

(Published in the Topeka Metro News November 18, 2013)

ORDINANCE NO. 19859

AN ORDINANCE introduced by Councilmember Denise Everhart, concerning exotic and wild animals, amending City of Topeka Code § 6.05.060 and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 6.05.060, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Exotic or captive wild animals.

(a) Keeping, Maintaining, ~~Etc.~~ 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, ~~Etc.~~ 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.

- 30 (6) Rabbits.
- 31 (7) Birds, except for ostriches, emus, rheas and cassowaries.
- 32 (8) Nonvenomous snakes less than eight feet in length.
- 33 (9) Nonvenomous lizards, except all species of monitor lizards shall be
34 prohibited.
- 35 (10) Turtles, except snapping turtles.
- 36 (11) Amphibians.
- 37 (12) Fish.
- 38 (13) Invertebrates.
- 39 (e) Exemptions.
- 40 (1) The prohibitions in subsections (a) through (c) of this section shall
41 not apply to bona fide zoos, as defined by the American Association of Zoological
42 Parks and Association of Zoological Parks and Aquariums.
- 43 (2) The prohibitions in subsection (a) of this section shall not apply to
44 ~~bona fide~~:
- 45 (i) Medical institutions.
- 46 (ii) Post-secondary educational institutions.
- 47 (iii) Veterinary clinics in possession of the animals prohibited
48 under this section.
- 49 (iv) Circuses, if properly licensed by the city.
- 50 (v) Carnivals, if properly licensed by the city.
- 51 (vi) Persons designated and licensed as animal rehabilitators by
52 the state Fish and Game Commission.

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

(1) The service monkey is cebus apella (Capuchin monkey);

(2) The service monkey is owned and trained by a registered 501(c)3 non-profit organization, Helping Hands Simian Aides for the Disabled, Inc., that assists disabled persons living with permanent physical disabilities; and

(3) 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.

76 (g) Licensing. All persons and institutions listed in subsection (e) of this
77 section must be properly licensed, if so required, by any rule or regulation promulgated
78 under the authority of federal statute enacted by the United States, or by any statute
79 enacted by the state, or by any rule or regulation promulgated by any agency or
80 department as authorized by state statute.

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

83 (i) Destruction or Removal of Prohibited Animals. Upon conviction of a
84 violation of this section, the judge of the municipal court of the city may order the owner,
85 harborer, keeper or possessor to destroy or remove from the city any animal prohibited
86 under this section.

87 Section 2. That original § 6.05.060 of The Code of the City of Topeka, Kansas,
88 is hereby specifically repealed.

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

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

93 Section 5. Should any section, clause or phrase of this ordinance be declared
94 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
95 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 November 12, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk