complaint alleging violation of the renewal provisions of a permit issued under this article and a notice to appear shall be issued against the owner of a dog, cat or miniature pot-belly pig subject to, but not in compliance with, such renewal provisions. A courtesy delinquency notice will be issued to the owner by electronic mail and/or United States mail, first class, postage prepaid, at the last known addresses of said owner. This notice shall include at least the following:

- (1) A title that it is a delinquency notice;
- (2) A statement of late payment charges the owner must pay; and

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) Complaint and Notice to Appear. The complaint and notice to appear as provided in this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in municipal court at a particular date and time.

(e) Fines. Any person charged with a violation of this Article shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00. (Code 1981 § 8-66. Code 1995 § 18-109.)

Cross References: Police department, TMC 2.25.230.

6.15.090 Tag.

(a) Upon full compliance with the terms of this Article, the chief of police or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) The permit tag issued pursuant to this Section shall be securely attached to the collar or harness of the dog, cat or miniature pot-belly pig for which such permit and tag is issued and said collar or harness shall be worn at all times the pet is off the premises of its owner; provided, however, that if a cat, dog or miniature pot-belly pig is not wearing a collar, the owner must be able to timely produce a valid permit tag upon request.

(c) If a permit tag issued for a dog, cat or miniature pot-belly pig is lost, a new tag may be obtained from the chief of police upon payment of a replacement fee of \$1.00.

(d) No person shall attach a permit tag to any dog, cat or miniature pot-belly pig other than the one for which the tag was issued. (Code 1981 § 8-63. Code 1995 § 18-110.)

Cross References: Police department, TMC 2.25.230.

6.15.100 Unlawful use.

(a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid.

(b) No person shall knowingly use any dog, cat or miniature pot-belly pig permit issued for any other dog, cat or miniature pot-belly pig. (Code 1981 § 8-64. Code 1995 § 18-111.)

Article II. Impoundment and Redemption

6.15.110 When without a tag.

An animal control officer may take into custody and impound any dog, cat or miniature pot-belly pig not wearing a current registration tag. (Code 1981 § 8-78. Code 1995 § 18-122.)

Cross References: Animal control officer, TMC 6.10.020.

6.15.120 Animals at large; interference.

(a) Any dog or miniature pot-belly pig found to be at large within the city may be impounded at an animal shelter or humane society in a humane manner. It shall be lawful for any animal control officer, in the performance of his or her duty, to pursue and capture any at large dog or miniature pot-belly pig. (Code 1981 § 8-79. Code 1995 § 18-123.)

(b) It shall be unlawful for any person to knowingly obstruct, hinder or prevent the impounding of any dog or miniature pot-belly pig running at large contrary to the provisions of this Chapter or to break open, destroy or injure the door, gate or enclosure of any impounding area to take or attempt to take therefrom any dog, cat or miniature pot-belly pig therein impounded. (Code 1981 §§ 8-77 and 8-84. Code 1995 §§ 18-121 and 18-128.)

6.15.130 Notification of owner.

If the owner of a dog, cat or miniature pot-belly pig can be identified by a tag or other reasonable means, the animal shelter, humane society or designated agent shall notify said owner of the impoundment as soon as possible by telephone and/or electronic or regular mail. (Code 1981 § 8-80. Code 1995 § 18-124.)

6.15.140 Detention period.

Impounded dogs, cats or miniature pot-belly pigs shall be kept for a period of not less than 72 hours in order to provide a reasonable opportunity to be claimed by their owner. (Code 1981 § 8-81. Code 1995 § 18-125.)

6.15.150 Redemption.

(a) Unless otherwise provided in this Section, the owner shall be entitled to take possession of his or her impounded dog, cat or miniature pot-belly pig upon receipt of a citation issued by an animal control officer with instructions to obtain the appropriate permit.

(b) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction.

(c) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig found to be rabid, or that has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction.

(d) No owner shall be allowed to redeem any dog, cat or miniature pot-belly pig when, in the judgment of the animal shelter or humane society, said animal should be destroyed for humane reasons.

(e) If a person is adjudicated guilty of the crime of cruelty to animals and the court is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to, or remain with, such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition. (Ord. 19631 § 1, 8-23-11.)

6.15.160 Failure to redeem.

If an impounded dog, cat or miniature pot-belly pig is not redeemed within the 72-hour detention period set forth in Section 6.20.140 above, then said animal shall be deemed abandoned and title thereto shall pass to the humane society by operation of law. (Ord. 17470 § 1, 2-22-00; Code 1981 § 8-83. Code 1995 § 18-127.)

Article III. Dangerous Dogs

6.15.170 Dangerous dogs.

(a) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the address of the owner and the dangerous dog. The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement; Muzzle/Restraint. All dangerous dogs shall be confined within a secure enclosure, which can be either a building (i.e., Morton building, shed or garage) or a dwelling/residence. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secure enclosure; unless the owner keeps the dangerous dog inside his or her dwelling/residence. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling/residence of the owner or outside the secured enclosure unless it is necessary for the owner (1) to obtain veterinary care for the dangerous dog; or (2) for the limited purposes of allowing said dangerous dog to urinate or defecate; or (3) to surrender the dangerous dog to the humane society to be euthanized by a certified veterinarian; or (4) to respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall

be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(iv) Transfer Prohibited. The owner shall not sell or give away the dangerous dog under any circumstances. If the owner no longer wishes to keep the dangerous dog, the dog must be surrendered to the humane society to be euthanized by a certified veterinarian.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

(3) The municipal court shall impose a fine of at least \$499.00 and not more than \$1,000.00 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(h)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(4) The municipal court shall impose a fine of \$250.00 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to TMC 6.05.010(h)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(b) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the animal control officer or law enforcement officer may seize and impound such animal at the animal shelter or humane society. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs. If the owner is personally served with the citation and fails to make an appearance to answer the charges within 72-hours after the failure to appear, the court shall release the animal to the Humane Society or a proper holding facility. If the citation is mailed to a presumed owner, and the presumed owner fails to appear before the court to answer the charges, the court shall release the animal to the Humane Society or a proper holding facility twenty days after the failure to appear.

(c) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any amendments thereto.

(d) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. Upon conviction of this section, a dog may be destroyed if the dog attacks a human being which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(g) Dangerous Dog – Attack on Other Animal. Upon conviction of this section, a dog may be destroyed if the dog attacks a domestic animal which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(h) The impounded dog shall not be destroyed pending appeals of convictions under this chapter. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

(i) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information. The municipal judge shall have the authority to sentence the

960 person adjudicated guilty of this section to serve up to a maximum of six months in jail and to
961 pay a fine not to exceed \$1,000.00. (Ord. 20031 2§ 2, 10-11-16.)

962
963 **Cross References:** City attorney, TMC 2.25.120; police department, TMC 2.25.230;
964 municipal judge, TMC 2.25.150; animal control officer, TMC 6.10.020.

965
966 **State Law References:** Permitting dangerous animal to be at large, K.S.A. 21-3418.

967 968 969 970 **Article IV. Specific Confinement Requirements**

971 972 **6.15.180 Confinement of certain dogs required.**

973 (a) The owner of any dangerous dog shall confine the animal in the manner set out in Section
974 6.15.170(d)(1)(ii) above.

975
976 (b) The owner of any un-spayed female dog in heat shall confine the animal within a building or
977 dwelling/residence where the scent of the female cannot be emitted and in such a manner that the
978 female dog cannot come into contact with another dog except for planned breeding. It shall be
979 unlawful for the owner of any un-spayed female dog to knowingly keep such dog in a manner
980 that might cause a nuisance by attracting male dogs to the premises of such owner. (Code 1981 §
981 8-44. Code 1995 § 18-89.)

982
983 **State Law References:** Permitting dangerous animals to be at large, K.S.A. 21-3418.

984 985 **6.15.190 Confinement of certain cats required.**

986 (a) The owner of any un-spayed female cat in heat shall confine the animal within a building or
987 dwelling/residence where the scent of the female cannot be emitted and in such a manner that
988 such female cat cannot come into contact with another cat except for planned breeding.

989
990 (b) It shall be unlawful for the owner of any unaltered male or un-spayed female cat to
991 knowingly keep such cat in a manner that might cause a nuisance by attracting other cats to the
992 premises of such owner. (Code 1981 § 8-203. Code 1995 § 18-203.)

993 **Article V. Miniature, Pot-Belly Pigs**

994
995 **6.15.200 Specific requirements and restrictions.**

996 (a) It shall be unlawful for any person, with no requirement of a culpable mental state, to keep or
997 harbor a miniature, pot-belly pig unless the following requirements are met:

998
999 (1) The pig has undergone a blood test upon initial application for the permit required by
1000 Section 6.15.010 of this chapter and received a corresponding health certificate; and

1001
1002 (2) The pig weighs less than 150 pounds;

1003
1004 (3) The pig's height is less than 24 inches, measured at the shoulder;

1005
1006 (4) The pig has been vaccinated against rabies;

1007
1008 (5) The pig has been neutered or spayed upon reaching maturity (6 months).

1009
1010 (b) No more than two miniature, pot-bellied pigs are kept or harbored within any one household
1011 or premises.

1012
1013 **6.15.210 Shelter.**

1014 Miniature pot-belly pigs shall be confined inside the owner's dwelling/residence; or in a shelter
1015 with its sides embedded at least two feet into the ground or an underlayment that will prevent the
1016 animal from digging out of the pen and/or running-at-large. The animal shall be provided with
1017 sufficient bedding during the winter season and a water source of sufficient size and quantity that
1018 will allow them to cool themselves during the summer season. There shall be compliance with
1019 all requirements set out in Section 6.05.100(a)(3)(iii) above.
1020

Chapter 6.20

EXOTIC OR CAPTIVE WILD ANIMALS

Sections:

6.20.010 Exotic or captive wild animals.

6.20.010 Exotic or captive wild animals.

(a) Owning, Keeping, Maintaining. Except as allowed by subsection (d) of this section, it shall be unlawful for any person, with no requirement of a culpable mental state, to own or keep in his or her possession or under his or her control or maintain any live exotic or captive wild animal within the city limits.

(b) Buying, Accepting in Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to knowingly buy or accept in trade any live exotic or captive wild animal within the city limits.

(c) Selling, Offering for Sale or Trade. Except as allowed by subsection (d) of this section, it shall be unlawful for any person to knowingly offer for sale or trade or to sell or trade any live exotic or captive wild animal within the city limits.

(d) Exceptions.

(1) The prohibitions in subsections (a) through (c) of this section shall not apply to bona fide zoos, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) The prohibitions in subsection (a) of this section shall not apply to:

- (i) Medical institutions.
- (ii) Post-secondary educational institutions.
- (iii) Veterinary clinics in possession of the animals prohibited under this section.
- (iv) Circuses.
- (v) Carnivals.
- (vi) Persons designated and licensed as animal rehabilitators by the state Fish and Game Commission
- (vii) Persons listed in subsections (e)(2)(i) through (vii) of this section who are temporarily transporting such animals through the city, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(e) Secure and Sanitary Quarters. All persons and institutions listed in subsection (d) of this section must ensure that all animal enclosures are secure, as defined in Section 6.05.010, so as to prevent their escape, conform to the provisions of the nuisance ordinances of the city and are maintained in a clean and sanitary condition for purposes of limiting objectionable odors.

(f) Licensing. All persons and institutions listed in subsection (d) of this section must be properly licensed, if so required, by any rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(g) Violations. A violation of any provision of this section shall constitute a new and separate offense each calendar day the violation continues to exist.

(h) Destruction or Removal of Prohibited Animals. Upon conviction of a violation of this section, the judge of the municipal court of the city may order the owner, keeper, possessor or harbinger to destroy or remove from the city any animal prohibited under this section. (Ord. 19859 § 1, 11-12-13.)

Cross References: Municipal judge, TMC 2.25.150.

1081

Chapter 6.25

1082

PIT BULL DOGS

1083

(Repealed by Ord. 19473)

1084

1085

1086

1087

Chapter 6.30

1088

DOMESTIC FOWL, POULTRY

1089 Sections:

1090 6.30.010 Restrictions applicable to domestic fowl; poultry.

1091 6.30.020 Enclosure required; running at large prohibited.

1092 6.30.030 Destruction of birds and birds' nests prohibited; exceptions.

1093

1094 **6.30.010 Restrictions applicable to domestic fowl; poultry.**

1095 It shall be unlawful for any person, with no requirement of a culpable mental state, to keep or
1096 maintain any domestic fowl or poultry upon any private premises in the city (when such keeping
1097 is lawful under other ordinances of the city) within 50 feet of any dwelling other than that of the
1098 owner or tenant of the premises on which such fowl are kept or maintained, or to keep or
1099 maintain such fowl at any time on any premises in a manner or condition constituting a public
1100 nuisance. (Code 1981 § 8-144. Code 1995 § 18-291.)

1101

1102 **6.30.020 Enclosure required; running at large prohibited.**

1103 It shall be unlawful for any person, with no requirement of a culpable mental state, to allow or
1104 permit domestic fowl or poultry to run or be at large at any time in the city. Fowl must be kept on
1105 the owner's property, within a fenced area and inside a fully enclosed pen. The fact of any
1106 domestic fowl being found at large shall be prima facie evidence of a violation of this section.
1107 (Code 1981 § 8-145. Code 1995 § 18-292.)

1108

1109 **6.30.030 Destruction of birds and birds' nests prohibited; exceptions.**

1110 It shall be unlawful for any person to knowingly shoot, kill, maim or injure in any manner any
1111 bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl, except that:
1112 (a) English sparrows and starlings or the nests thereof may be destroyed at any time by any
1113 person or approved pest control firm or company when such destruction may be done without the
1114 use of firearms or other weapons or devices;
1115 (b) Pigeons or other birds of the air that have become public nuisances by reason of their nesting
1116 or roosting on any private premises in the city may, upon complaint to animal control, be
1117 destroyed by an approved pest control firm or company in accordance with the terms of any
1118 required permit issued by the appropriate state or local agency. (Ord. 17076 § 2, 1-28-97; Code
1119 1981 § 8-146. Code 1995 § 18-293.)

1120

1121 **Chapter 6.35**

1122 **LIVESTOCK**

1123 Sections:

1124 6.35.010 Keeping near residences or businesses.

1125 6.35.020 Swine prohibited.

1126 6.35.030 Exceptions to restrictions on keeping livestock.

1127 6.35.040 Running at large or driving herds prohibited.

1128 6.35.050 Additional restrictions; exceptions.

1129
1130 **6.35.010 Keeping near residences or businesses.**

1131 It shall be unlawful for any person, with no requirement of a culpable mental state, to keep
1132 livestock inside the city limits if in a building or lot that is located within 200 feet of his or her
1133 property line. Such building or lot shall comply with all applicable building, property
1134 maintenance, planning, zoning, and utility code provisions, in addition to any health and
1135 sanitation requirements that may be required by state or local law. (Code 1981 § 8-101. Code
1136 1995 § 18-261.)

1137
1138 **6.35.020 Swine prohibited.**

1139 It shall be unlawful for any person, with no requirement of a culpable mental state, to rear or
1140 keep any swine in the city. This prohibition against swine shall not apply to miniature pot-belly
1141 pigs kept as pets, which are considered domestic animals pursuant to Section 6.05.010(j);
1142 provided, however, that each pig meets the requirements set out in Section 6.15.200 of this Title
1143 6. (Code 1981 § 8-103. Code 1995 § 18-263.)

1144
1145 **6.35.030 Exceptions to restrictions on keeping livestock.**

1146 The provisions of TMC 6.35.010 through 6.35.020 shall not apply to any person engaged in the
1147 packinghouse business, or in selling or shipping cattle, sheep, goats, horses or swine insofar as it
1148 may be necessary for such parties to bring such livestock into the city and keep such livestock in
1149 the city in the legitimate transaction and carrying on of business; provided, that TMC 6.35.010
1150 shall not apply to the keeping of horses on any parcel of land within the city if there is an
1151 intensity of no more than two horses on a minimum of three acres; and, provided, further, that
1152 each additional horse shall require an additional one and one-half acres of land to the minimum
1153 required. (Code 1981 § 8-104. Code 1995 § 18-264.)

1154
1155 **Cross References:** Parking vehicle having offensive odor, TMC 10.60.030.

1156
1157 **6.35.040 Running at large or driving herds prohibited.**

1158 It shall be unlawful for any person to allow or permit any livestock owned or controlled by such
1159 person to run or be at large at any time within the city; or to drive any herd of cattle, horses,
1160 mules or swine, or any flock of sheep, upon any street within the city. (Code 1981 § 8-105.
1161 Code 1995 § 18-267.)

6.35.050 Additional restrictions; exceptions.

It shall be unlawful for any person to allow any livestock or other similar-type animals to graze or go upon or across any street, avenue, sidewalk, alley, or public park or lot within the city or any premises adjacent thereto, or for such person to restrain or tether such animals at said locations within the city; unless the animals are present upon said property:

(a) as part of a special event for which an appropriate special event permit including a designated time frame is required and subsequently issued; or

(b) for a period of time not to exceed two (2) hours, if no special event permit is required. (Code 1981 § 8-106. Code 1995 § 18-268.)

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Public Health and Safety

Title:

AN ORDINANCE introduced by Councilmember Brendan Jensen, concerning miniature pigs amending City of Topeka Code Section 6.35.030 and repealing original section and creating new Chapter 6.45 was presented.

**Date referred
from
Governing
Body meeting:**

February 7, 2017

**Date referred
from
Committee:**

September 28, 2017

**Committee
Action:**

Motion by Councilmember Sandra Clear, seconded by Councilmember Brendan Jensen, to recommend to the full Governing Body, approval of the proposed ordinance as amended. Motion passed with a vote of 2-1-0. Councilmember Sylvia Ortiz opposed the motion.

Comments:

N/A

Amendments:

See amended ordinance.

**Members of
Committee:**

Councilmembers Brendan Jensen (chair), Sandra Clear, Sylvia Ortiz

**Agenda Date
Requested:**

December 5, 2017 Agenda

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: September 28, 2017

Time: 4:30 p.m.

Attendance

Committee members Brendan Jensen (Chair), Sandra Clear, and Sylvia Ortiz, Lisa Robertson (Legal), Karan Thadani (Prosecution), Luther Ganieany (Legal), Lisa Pinkley (Animal Control).

1) Call to Order

Meeting was called to order by Councilmember Brendan Jensen.

2) Approval of Minutes

Minutes of the July 20, 2017 meeting were approved.

3) Review and possible approval of recommended changes to TMC Title 6 “Animals”

6.05.010 (d) Definition of “At Large” – Staff is recommending deletion of a segment of this definition.

6.20.010 (h)(7)(iii) Dangerous Dog – staff is recommending deletion of a portion of this definition.

Councilmember Hiller asked staff to consider inserting language to better describe 6.05.010(bb) – Secure enclosure, to include “top and bottom”.

6.05.100(a) Cruelty to animals. Staff recommends insertion of the word “knowingly” to this definition to better assist prosecution of this statute.

At the July 20, 2017 meeting, the committee members asked staff to sub-section out numerous parts of 6.05.100. Staff brought those changes to review.

6.10.040 Surrender of animal carcass on demand. Councilmember Hiller suggested adding “or designee” to reference who is allowed to pick up deceased animals.

6.15.130 Notification of owner. Councilmember Hiller suggested the addition of electronic mail to the list of ways to notify owners of a pet’s impoundment. This suggestion was also made for other reference to 6.20.200 Notification of owner.

6.15.080 Obtaining permits after deadline. A change from 30 days to 20 days.

Councilmember Hiller had a concern regarding the reason for not having the animal spayed/neutered prior to releasing the pet to the owner. Lisa Pinkley and Lisa Robertson informed the committee that prior to adoption, the Humane Society

does require animals to be spayed/neutered. However, this is not a requirement to release an animal back to their owners.

6.15.170(a)(1)(ii)Confinement. Councilmember Hiller suggested adding “or holding facility” to sub-section 3 in regard to the location where a dangerous dog can be surrendered in order to allow for flexibility by Animal Control staff.

6.15.200 Specific requirements and restrictions. There was reference to the weight limit restrictions for mini pigs. The committee was at a standstill over what an appropriate maximum weight for a pig could be. The committee decided to leave the ordinance as written for now, with possible changes in the future.

6.05.060 (e) (vii) Service Monkeys. Staff is recommending removal of this section.

6.35.010 Restrictions applicable to domestic fowl; poultry. Staff is recommending measurement of setbacks from the property line as a tool for enforcing the 50 foot line.

6.30.030 Councilmember Hiller suggested removing current language referencing the environmental code services division, which is no longer a division. And replacing it with Animal Control.

6.35.050 Grazing in public prohibited. Councilmember Hiller recommended staff add language to the section to include “or government permission”. Legal staff will review this comment and make revisions.

Councilmember Ortiz asked staff for clarification in regard to the topic of pet owners to have the ability to produce the city tag upon request rather than requiring them to be fastened to the pet. Lisa Robertson suggested changing the language to say “shall be worn at all times, or the owner shall be able to produce upon request”.

Councilmember Ortiz inquired about the changes that were made, or if they were made to define what a suitable shelter with adequate ventilation was. Lisa Pinkley noted that some of these cases are situational and would require an animal control officer to inspect the shelter.

Discussion was had amongst committee members regarding taking miniature pigs ordinance out of the full Title 6 ordinance. Councilmember Ortiz stated she was uncomfortable with voting to approve the miniature pig ordinance, however was comfortable with the other recommendations to Title 6.

Councilmember Clear made a motion to send the updated Title 6 changes in its entirety to the Governing Body. Councilmember Jensen seconded that motion. Councilmember Ortiz voted in opposition. The motion passed 2:1 to go to the Governing Body.

4) Discussion on any other items before the Committee
Adjournment
None

The meeting was adjourned.

Video recording of this meeting can be found at:

<https://www.youtube.com/watch?v=WLAzHRWomY>

DRAFT



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: July 20, 2017

Time: 1:00 p.m.

Attendance

Committee members Brendan Jensen (Chair), Sandra Clear, and Sylvia Ortiz, City Attorney Lisa Robertson, Chief of Prosecution Karan Thadani, Animal Control Officer Lisa Pinkley, and Councilmember Karen Hiller.

1) Call to Order

Meeting was called to order by Councilmember Brendan Jensen.

2) Approval of Minutes

Minutes of the June 12, 2017 meeting were approved.

3) Review and possible approval of recommended changes to TMC Title 6 "Animals"

6.20.010 At Large. The current definition of an animal being considered at large was discussed with proposed changes of adding more clarifying words to assist with clarifying the municipal code. Lisa Robertson will make revisions for approval.

Dangerous Dog. Committee members agreed that a more detailed description of "properly restrained" is needed.

The Committee agreed to leave the transport fee of any animal to \$30.

6.05.040 Cruelty to Animals.

(a)(3)(iii) Protection from Elements. Councilmember Karen Hiller inquired if there might be a need for something to be written into the section regarding ventilation. Lisa Robertson made note of the concern.

6.05.130 Deceased Animals. Lisa Pinkley provided data to the Committee in regard to the daily requests to pick up roadkill, and the cost it would amount to if the City Animal Control Officers assumed this duty. There are currently 4 to 5 calls daily in regard to non-domestic roadkill. Current procedure is that public calls dispatch with report of deceased animal. If animal is domestic, Animal Control is called out. If the animal is wildlife, a designee company picks up the animal. A contracted third party company to assist with deceased wildlife removal was discussed.

Lisa Robertson provided a chart from the Topeka Police Department listing the number of city residents who are registered with pet licenses.

Lisa Robertson also supplied information to the Committee in regard to the low number of City pets who have been registered. The Committee discussed how to best define this process within TMC. Lisa Robertson suggested looking into this topic at a future meeting. The Committee agreed to add this to the project list.

The topic of redefining the length of time in which an animal would be held was discussed. Committee members asked for clarification regarding the issue of caring for an animal once a mailed citation was sent to the owners. Committee Member Sandra Clear moved to approve the length of time in which a dog would be held from 30 days to 20 days. Committee Member Brendan Jensen agreed. Legal, Prosecution, and Animal Control did not see an issue with shortening the length of time.

6.05.080 Dangerous Dogs. (d)(1)(ii) Confinement. Animal Control would like to better define the language in regard to the transfer of the ownership of a dangerous dog.

Lisa Robertson brought an update with the miniature pig. Added that blood test and health certificate would be required. Language referring to pseudo rabies was removed. A noted change for consideration regards the weight of the pigs and reducing it from 150 pounds to 80 pounds.

Language in regard to service monkeys. The Committee asked for Lisa Pinkley's opinion for keeping or removing the item. Lisa Pinkley suggested removing it. The Committee agreed.

Grazing permits for temporary events. A conference with Shawnee County's Legal Department to clarify their policy in regard to the subject will be made.

Councilmember Karen Hiller inquired about the topic of the number of animals owners would be allowed to keep. Committee Chair Brendan Jensen responded that some of the language surrounding the upkeep of maintaining animals was changed rather than putting a number on how many animals an individual could house. This topic will be reviewed again at the next Committee meeting.

4) Discussion on any other items before the Committee

Adjournment

None

The meeting was adjourned.

Video recording of this meeting can be found at:
<https://www.youtube.com/watch?v=6lkquQwf57s>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: June 12, 2017

Time: 3:00 p.m.

Attendance

Committee members Brendan Jensen (Chair) and Sandra Clear; Sylvia Ortiz arrived at 3:05 p.m. City Attorney Lisa Robertson and Animal Control Officer Lisa Pinkley.

1) Call to Order

Meeting was called to order by Councilmember Brendan Jensen.

2) Approval of Minutes

Minutes of the April 24, 2017 meeting were approved.

3) Continued discussion on including miniature pigs as part of TMC Title 6 'Animals' and reorganization and clean-up of TMC Title 6 'Animals'.

At the February 7, 2017 City Council Meeting, Councilmember Jensen moved to refer to the Public Health & Safety Committee the discussion and review of the proposed ordinance regarding miniature pigs, as well as a comprehensive review of all animal control policies (Topeka Municipal Code (TMC) Title 6 'Animals').

Dr. Edward Kester of Kester Animal Clinic, LLC is a large animal veterinarian for Shawnee County. He spoke to the committee regarding miniature pigs. He stated that pseudo rabies is a herpes type virus that was eradicated from Kansas almost 20 years ago. He did not recommend that the City require miniature pigs be vaccinated for pseudo rabies because 1) there is a very low chance of miniature pigs getting pseudo rabies and 2) there is not a readily available vaccine for pseudo rabies. He stated that the City could require that a pig be tested for pseudo rabies as part of the initial permit process, but not require that they are vaccinated. He stated that livestock are required to be vaccinated for rabies annually. He recommends that pigs be spayed or neutered after they are 6 months old. Dr. Kester stated that if a pig is in a stress free, calm environment, you can sedate a pig; if they are running loose and stressed, sedating them could kill them. He stated that he is only aware of approximately 8 to 10 pigs

running loose in Shawnee County over the past 15 years; loose pigs are picked up by Animal Control and given to Dr. Kester to hold.

Dr. Brian Stancliffe of Animal Clinic of North Topeka, is a small animal veterinarian for the City of Topeka. He stated that although he has never had to deal with miniature pigs in the past, he doesn't see a problem doing so in the future.

Animal Control Officer (ACO) Lisa Pinkley stated that the current code does not require permits for livestock.

Councilmember Sylvia Ortiz asked Lisa Pinkley to send her a list of the problems they encounter in the field. Lisa Pinkley stated that she sent that information to the committee previously, but will resend it.

6.05.120 Animal Fighting. Lisa Pinkley stated that the State of Kansas handles animal fighting/cruelty per state law; there is no City code. City Police and Animal Control respond to animal fighting/cruelty calls, to assist State authorities, but the City does not issue citations. The City could add a notation in the code that references the state law. The committee agreed to delete:

(c) Subsections (b)(1) to (b)(4) of this section do not apply to conduct involving dogs.

(Code 1981 § 8-10. Code 1995 § 18-11.)

6.05.130 Deceased Animals. Lisa Pinkley asked if the City could contract with Shawnee County Refuse to have them pick up roadkill; not domestic animals. The Committee would like more data, such as how much time it takes daily, how many animals are picked up per day, what it would cost us, etc. The City currently has a contract with Waste Management for the disposal of dead animals that are picked up by the City Animal Control Officers.

The Committee asked that the fees to license a pig be the same as other animals, \$20 and \$8 (if sterilized). Councilmember Brendan Jensen asked Lisa Pinkley to check with Pet Data web registry to see if they can accommodate pig licensing.

Lisa Robertson will talk to Municipal Court Judge Geier about holding/releasing animals from the animal shelter, court hearings, etc.

Councilmember Sandra Clear recommended replacing 'Helping Hands Humane Society' with 'any animal shelter that is contracted with the City of Topeka and licensed by the State of Kansas'.

Councilmember Clear recommended removing the word 'kennel' from the document.

Councilmember Clear asked if the \$2 late fee and \$1 replacement tag fee is high enough; is the City losing money? Lisa Pinkley said she would get an answer to the committee.

4) Discussion on any other items before the Committee

None

Adjournment

The meeting was adjourned at 4:06 p.m.

Video recording of this meeting can be found at: <https://www.youtube.com/watch?v=qnMM-xITCIU&feature=youtu.be>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
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Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: April 24, 2017

Time: 3:30 p.m.

Attendance

Committee members Brendan Jensen (Chair) and Sandra Clear; Sylvia Ortiz arrived at 3:45 p.m. City staff members Lisa Robertson (Legal) and Lisa Pinkley (TPD Animal Control).

1) Call to Order

Meeting was called to order by Councilmember Brendan Jensen.

2) Approval of Minutes

Minutes of the April 7, 2017 meeting were approved.

3) Continued discussion on adding miniature pigs to TMC Title 6 Animals and/or reorganization and clean-up of TMC Title 6 Animals.

At the February 7, 2017 City Council Meeting, Councilmember Jensen moved to refer to the Public Health & Safety Committee the discussion and review of the proposed ordinance regarding miniature pigs, as well as a comprehensive review of all animal control policies (Topeka Municipal Code (TMC) Title 6 Animals).

The committee agreed to set the scope of review of Topeka Municipal Code (TMC) Title 6 Animals, to (Phase 1) incorporate miniature pigs into the current animal code and (Phase 2) revise the current animal code.

Councilmember Sandra Clear moved to approve adding miniature pigs to the TMC Title 6 Animal code. No vote was taken.

The committee asked the Council Assistant to look back at the original City Council meeting minutes to know what concerns were expressed by the Council about adding miniature pigs to the code.

Pseudo rabies was discussed; do they exist; why is it listed as a requirement to own a miniature pig? Councilmember Sylvia Ortiz would like to invite a vet to the next meeting who can provide more information on pseudo rabies and vaccines. Lisa Pinkley will invite the Shawnee County vet used by the City of Topeka Animal Control Division; Councilmember Brendan Jensen will invite the Zoo vet.

Councilmember Ortiz stated that the committee needs more information from Lisa Pinkley; a list of problems Animal Control has with the current animal code. She asked the Council Assistant to make sure she gets a hard copy of this.

Councilmember Jensen recapped; the committee will 1) meet again in a couple of weeks, with a couple of vets and some others with expertise on miniature pigs; 2) make corrections to the existing code and take to council; 3) Legal and Animal Control will provide lists of deficiencies and options to address them; 4) meet again at a later date to discuss deficiencies to the entire animal code.

A citizen asked if miniature pigs are already allowed. He expressed his opposition to allowing pigs, goats, chickens, etc. in the city limits.

The committee would like another meeting scheduled within the next couple of weeks.

4) Discussion on any other items before the Committee

None

Adjournment

The meeting was adjourned at 4:17 p.m.

Video recording of this meeting can be found at:

https://www.youtube.com/watch?v=A1v7-ezg_Cc&feature=youtu.be



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

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Tel: 785-368-3710
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www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: April 7, 2017

Time: 3:30 p.m.

Attendance

Committee members Brendan Jensen, Sandra Clear & Sylvia Ortiz. City staff members Lisa Robertson (Legal), Lisa Pinkley and Joe Perry (TPD Animal Control), and Brendan Wiley (Zoo).

1) Call to Order

Meeting was called to order by Councilmember Brendan Jensen.

2) Elect Chairperson

Councilmember Brendan Jensen was elected as Chairperson.

3) Approval of Minutes

Minutes of the November 4, 2016 meeting were approved.

4) Discuss and Recommend Revisions to TMC Title 6 Animals

At the February 7, 2017 City Council Meeting, Councilmember Jensen moved to refer to the Public Health & Safety Committee the discussion and review of the proposed ordinance regarding miniature pigs, as well as a comprehensive review of all animal control policies (Topeka Municipal Code (TMC) Title 6 Animals). Councilmember Jensen stated that the purpose of this meeting was to set the scope of what the committee should review.

Councilmember Clear stated that the February 7, 2017 City Council meeting minutes only indicated that the committee was tasked with reviewing the miniature pig item, not the entire animal control section of the code. Councilmember Jensen stated that his motion included the review of both, and asked that the meeting video be checked and the February 7, 2017 City Council meeting minutes be revised accordingly.

City Attorney Lisa Robertson stated that when she was working on the preliminary revisions to the code (to add miniature pigs), she noticed other sections that would need to be revised as well.

Councilmember Sylvia Ortiz stated that she would like to have a list of revisions to the animal control code that have been made in the past.

Councilmember Sandra Clear stated that she liked the revisions proposed by Legal. She pointed out one error; the number of miniature pigs per household should be 2, not 1.

Councilmember Ortiz asked the City Council Assistant to send everyone the past meeting minutes that outlined what the committee revised in the past.

Councilmember Ortiz asked ACO Lisa Pinkley to produce an example of an ordinance that had vague language.

Councilmember Ortiz asked Lisa Robertson to pull the state statute on dogs, and send it to the committee.

The committee would like another meeting scheduled during the first week of May.

Discussion on any other items before the Committee

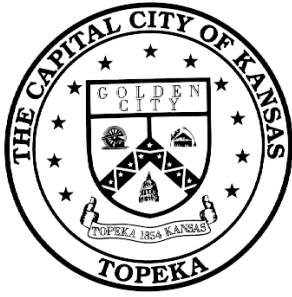
None

Adjournment

The meeting was adjourned at 4:07 p.m.

Video recording of this meeting can be found at:

<https://www.youtube.com/watch?v=G6MiPRR5FmQ&feature=youtu.be>



CITY OF TOPEKA

215 SE 7th Street
Topeka, KS 66603-3914
Tel: (785) 368-3883
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MEMORANDUM

To: Mayor and City Council Members

From: Lisa Robertson, City Attorney

Re: Final Title 6 Revision Proposals

Date: December 14, 2017

During the December 5th Governing Body meeting, you deferred the Title 6 revisions to December 19th for the purpose of considering a number of final revisions proposed by Council Member Hiller who provided a thorough explanation (not repeated in this memo) and the source of each proposed revision in a December 4th email. Please note the following:

Section 6.05.010 (“Definitions”) – The City Clerk will include a State Reference to the applicable KSA provision on kennels at the very end of Chapter 6.05 in cooperation with the Municipal Code Corporation during the recodification process.

Section 6.05.070(b) (“Keeping or harboring animals”) – CM Hiller requested consideration of inserting the words “disease, accumulation of flies and” between the words “preventing” and “the” in Lines 475-76 on page 21 of the proposed ordinance. *Staff has no objection.*

Section 6.05.110(a) (“Injuring or killing of wild and undomesticated animals unlawful; exceptions”) – CM Hiller requested consideration of deleting the word “knowingly” from Line 809 on page 36 of the proposed ordinance. *Staff has no objection.*

Section 6.05.120(b) (“Animal fighting”) – CM Hiller requested consideration of deleting the word “knowingly” from Line 837 on page 37 of the proposed ordinance. *Staff has no objection, but would recommend replacing “knowingly” with the strict liability verbiage: “with no requirement of culpable mental state” in its place (set out by commas).*

Section 6.05.130(b) (“Deceased animals”) – CM Hiller requested consideration of the following:

- Deletion of the words “whose owner can be identified” from Line 858 on page 38 of the proposed ordinance. *Staff has no objection.*

- Insertion of the words “or anyone who discovers a deceased domestic pet on a property” between the words “pet” and “contacts” in Line 862 on page 38 of the proposed ordinance. *Staff has no objection* to the proposed revisions; provided it is clearly understood by all that the “take appropriate action” language will be interpreted by Animal Control Staff to require knocking on the property owner’s door to make them aware that a call to remove a domestic pet was received and that permission will be obtained by that property before any further steps are taken – unless there is a clear health hazard or exigent circumstances are involved. Animal Control Staff will need to ensure that officers receive appropriate training for handling these types of situations.
- Deletion of the word “residence” from Line 863 on page 38 of the proposed ordinance and replacing it with the word “property.” *Staff has no objection.*

Section 6.15.170(a)(1)(ii) (“Dangerous dogs”) – CM Hiller requested consideration of inserting the words “and humanely” between the words “securely” and “muzzled” in Line 1134 on page 50 of the proposed ordinance. *Staff has no objection.*

Section 6.20.010(d)(v) (“Exotic or captive wild animals”) – CM Hiller requested consideration of deleting subsection (v) from the exceptions to the prohibitions set out in 6.20.010 (see Line 1322 on page 58 of the proposed ordinance), relating to carnivals. Animal Control Supervisor Pinkley gave this considerable thought and concurs that carnivals should not be allowed to show exotic or captive wild animals due to the possibility that someone (particularly a child) might be harmed. As such, there does not appear to be a compelling reason for continuing to exempt carnivals from the prohibitions that would otherwise apply to exotic or captive wild animals. Therefore, *Staff has no objection* to the proposed revision.

Section 6.20.010(d)(vi) (“Exotic or captive wild animals”) – CM Hiller requested consideration of adding the USDA as an entity capable of designating individuals as animal rehabilitators in subsection (vi), the same as the Kansas Fish and Game Commission (see Lines 1323-24 on page 58 of the proposed ordinance). Animal Control Supervisor Pinkley devoted quite a bit of time researching this matter and was unable to verify that the USDA licenses animal rehabilitators. In fact, representatives she was able to speak with associated with the Wild Life & Parks, State Animal Health – and the USDA itself – all indicated that the USDA does not license animal rehabilitators. Therefore, *Staff recommends against adding the USDA to the list contained in 6.20.010(d)(vi).*

Please advise Staff if you need any additional information prior to next Tuesday.

cc: Brent Trout, City Manager
 Bill Cochran, Interim Chief of Police
 Karan Thadani, Chief of Prosecution
 Joe Perry, Lieutenant, TPD
 Lisa Pinkley, Animal Control Supervisor

commercial and residential. The meetings were held to elicit feedback from various user classes regarding potential rate increases. Throughout this process, staff has taken this input, evaluated it, and used it to make adjustments to the potential proposals.

Rate changes are difficult for all involved. There are real costs associated with potential increases and they have impacts on citizens. The City understands the financial impacts that rate increases have. However, our operational costs and our infrastructure needs continue to grow, requiring a rate increase to be able to keep up with these demands.

There are no easy solutions and none of the solutions really put the City in the position of truly meeting our capital project funding needs. But our City's system-wide infrastructure deficiencies developed over an extended period of time and cannot be solved overnight. We believe, at this point, that proposed rate increases puts the City on an improved funding path while respecting the financial resources of all rate classes and end users.

BUDGETARY IMPACT:

2018 - \$1.87 million additional water revenue, \$1.64 million additional wastewater revenue, and \$400,000 additional stormwater revenue.

2019 - \$1.71 million additional water revenue, \$1.45 million additional wastewater revenue and \$355,000 additional stormwater revenue. .

2020 - \$1.80 million additional water revenue, \$1.52 million additional wastewater revenue and \$373,000 additional stormwater revenue..

SOURCE OF FUNDING:

User fees collected for services provided.

ATTACHMENTS:

Description

Proposed Utility Rates Ordinance

Capital Improvement Projects-Funded vs Unfunded

Rate Comparison Tables

Impact on Customers by Class

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, concerning utility rates amending City of Topeka Code § 13.05.020 through § 13.05.060 and repealing original sections.

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

Section 1. That section 13.05.020 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Retail water service rates.

The following are hereby established as the monthly retail water service rates, effective on the dates specified, which the consumer shall pay for water services.

(a) Base Charge. A customer who has a city service line connected to the city water main shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether water has passed from the city water main through the city service line during the billing period. The rates for properties inside the city and outside the city are as follows:

Property Inside City

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
1" and below	9.83 <u>11.49</u>	10.32 <u>12.06</u>	10.84 <u>12.66</u>
1 1/2"	19.65 <u>22.96</u>	20.63 <u>24.11</u>	21.66 <u>25.32</u>
2"	31.45 <u>36.75</u>	33.02 <u>38.59</u>	34.67 <u>40.52</u>
3"	58.96 <u>68.91</u>	61.91 <u>72.36</u>	65.01 <u>75.98</u>
4"	98.27 <u>114.84</u>	103.18 <u>120.58</u>	108.34 <u>126.61</u>
6"	196.55 <u>229.70</u>	206.38 <u>241.19</u>	216.70 <u>253.25</u>
8"	314.47 <u>367.50</u>	330.19 <u>385.88</u>	346.70 <u>405.17</u>

Property Inside City

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
10"	452.06 <u>528.29</u>	474.66 <u>554.70</u>	498.39 <u>582.44</u>

Property Outside City

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
1" and below	17.20 <u>20.11</u>	18.06 <u>21.11</u>	18.97 <u>22.16</u>
1 1/2"	34.39 <u>40.18</u>	36.10 <u>42.19</u>	37.91 <u>44.31</u>
2"	55.04 <u>64.31</u>	57.79 <u>67.53</u>	60.67 <u>70.91</u>
3"	103.18 <u>120.59</u>	108.34 <u>126.63</u>	113.77 <u>132.97</u>
4"	171.97 <u>200.97</u>	180.57 <u>211.02</u>	189.60 <u>221.57</u>
6"	343.96 <u>401.98</u>	361.17 <u>422.08</u>	379.23 <u>443.19</u>
8"	550.32 <u>643.13</u>	577.83 <u>675.29</u>	606.73 <u>709.05</u>
10"	791.11 <u>924.51</u>	830.66 <u>970.73</u>	872.18 <u>1019.27</u>

(b) Water Volume Charge. The customer shall pay on a monthly basis for the water passing from the city water main to the property. The rates for properties inside the city and outside the city are as follows:

Volume Charge (per 1,000 gallons) – Property Inside City

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
Single-Family	3.79 <u>4.43</u>	3.98 <u>4.65</u>	4.18 <u>4.88</u>
Multifamily	3.08 <u>3.59</u>	3.23 <u>3.77</u>	3.39 <u>3.96</u>
Commercial	2.80 <u>3.28</u>	2.94 <u>3.44</u>	3.09 <u>3.61</u>
Industrial	2.39 <u>2.80</u>	2.51 <u>2.94</u>	2.64 <u>3.09</u>
<u>Industrial II</u>	<u>2.64</u>	<u>2.77</u>	<u>2.91</u>
Irrigation	3.22 <u>5.32</u>	4.10 <u>5.59</u>	5.02 <u>5.87</u>

Volume Charge (per 1,000 gallons) – Property Outside City

	Jan. 1, 2015 February 1, 2018	Jan. 1, 2016 2019	Jan. 1, 2017 2020
Single-Family	6.63 <u>7.75</u>	6.97 <u>8.14</u>	7.32 <u>8.54</u>
Multifamily	5.39 <u>6.28</u>	5.65 <u>6.60</u>	5.93 <u>6.93</u>
Commercial	4.90 <u>5.74</u>	5.15 <u>6.02</u>	5.41 <u>6.32</u>
Industrial	4.18 <u>4.90</u>	4.39 <u>5.15</u>	4.62 <u>5.41</u>
<u>Industrial II</u>	<u>4.62</u>	<u>4.85</u>	<u>5.09</u>
Irrigation	5.64 <u>9.31</u>	7.18 <u>9.78</u>	8.79 <u>10.27</u>

Section 2. That section 13.05.030, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Wholesale water rates.

The following are hereby established as the monthly wholesale water rates, effective on the dates specified, which wholesale customers shall pay for water services:

(a) Rural Water Districts.

		Jan. 1, 2015 February 1, 2018	Jan. 1, 2016 2019	Jan. 1, 2017 2020
(1)	Jackson Co. No. 1 – First 2,748,000 gallons – Minimum charge per month	\$11,019.00 <u>12,888.12</u>	\$11,569.00	\$12,146.00
	Over 2,748,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>
(2)	Shawnee CRWD No. 1 – First 2,992,000 gallons – Minimum charge per month	\$11,998.00 <u>14,032.48</u>	\$12,596.00 <u>14,720.64</u>	\$13,225.00 <u>15,468.64</u>
	Over 2,992,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>

(3)	Shawnee CRWD No. 3 (formerly RWD No. 6) – First 1,820,000 <u>2,598,000</u> gallons – Minimum charge per month	\$7,298.00 <u>12,184.62</u>	\$7,662.00 <u>12,782.16</u>	\$8,044.00 <u>13,431.66</u>
	Over 1,820,000 <u>2,598,000</u> gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>
(4)	Shawnee CRWD No. 3 (formerly RWD No. 7) – First 778,000 gallons – Minimum charge per month	\$3,120.00	\$3,275.00	\$3,439.00
	Over 778,000 gallons per month	\$4.01	\$4.21	\$4.42
(54)	Shawnee CRWD No. 4 – First 995,000 gallons – Minimum charge per month	\$3,990.00 <u>4,666.55</u>	\$4,189.00 <u>4895.40</u>	\$4,398.00 <u>5144.15</u>
	Over 995,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>
(65)	Shawnee Co. No. 8 – First 5,402,000 gallons – Minimum charge per month	\$21,662.00 <u>25,335.38</u>	\$22,742.00 <u>26,577.84</u>	\$23,877.00 <u>27,928.34</u>
	Over 5,402,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>
(76)	Douglas Co. No. 3 – First 623,000 gallons – Minimum charge per month	\$2,498.00 <u>2,921.87</u>	\$2,623.00 <u>3065.16</u>	\$2,754.00 <u>3220.91</u>
	Over 623,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>

32 (b) Other. Other contractual rates shall be as follows:

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
Metro. Topeka Airport Authority – First 1,139,000 gallons			
Minimum charge per month	\$4,567.00 <u>5,341.91</u>	\$4,795.00 <u>5,603.88</u>	\$5,034.00 <u>5888.63</u>
Over 1,139,000 gallons per month	\$4.01 <u>4.69</u>	\$4.21 <u>4.92</u>	\$4.42 <u>5.17</u>

Section 3. That section 13.05.040, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fire protection rates.

(a) Monthly fire protection rates for fire lines or fire connections, effective on the dates specified, shall be as follows:

(1) Property Inside City.

Size of Connection (Inches)	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
4" or less	\$9.87 <u>11.53</u>	\$10.36 <u>12.11</u>	\$10.88 <u>12.72</u>
6"	\$28.61 <u>33.43</u>	\$30.04 <u>35.10</u>	\$31.54 <u>36.86</u>
8"	\$60.84 <u>71.09</u>	\$63.88 <u>74.64</u>	\$67.07 <u>78.37</u>
10"	\$109.29 <u>127.72</u>	\$114.75 <u>134.11</u>	\$120.49 <u>140.82</u>
12"	\$177.77 <u>207.75</u>	\$186.66 <u>218.14</u>	\$195.99 <u>229.05</u>

(2) Property Outside City.

Size of Connection (Inches)	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
4" or less	\$17.27 <u>20.18</u>	\$18.13 <u>21.19</u>	\$19.04 <u>22.26</u>
6"	\$50.07 <u>58.50</u>	\$52.57 <u>61.43</u>	\$55.20 <u>64.51</u>
8"	\$106.47 <u>124.41</u>	\$111.79 <u>130.62</u>	\$117.37 <u>137.15</u>
10"	\$191.26 <u>223.51</u>	\$200.81 <u>234.69</u>	\$210.86 <u>246.44</u>
12"	\$311.10 <u>363.56</u>	\$326.66 <u>381.75</u>	\$342.98 <u>400.84</u>

(b) Fire Hydrants Outside City. There shall be a fee paid each month to the water division by outside city customers for the maintenance of fire hydrants; such fee charged per month per customer, effective on the dates specified, as follows:

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
Maintenance fee	\$5.23 <u>6.11</u>	\$5.49 <u>6.42</u>	\$5.76 <u>6.74</u>

Section 4. That section 13.05.050, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Sanitary sewer service rates.

The following are established as the monthly sewer service rates, effective on the dates specified, for discharging wastewater into the sanitary sewer system.

(a) Base Charge. A customer who has a private sewer line that is connected to the city wastewater system, as determined by the utilities director or designee, shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether wastewater has passed from the private sewer line to the city wastewater system during the billing period. The rates for properties inside and outside the city are as follows:

Base Charge (Property Inside City)

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
1" and below	\$9.12 <u>10.66</u>	\$9.58 <u>11.19</u>	\$10.06 <u>11.75</u>
1 1/2"	\$18.24 <u>21.32</u>	\$19.15 <u>22.39</u>	\$20.11 <u>23.51</u>
2"	\$29.19 <u>34.11</u>	\$30.65 <u>35.82</u>	\$32.18 <u>37.61</u>
3"	\$54.73 <u>63.96</u>	\$57.47 <u>67.16</u>	\$60.34 <u>70.52</u>
4"	\$91.22 <u>106.60</u>	\$95.78 <u>111.93</u>	\$100.57 <u>117.53</u>
6"	\$182.44 <u>213.21</u>	\$191.56 <u>223.87</u>	\$201.14 <u>235.06</u>
8"	\$291.91 <u>341.15</u>	\$306.51 <u>358.21</u>	\$321.84 <u>376.12</u>
10"	\$419.62 <u>490.39</u>	\$440.60 <u>514.91</u>	\$462.63 <u>540.66</u>

Base Charge (Property Outside City)

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
1" and below	\$15.96 <u>18.66</u>	\$16.77 <u>19.58</u>	\$17.61 <u>20.56</u>
1 1/2"	\$31.92 <u>37.31</u>	\$33.51 <u>39.18</u>	\$35.19 <u>41.14</u>

2"	\$51.08 <u>59.69</u>	\$53.64 <u>62.69</u>	\$56.32 <u>65.82</u>
3"	\$95.78 <u>111.93</u>	\$100.57 <u>117.53</u>	\$105.60 <u>123.41</u>
4"	\$159.64 <u>186.55</u>	\$167.62 <u>195.88</u>	\$176.00 <u>205.68</u>
6"	\$319.27 <u>373.12</u>	\$335.23 <u>391.77</u>	\$352.00 <u>411.36</u>
8"	\$510.84 <u>597.01</u>	\$536.39 <u>626.87</u>	\$563.22 <u>658.21</u>
10"	\$734.34 <u>858.18</u>	\$771.05 <u>901.09</u>	\$809.60 <u>946.16</u>

(b) Wastewater Volume Charge. The customer shall pay on a monthly basis for the volume of wastewater passing from the private sewer line to the city wastewater system according to the rate schedule in subsection (c) of this section.

(1) Residential and Multifamily Residences/Public Water System Supply. The charge shall be based on a calculated average water volume determined in accordance with TMC 13.10.490 and 13.10.510 for water used in the months of December, January and February. The average water volume determined by this method shall be referred to as the three-month winter average. The three-month winter average water volume shall be recalculated each year following the three-month winter period and shall be in effect for the following 12-month period. For a customer who has not established an average, the charge shall be the average of the residential three-month winter average for the applicable meter reading route.

(2) Residential and Multifamily Residences/Well Water Supply. The charge for a customer whose potable water is supplied by a well shall be based on the average of the residential three-month winter average for the applicable meter reading route. Alternatively, the customer may install and maintain, at the customer's cost, a water meter approved by the utilities director or designee. If a

meter is installed, the sewer rates shall be calculated based on the average water volume used in the months of December, January, and February as measured at the meter; provided, that access is granted to the utilities director or designee to read, inspect, test, or repair the meter.\

(3) Commercial and Industrial. The volume shall be based on the lesser of water volumes determined in accordance with TMC 13.10.490 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biological oxygen demand in excess of 300 milligrams per liter and/or suspended solids in excess of 300 milligrams per liter will be assessed the excess strength charge in accordance with the schedule of rates and charges in subsection (c) of this section.

(c) Schedule of Rates and Charges.

(1) Inside City.

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
Domestic Strength Wastewater:			
Volume Charge per 1,000 gallons	\$4.09 <u>4.77</u>	\$4.29 <u>5.01</u>	\$4.50 <u>5.26</u>
Excess Strength Charges:			
Biochemical Oxygen Demand per mg/l per 1,000 gallons	\$0.002161	\$0.002161	\$0.002161
Suspended Solids per mg/l per 1,000 gallons	\$0.001371	\$0.001371	\$0.001371

(2) Outside City.

	Jan. 1, 2015 <u>February 1, 2018</u>	Jan. 1, 2016 <u>2019</u>	Jan. 1, 2017 <u>2020</u>
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Domestic Strength Wastewater:			
Volume Charge per 1,000 gallons	\$7.168.35	\$7.518.77	\$7.889.21
Excess Strength Charges:			
Biochemical Oxygen Demand per mg/l per 1,000 gallons	\$0.003782	\$0.003782	\$0.003782
Suspended Solids per mg/l per 1,000 gallons	\$0.002399	\$0.002399	\$0.002399

(d) Adjustment of Bills.

(1) Notwithstanding subsection (b)(3) of this section, in the event a customer's facility bypass system becomes inoperable because of equipment failure or system maintenance, the customer may request a temporary suspension of the imposition of excess strength charges in accordance with the policy established by the utilities director.

(2) The monthly rate and charge on a bill may be adjusted administratively by the water pollution control division to the actual or estimated volume or strength, provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this section.

(e) Excess Strength Charges. Excess strength charges may be established by the Utilities Director subject to the approval by the City Manager.

Section 5. That section 13.05.060, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

ERU rate.

(a) There is hereby established for purposes of calculating the stormwater drainage fee the equivalent residential unit (ERU). The ERU is hereby established to be 2,018 feet of impervious area.

(b) The ERU rate to be charged for stormwater drainage fees for each ERU is hereby established as follows:

ERU rates per month:	May 1, 2008 <u>February 1, 2018</u>	Jan. 1, 2009 <u>2019</u>	Jan. 1, 2010 <u>2020</u>	Jan. 1, 2011
Single-family residence:				
Less than 1,500 sq. ft.	\$2.75 <u>2.92</u>	\$2.75 <u>3.07</u>	\$2.75 <u>3.22</u>	\$2.75
1,501 to 3,500 sq. ft.	\$4.25 <u>4.50</u>	\$4.25 <u>4.75</u>	\$4.25 <u>5.00</u>	\$4.25
Over 3,500 sq. ft.	\$6.65 <u>7.05</u>	\$6.65 <u>7.40</u>	\$6.65 <u>7.77</u>	\$6.65
All other residential	\$4.25 <u>4.50</u>	\$4.25 <u>4.75</u>	\$4.25 <u>5.00</u>	\$4.25
All nonresidential	\$4.25 <u>4.50</u>	\$4.25 <u>4.75</u>	\$4.25 <u>5.00</u>	\$4.25

(c) The following enumerated factors and review process are hereby adopted by the city to evaluate any reductions of stormwater utility fees charged to properties which are located within a duly created drainage district:

(1) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the city's service area by the city.

(2) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the city's service area by the drainage district.

(3) If an identical function is being performed by the drainage district and is not replicated by the city within the drainage district's service area,

quantify the specific unit of service, including but not limited to length, cross-section area, surface area, number of structures, rehabilitation activities and the frequency for this performance.

(4) Compare the same function and frequency with the costs appropriate for the city staff to perform an identical activity utilizing the city's budget for that specific function.

(5) Utilizing the city's cost for a function and the specific units accomplished in the drainage district's boundary, extend the unit cost times the units accomplished to obtain the total annual cost for all identical functions.

(6) Utilizing the total costs for all functions provided by the drainage district based upon city unit costs, divide this total cost by the ERUs within the drainage district (divided by 12 to obtain monthly) and obtain a "drainage district ERU equivalent cost."

(7) For all parcels within the specific drainage district boundary and within the city limits, subject the "drainage district ERU equivalent cost" from the city's stormwater ERU rate (monthly).

(d) The utilities department is directed to annually review, utilizing the factors and process referenced herein, and determine monetary savings, if any, to the city for stormwater services provided by duly created drainage districts. The utilities department shall report its determination of savings to the stormwater utility, if any, to the governing body by June 15th of each year. Rate reductions for properties within duly created drainage districts shall be adopted by separate ordinance and be based upon savings to the stormwater utility.

(e) Utilizing the enumerated factors and review process adopted herein, the stormwater rate reduction for the following duly created drainage districts is as follows:

Shunganunga Drainage District	0
Kaw River Drainage District	0
North Topeka Drainage District (per ERU, per month)	\$0.83

Section 6. That original § 13.05.020 through § 13.05.060 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.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Capital Improvement Projects

City of Topeka
Utilities Department

2018-2022 Capital Improvement Plan

Funded

Program	Project #	Project	2018	2019	2020	2021	2022	Total
WASTEWATER FUND								
	T-291048.00	Annual Wastewater Lining & Replacement Program	\$ 2,000,000	\$ 3,000,000	\$ 4,000,000	\$ 5,000,000	\$ 8,000,000	\$ 22,000,000
	T-291069.00	Annual WPC Facility Rehabilitation Program	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
	T-291068.00	Annual Small WW Pump Station Rehab & Repl Progr.	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,500,000
	T-291067.00	Annual Sanitary Sewer Interceptor Maint & Rehab	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,500,000
	T-291080.00	Annual WPC Operations Equipment & Fleet Maint. & Replacement Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
	T-291084.00	Annual WPC Inflow & Infiltration Program & Neighborhood Infrastructure	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000
	T-291018.02	Oakland Wastewater Treatment Plant Solids Handling/Facility Upgrades Phase II	\$ 10,500,000					\$ 10,500,000
	T-291043.00	Lining Repairs - NTWWTP and Wanamaker PS	\$ 1,178,414					\$ 1,178,414
	T-291056.00	Wanamaker Force Main Rehab Repl	\$ 8,500,000					\$ 8,500,000
	T-291057.00	Ash St Force Main Repl	\$ 2,500,000					\$ 2,500,000
	T-291058.00	Shunga Pump Station Rehab	\$ 6,500,000					\$ 6,500,000
	T-291060.00	Oakland Aerator & Mixing Repl						\$ 2,500,000
	T-291050.00	Eastside IS-Relief-CSO#3 to Ash St PS*						\$ 8,348,760
	T-291061.00	Grant/Jefferson Pump Station Rehab						\$ 10,321,000
	T-291062.00	Oakland WWTP - UV Expansion						\$ 2,703,750
	T-291052.00	NTWWTP Nutrient Removal			\$ 6,363,627			\$ 6,363,627
	T-291040.00	Oakland WWTP - Headworks Generat				\$ 850,000		\$ 850,000
	T-291087.00	North Topeka Pump Station Rehabilit				\$ 2,846,000		\$ 2,846,000
		TOTAL WASTEWATER FUNDED	\$ 40,699,414	\$ 26,952,510	\$ 15,163,627	\$ 13,496,000	\$ 12,800,000	\$ 109,111,551
STORMWATER FUND								
	T-501035.00	Annual Storm Conveyance System Rehab	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 12,500,000
	T-501038.00	Annual Stormwater Operations Equipment & Fleet Mant. & Replacement Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
	T-151031.00	Annual Drainage Correction Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
	T-161003.00	Annual Levee Asset Repair / Rehab Program	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,000,000
	T-501042.00	Annual BMP Development & Construction	\$ 100,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,100,000
	T-831000.01	Kansas River Levee System Rehabilitation - Ph. II	\$ 2,700,000					\$ 2,700,000
		TOTAL STORMWATER FUNDED	\$ 6,100,000	\$ 3,550,000	\$ 3,550,000	\$ 3,550,000	\$ 3,550,000	\$ 20,300,000
WATER FUND								
	T-281095.00	Annual Water Main Replacement Program	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 4,500,000	\$ 4,000,000	\$ 17,500,000
	T-281113.00	Annual Water Plant Rehabilitation Program	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
	T-281124.00	Annual Water Plant Operations Equipment & Fleet Maint. & Replacement Program	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 2,000,000
	T-281090.00	18" Indian Hills Rd., SW 29th to 21st St.	\$ 1,288,250					\$ 1,288,250
	IS-2017-001	CIS Utility Billing, Dynamic Portal, CS System	\$ 650,000					\$ 650,000
	T-281107.00	East High Service Pumping Motor Control and Electrical Switch Gear	\$ 2,689,950					\$ 2,689,950
	T-281055.00	2.0-MG West Elevated Tank - Indian Hills Road	\$ 4,744,300					\$ 4,744,300
	T-281141.00	City-Wide Water Meter Replacement/AMI Upgrade	\$ 12,485,000					\$ 12,485,000
	T-281106.00	Soldier Township Transmission Improvements				\$ 1,299,575		\$ 1,299,575
	T-281037.02	Disinfection Modification Phase I		\$ 10,000,000				\$ 10,000,000
	T-281108.00	18" on SW Fairlawn and SW 45th - SW 41st to SW Gage				\$ 2,213,250		\$ 2,213,250
	T-281037.03	Disinfection Modification Phase II			\$ 12,000,000			\$ 12,000,000
	T-281142.00	16" on SW Wenger - Home Depot to SW 57th; 18" on SW 57th - SW Wenger to SW Topeka					\$ 2,462,950	\$ 2,462,950
	T-281143.00	24" on SW MacVicar - SW 29th to SW 37th					\$ 2,400,525	\$ 2,400,525
		TOTAL WATER FUNDED	\$ 26,257,500	\$ 14,400,000	\$ 16,400,000	\$ 9,412,825	\$ 10,263,475	\$ 76,733,800
		TOTAL COMBINED UTILITY FUNDED	\$ 73,056,914	\$ 44,902,510	\$ 35,113,627	\$ 26,458,825	\$ 26,613,475	\$ 206,145,351

5 year CIP with rate increase

\$ 206,145,351

Capital Improvement Projects

City of Topeka
Utilities Department

2018-2022 Capital Improvement Plan

Unfunded

Program	Project #	Project	2018	2019	2020	2021	2022	Total
WASTEWATER FUND			\$ 1,000,000					\$ 1,000,000
	T-291046.00	Annual Wastewater Lining & Replacement Program Project	\$ 2,000,000	\$ 3,000,000	\$ 4,000,000	\$ 5,000,000	\$ 6,000,000	\$ 22,000,000
								\$ 1,000,000
	T-291069.00	Annual WPC Facility Rehabilitation Program Project	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
								\$ 1,500,000
	T-291066.00	Annual Small WW Pump Station Rehab & Repl-Program Project	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,500,000
								\$ 1,500,000
	T-291067.00	Annual Sanitary Sewer Interceptor Maint & Rehab Program Project	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,500,000
								\$ 900,000
	T-291080.00	Annual WPC Operations Equipment & Fleet Maint. & Replacement Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
	T-291084.00	Annual WPC Inflow & Infiltration Program & Neighborhood Infrastructure	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000
	T-291018.02	Oakland Wastewater Treatment Plant Solids Handling/Facility Upgrades Phase II	\$ 10,500,000					\$ 10,500,000
	T-291043.00	Lining Repairs - NTWWTP and Wanamaker PS	\$ 1,178,414					\$ 1,178,414
	T-291056.00	Wanamaker Force Main Rehab Repl	\$ 8,500,000					\$ 8,500,000
	T-291057.00	Ash St Force Main Repl	\$ 2,500,000					\$ 2,500,000
	T-291058.00	Shunga Pump Station Rehab						\$ 6,500,000
	T-291060.00	Oakland Aerator & Mixing Repl						\$ 2,500,000
	T-291050.00	Eastside IS-Relief-CSO#3 to Ash St PS*						\$ 8,348,760
	T-291061.00	Grant/Jefferson Pump Station Rehab						\$ 10,321,000
	T-291062.00	Oakland WWTP - UV Expansion						\$ 2,703,750
	T-291052.00	NTWWTP Nutrient Removal						\$ 6,363,627
	T-291040.00	Oakland WWTP - Headworks Generator			6,363,627	\$ 650,000		\$ 650,000
	T-291087.00	North Topeka Pump Station Rehabilitation				\$ 2,846,000		\$ 2,846,000
			\$ 28,999,414	\$ 19,952,510	\$ 6,963,627	\$ 800,000	\$ 600,000	\$ 57,315,551
		TOTAL WASTEWATER FUNDED	\$ 40,699,414	\$ 26,952,510	\$ 15,163,627	\$ 13,496,000	\$ 12,800,000	\$ 109,111,551
STORMWATER FUND			\$ 1,000,000					\$ 1,000,000
	T-501035.00	Annual Storm Conveyance System Rehab	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 12,500,000
	T-501038.00	Annual Stormwater Operations Equipment & Fleet Mant. & Replacement Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
				\$ 100,000		\$ 100,000		\$ 1,100,000
	T-151031.00	Annual Drainage Correction Program	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
	T-161003.00	Annual Levee Asset Repair / Rehab Program	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,000,000
	T-501042.00	Annual BMP Development & Construction	\$ 100,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,100,000
	T-831000.01	Kansas River Levee System Rehabilitation - Ph. II	\$ 2,700,000					\$ 2,700,000
			\$ 4,600,000	\$ 850,000	\$ 1,050,000	\$ 850,000	\$ 1,050,000	\$ 8,400,000
		TOTAL STORMWATER FUNDED	\$ 6,100,000	\$ 3,550,000	\$ 3,550,000	\$ 3,550,000	\$ 3,550,000	\$ 20,300,000
WATER FUND			\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 4,500,000	\$ 4,000,000	\$ 6,000,000
	T-281095.00	Annual Water Main Replacement Program		\$ 500,000	\$ 200,000	\$ 200,000		\$ 1,900,000
	T-281113.00	Annual Water Plant Rehabilitation Program	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
			\$ 200,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 200,000	\$ 700,000
	T-281124.00	Annual Water Plant Operations Equipment & Fleet Maint. & Replacement Program	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 2,000,000
	T-281090.00	18" Indian Hills Rd., SW 29th to 21st St.	\$ 1,288,250					\$ 1,288,250
	IS-2017-001	CIS Utility Billing, Dynamic Portal, CS System	\$ 650,000					\$ 650,000
	T-281107.00	East High Service Pumping Motor Control and Electrical Switch Gear	\$ 2,689,950					\$ 2,689,950
	T-281055.00	2.0-MG West Elevated Tank - Indian Hills Road	\$ 4,744,300					\$ 4,744,300
	T-281141.00	City-Wide Water Meter Replacement/AMI Upgrade	\$ 12,485,000					\$ 12,485,000
	T-281106.00	Soldier Township Transmission Improvements				\$ 1,299,575		\$ 1,299,575
	T-281037.02	Disinfection Modification Phase I		\$ 10,000,000				\$ 10,000,000
	T-281106.00	18" on SW Fairlawn and SW 45th - SW 41st to SW Gage				\$ 2,213,250		\$ 2,213,250
	T-281037.03	Disinfection Modification Phase II			\$ 12,000,000			\$ 12,000,000
	T-281142.00	16" on SW Wenger - Home Depot to SW 57th; 18" on SW 57th - SW Wenger to SW Topeka					\$ 2,462,950	\$ 2,462,950
	T-281143.00	24" on SW MacVicar - SW 29th to SW 37th					\$ 2,400,525	\$ 2,400,525
		TOTAL WATER FUNDED	\$ 13,572,500	\$ 3,600,000	\$ 300,000	\$ 300,000	\$ 200,000	\$ 17,972,500
			\$ 26,257,500	\$ 14,400,000	\$ 16,400,000	\$ 0,412,825	\$ 10,263,475	\$ 76,733,800
			\$ 47,171,914	\$ 24,402,510	\$ 8,313,627	\$ 1,950,000	\$ 1,850,000	\$ 83,688,051
		TOTAL COMBINED UTILITY FUNDED	\$ 73,056,914	\$ 44,902,510	\$ 35,113,627	\$ 26,458,825	\$ 26,613,475	\$ 206,145,351

5 year CIP without rate increase

\$ 83,688,051

Capital Improvement Projects

- Unfunded projects with rate increase

City of Topeka
Utilities Department

2018-2022 Capital Improvement Plan

Unfunded
w 6-5-5

Program	Project #	Project	Unfunded projects with rate increase					2020	2021	2022	Total
WASTEWATER FUND		Annual Wastewater Lin	\$ 112,525,000					0,000,000	\$ 5,000,000	\$ 2,000,000	\$ 28,000,000
								0,000,000	\$ 5,000,000	\$ 2,000,000	\$ 28,000,000
STORMWATER FUND		Annual Storm Conveyan						5,000,000	\$ 5,500,000	\$ 5,500,000	\$ 27,500,000
		Annual Shunga Flood M						4,405,000	\$ 3,405,000	\$ 3,405,000	\$ 17,025,000
								905,000	\$ 8,905,000	\$ 8,905,000	\$ 44,525,000
WATER FUND		Annual Water Main Rep						0,000,000	\$ 5,500,000	\$ 6,000,000	\$ 32,500,000
		Annual Water Plant Rehabilitation Program (additional funding)							\$ 1,500,000	\$ 1,500,000	\$ 7,500,000
TOTAL WATER UNFUNDED								\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ 40,000,000
TOTAL COMBINED UTILITY UNFUNDED								\$ 25,405,000	\$ 24,405,000	\$ 23,405,000	\$ 112,525,000

Water Rate Comparison Table

Water Comparison - Comparable Cities 2017									
	1	1	1	1	1.5	1.5	2	3	4
	Low Residential	Average Residential	Multi-family	Church	Commercial	School	Large Commercial	Industrial	Large Industrial
	1,000	5,000	5,000	15,000	30,000	55,000	500,000	5,000,000	15,000,000
Springfield, MO	\$20.42	\$35.51	\$35.51	\$108.74	\$191.49	\$279.38	\$1,614.29	\$10,559.05	\$30,394.15
Rockford, IL	\$28.23	\$40.22	\$40.22	\$80.20	\$157.92	\$233.60	\$1,123.22	\$9,356.21	\$27,605.53
Cedar Rapids, IA	\$24.95	\$35.85	\$35.85	\$63.11	\$138.91	\$207.05	\$1,393.47	\$11,999.35	\$28,039.03
Independence, MO	\$17.62	\$32.92	\$32.92	\$71.15	\$130.41	\$225.99	\$1,448.98	\$14,361.31	\$42,984.44
Columbia, MO	\$17.77	\$32.69	\$32.69	\$66.78	\$133.73	\$221.63	\$1,769.70	\$16,614.01	\$49,546.02
Wichita Falls, TX	\$41.15	\$61.41	\$61.41	\$114.49	\$223.31	\$353.65	\$2,710.57	\$26,258.89	\$78,520.40
Madison, WI	\$26.60	\$41.78	\$40.18	\$40.71	\$147.14	\$236.71	\$1,865.69	\$16,918.08	\$50,562.14
Boise, ID	\$30.68	\$39.10	\$39.10	\$60.14	\$112.02	\$164.62	\$1,127.88	\$10,668.03	\$31,836.23
Des Moines, IA	\$12.11	\$28.55	\$28.55	\$56.15	\$93.95	\$146.95	\$1,098.35	\$10,661.35	\$31,891.35
Springfield, IL	\$30.60	\$45.26	\$45.26	\$81.89	\$157.56	\$249.14	\$1,904.07	\$18,443.86	\$55,163.75
Jefferson City, MO	\$16.30	\$41.48	\$41.48	\$41.48	\$215.93	\$362.18	\$2,783.43	\$12,728.43	\$35,010.47
Overland Park, KS	\$26.43	\$42.75	\$45.50	\$86.30	\$165.30	\$267.30	\$2,103.00	\$20,539.80	\$61,431.00
Olathe, KS	\$34.51	\$48.95	\$50.02	\$91.46	\$182.92	\$283.86	\$2,117.60	\$17,164.01	\$51,244.83
Lawrence, KS	\$9.95	\$32.75	\$22.85	\$75.05	\$146.50	\$264.50	\$2,366.80	\$20,220.50	\$60,625.50
Wichita, KS	\$15.21	\$23.57	\$23.57	\$60.07	\$110.96	\$189.21	\$1,586.72	\$15,686.57	\$46,998.57
Kansas City, KS	\$34.55	\$55.35	\$55.35	\$99.40	\$181.82	\$291.45	\$2,259.38	\$20,894.28	\$61,402.30
Average - 15 Comp Cities	\$24.19	\$39.88	\$39.40	\$74.82	\$155.62	\$248.58	\$1,829.57	\$15,817.11	\$46,453.48
Topeka, KS - Current	\$15.02	\$31.74	\$27.79	\$57.19	\$114.36	\$191.61	\$1,579.67	\$13,265.01	\$39,708.34
Topeka, KS - 2018	\$15.92	\$33.64	\$29.44	\$60.69	\$121.36	\$203.36	\$1,676.75	\$14,068.91	\$39,714.84
Topeka, KS - 2019	\$16.71	\$35.31	\$30.91	\$63.66	\$127.31	\$213.31	\$1,758.59	\$14,772.36	\$41,670.58
Topeka, KS - 2020	\$17.54	\$37.06	\$32.46	\$66.81	\$133.62	\$223.87	\$1,845.52	\$15,525.98	\$43,776.61

Wastewater Rate Comparison Table

Wastewater Comparison - Comparable Cities 2017									
	1	1	1	1	1.5	1.5	2	3	4
	Low Residential	Average Residential	Multi-family	Church	Commercial	School	Large Commercial	Industrial	Large Industrial
	1,000	5,000	5,000	15,000	30,000	55,000	500,000	5,000,000	15,000,000
Springfield, MO	\$21.22	\$32.02	\$32.02	\$59.03	\$99.54	\$167.05	\$1,368.79	\$13,521.19	\$40,526.54
Rockford, IL	\$10.46	\$28.59	\$28.59	\$39.22	\$72.51	\$127.99	\$1,115.56	\$11,102.19	\$33,294.70
Cedar Rapids, IA	\$14.59	\$23.67	\$23.67	\$49.58	\$88.44	\$153.21	\$1,306.17	\$12,965.26	\$38,874.35
Independence, MO	\$17.88	\$33.62	\$33.62	\$76.74	\$156.25	\$302.75	\$2,005.47	\$19,710.68	\$59,055.60
Columbia, MO	\$15.62	\$29.09	\$29.09	\$62.78	\$162.34	\$246.56	\$1,745.76	\$17,040.99	\$50,841.11
Pueblo, CO	\$23.83	\$39.47	\$39.47	\$78.57	\$147.29	\$245.04	\$1,999.79	\$19,629.76	\$58,766.98
Wichita Falls, TX	\$9.87	\$19.23	\$19.23	\$42.62	\$77.72	\$136.21	\$1,177.32	\$11,705.39	\$35,101.11
Boise, ID	\$12.59	\$34.36	\$34.36	\$88.77	\$170.39	\$306.41	\$2,727.74	\$39,178.27	\$117,520.52
Des Moines, IA	\$10.99	\$37.35	\$37.35	\$103.25	\$202.10	\$366.85	\$3,299.40	\$32,954.40	\$98,854.40
Springfield, IL	\$19.70	\$37.20	\$37.20	\$83.05	\$151.84	\$266.48	\$2,307.05	\$22,942.08	\$68,797.69
Jefferson City, MO	\$15.90	\$34.19	\$34.19	\$79.91	\$148.50	\$262.80	\$2,297.43	\$22,872.29	\$68,594.22
Overland Park, KS	\$20.68	\$47.00	\$47.00	\$112.80	\$211.50	\$376.00	\$3,304.10	\$32,914.10	\$81,014.10
Olathe, KS	\$21.58	\$44.79	\$45.86	\$106.02	\$196.26	\$346.66	\$3,023.80	\$30,029.15	\$90,055.89
Lawrence, KS	\$18.39	\$43.55	\$43.55	\$106.45	\$200.80	\$358.05	\$3,157.10	\$31,462.10	\$94,362.10
Kansas City, KS	\$22.61	\$43.57	\$43.57	\$95.98	\$174.59	\$305.61	\$2,637.69	\$26,220.58	\$78,627.00
Wichita, KS	\$12.37	\$26.37	\$26.37	\$61.37	\$119.33	\$206.83	\$1,771.45	\$17,562.02	\$52,578.89
Average - 15 Comp Cities	\$16.77	\$34.63	\$34.70	\$77.88	\$148.71	\$260.91	\$2,202.79	\$22,613.15	\$66,679.07
Topeka, KS - Current	\$14.56	\$32.56	\$32.56	\$77.56	\$155.11	\$267.61	\$2,282.18	\$22,560.34	\$67,600.57
Topeka, KS - 2018	\$15.43	\$34.51	\$34.51	\$82.21	\$164.42	\$283.67	\$2,419.11	\$23,913.96	\$71,656.60
Topeka, KS - 2019	\$16.20	\$36.24	\$36.24	\$86.34	\$172.69	\$297.94	\$2,540.82	\$25,117.16	\$75,261.93
Topeka, KS - 2020	\$17.01	\$38.05	\$38.05	\$90.65	\$181.31	\$312.81	\$2,667.61	\$26,370.52	\$79,017.53

Stormwater Rate Comparison Table

Stormwater Comparison - Comparable Cities 2017				
	1	1	1	1
	Residential \$2,000 sf	Non-Residential Impervious ERU	Topeka Equivalent	Non-Residential 5,000 sf
Cedar Rapids, IA	\$5.11	\$5.11/4,356 sq ft	\$2.37	\$5.87
Columbia, MO	\$2.64	\$0.078/100 sq ft	\$1.57	\$3.90
Pueblo, CO	\$5.10	\$1.79/1,000 sq ft	\$3.61	\$8.95
Wichita Falls, TX	\$5.00/unit	-	-	-
Des Moines, IA		\$12.07/2,349 sq ft	\$10.37	\$25.69
Overland Park, KS		\$2.50/2,485 sq ft	\$2.03	\$5.03
Olathe, KS	\$5.66/unit	-	-	\$5.66
Lawrence, KS		\$4.12/2,366 sq ft	\$3.51	\$8.71
Kansas City, KS	\$4.50/unit	-	-	-
Wichita, KS	\$2.00/unit	\$2.00/2,139 sq ft	\$1.89	\$4.68
Average - 10 Comp Cities	\$4.28		\$3.62	\$8.56
Topeka, KS - Current	\$4.25	\$4.25/2,018 sq ft	\$4.25	\$10.53
Topeka, KS - 2018	\$4.50	\$4.50/2,018 sq ft	\$4.50	\$11.15
Topeka, KS - 2019	\$4.75	\$4.75/2,018 sq ft	\$4.75	\$11.77
Topeka, KS - 2020	\$5.00	\$5.00/2,018 sq ft	\$5.00	\$12.39

Monthly Impact on Customers by Class

Class	2018	2019	2020
Low Residential (1,000)	\$ 2.02	\$ 1.81	\$ 1.89
Avg. Residential (5,000)	\$ 4.10	\$ 3.65	\$ 3.81
Avg. Commercial per 100,000	\$ 46.00	\$ 40.00	\$ 42.00
Avg. Industrial per 1,000,000	\$ 430.00	\$ 380.00	\$ 400.00
Avg. Industrial II per 15,000,000	\$4,050.00	\$5,550.00	\$5,850.00
*Residential includes Stormwater Impact			
**Stormwater impact to Commercial/Industrial/Industrial II is \$0.25 per ERU per year			

