

(Published in the Topeka Metro News August 29, 2011)

ORDINANCE NO. 19631

AN ORDINANCE introduced by Councilmembers Ortiz, Hiller and Harmon, sitting as the Public Health and Safety committee, amending City of Topeka Code § 6.20.220 and § 6.30.180, concerning permits and taking possession of dogs and cats and specifically repealing said original sections.

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

Section 1. That section 6.20.220, Redemption, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Redemption.

(a) The owner shall be entitled to ~~resume~~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

29 person. Such animal may be turned over to a duly incorporated humane society or
30 licensed veterinarian for sale or other disposition.

31 Section 2. That section 6.30.180, Redemption, of The Code of the City of
32 Topeka, Kansas, is hereby amended to read as follows:

33 **Redemption.**

34 (a) The owner shall be entitled to ~~resume~~take possession of any impounded
35 cat, except as provided in this section, upon compliance with the permit provisions of
36 this chapter and payment of the impoundment fees.

37 (b) No owner shall be allowed to redeem any cat impounded for being a
38 public nuisance, unless such redemption is authorized by any court having jurisdiction.

39 (c) No owner shall be allowed to redeem any cat found to be rabid or any cat
40 which has been bitten by a rabid animal, unless such redemption is authorized by any
41 court having jurisdiction.

42 (d) No owner shall be allowed to redeem any cat when, in the judgment of the
43 animal shelter or humane society, the cat should be destroyed for humane reasons.

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

49 Section 3. That original § 6.20.220 and § 6.30.180 of The Code of the City of
50 Topeka, Kansas, are hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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 August 23, 2011.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk