

(Published in the Topeka Metro News February 20, 2012)

ORDINANCE NO. 19703

AN ORDINANCE introduced by Councilmember Andrew Gray, amending City of Topeka Code § 6.05.070 and § 9.05.080, concerning the hunting of game birds within the City limits and specifically repealing said original sections.

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

Section 1. That section 6.05.070, Injuring or killing of wild and undomesticated animals unlawful; exceptions, 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 ~~foregoing~~ prohibition of subsection (a), 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, ~~and 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), 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 2. That section 9.05.080, Uniform Public Offense Code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Uniform Public Offense Code.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city of Topeka, Kansas, that certain code known as the Uniform Public Offense Code, Edition of 2011, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except Sections 3.1.1 ("Domestic Battery"), 4.3 ("Prostitution"), 4.4 ("Promoting Prostitution"), 4.5 ("Patronizing a Prostitute"), 10.24 ("Smoking Prohibited"), 10.25 ("Smoking; Posting Premises"), 10.26 ("Smoking Prohibited; Penalties") and 11.11 ("Cruelty to Animals"), which are specifically deleted and omitted. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as adopted by Ordinance No. 19651," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of said ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

53 The Uniform Public Offense Code, Edition of 2011, is hereby further amended by
54 adding the following exception to Section 10.6:

55 Exception: Operation of a bow and arrow is permitted in accordance with
56 the provisions set forth in TMC 6.05.070.

57 The Uniform Public Offense Code, Edition of 2011, is hereby further amended by
58 adding the following exception to Section 10.5:

59 Exception: Discharge of a firearm is permitted in accordance with the
60 provisions set forth in TMC 6.05.070.

61 Section 3. That original § 6.05.070 and § 9.05.080 of The Code of the City of
62 Topeka, Kansas, is hereby specifically repealed.

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

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

67 Section 6. Should any section, clause or phrase of this ordinance be declared
68 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
69 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

70 PASSED AND APPROVED by the City Council February 14, 2012.

71 CITY OF TOPEKA, KANSAS

72
73
74
75
76 _____
77 William W. Bunten, Mayor

78 ATTEST:

79
80 _____
81 Brenda Younger, City Clerk