



City Council Committee Meeting Notice

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
www.topeka.org

Committee: Public Health & Safety

Meeting Date: June 18, 2025

Time: 9:30am – 11:00am

Location: Topeka Police Department in LEC Classroom A, 320 SE Kansas Ave
(virtual attendance option also available)

Agenda:

1. Call to order
2. Minutes - May 25, 2025 - Approve
3. Changing Our Culture of Property Maintenance (CoCPM)
 - a. Marketing and Education – Brief Reports – Monique Glaude' & Dan Garrett
 - i. Yard of the Month
 - ii. Community Cleanups
 - iii. Calls Fielded by OIC Staff
 - iv. Community Education
 - b. CoCPM Enforcement and Action – Nicole Stovall
 - i. 2025 Action Plan and Teams – Review, questions
 - ii. Performance Report – Review, discussion, questions, suggestions
 - iii. Outcomes Measurers – Review, discussion, questions, suggestions
4. Amendments to Dangerous Dogs and Animal Cruelty Ordinances - Legal Dept.
5. Other
6. Next Meeting: July 16, 2025, 9:30am-11:00am at Cyrus K. Holliday Building 620 SE Madison
7. Adjourn

STAFF REQUESTED: Property Maintenance Director John Schardine, Changing our Culture Program Administrator Nicole Stovall, Director of Communications Dan Garrett, Community Engagement Division Director Monique Glaude', Fire Marshall Alan Stahl, Assistant City Manager Avery Moore, City Attorney Amanda Stanley, Animal Control Officer Jessica Bowers, Chief of Prosecution Kelly Trussell, Judge Karan Thadani

*****Virtual and in-person attendance options available. Please call the Council Office by 12:00pm the date prior to the meeting to request Zoom link. *****

COMMITTEE MEMBERS: Karen Hiller (Chair) - District 1
Christina Valdivia-Alcalá - District 2
David Banks - District 4
Brett Kell - District 5

Contact: Tara Jefferies or Tonya Bailey, City Council Assists 785-368-3710

Attachments: Minutes – May 25, 2025
CoCPM Action Plan
Action Plan Team Directory
Performance Measures
2024 Performance Data
Challenges – Outcome Measures
Dangerous Dogs Memo
Dangerous Dogs Amendments
Cruelty to Animals Memo
Cruelty to Animals Amendments

******Virtual and in-person attendance options available. Please call the Council Office by 12:00pm the date prior to the meeting to request Zoom link. ******



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
www.topeka.org

Date: May 21, 2025

Time: 9:30am

Location: 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison
(virtual attendance option also available)

Committee members present: Councilmembers Karen Hiller (Chair), David Banks, and Brett Kell (zoom). Absent: Christina Valdivia-Alcalá

City staff present: City Attorney Amanda Stanley, City Manager Dr. Robert Perez, Director of Communications Dan Garrett, Director of Planning and Development Rhiannon Friedman, Division Director of Housing Services Carrie Higgins, Captain Colleen Stuart, Fire Chief Randall Phillips, Fire Marshal Alan Stahl, Police Business Services Manager Gretchen O'Donovan, Changing our Culture Program Administrator Nicole Stovall.

Call to Order

Committee chair Hiller called the meeting to order at 9:30am. She introduced staff and committee members.

Approval of April 16, 2025 Meeting Minutes

Committee member Banks made a motion to approve the minutes. Committee member Kell seconded. Approved 3-0-0.

Changing Our Culture of Property Maintenance (CoCPM).

Committee chair Hiller thanked Changing our Culture Program Administrator Nicole Stovall for her work on Changing Our Culture of Property Maintenance (CoCPM). Hiller announced in two weeks data will be finalized and collected pertaining to CoCPM and will be distributed to the departments.

Director of Communications Dan Garrett spoke to the release of the Yard of the month to media on May 20, 2025.

Renter Safety Net - Issues, Reports and Discussion - Committee, Various Staff

- I. Housing and Credit Counseling, Inc (HCCI) - Full Report - Numbers including eviction, maintenance and education from 2024. Division Director of Housing Services Carrie Higgins provided information on the 420 calls for 2024.
 - a. 240 calls regarding landlord, maintenance, mold, fair housing, bedbugs
 - b. 49 calls late rent, no evictions have been filed to date or termination issues for non-compliance
 - c. 29 calls with clients with a court date for eviction due to late rent

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Minutes Taken: 5/21/2025

Minutes Approved:

Minutes Submitted By: TLB

- d. 10 calls retaliatory eviction
- e. 56 workshops, education classes conducted

Committee member Banks asked how constituents can receive information from HCCI services. Higgins responded social media, ending mailers to Social Service agencies; including the City of Topeka. Banks suggested providing information to Neighborhood Improvement Association (NIA) would be beneficial.

- II. Kansas Legal Services (KLS)- Full Report- Numbers, Topics, Comparison from 2023 to 2024 (see Governing Body May 20, 2025 Item 4G: Professional Service Contract Renewal-Kansas Legal Services, Inc.-Eviction Defense Program Administration). Division Director of Housing Services Carrie Higgins provided updates from the report from KLS. She noted that it is a goal to do more education and awareness of programs to folks before they get to the court system.
 - a. May 1, 2023 to April 30, 2024, prior to City contract, 52 clients were advised, 1 client provided limited representation, no clients with full representation.
 - b. May 1, 2024 to April 30, 2025, with the City contract, 92 clients were advised with 17 limited representation, 10 clients had full representation.

- III. Fire/Property Maintenance Unit (PMU) Partnership Schedule. Fire Marshal Alan Stahl reported:
 - a. 216 buildings with interior exits; continuing to partner with Code for more inspections
 - b. 189 apartment buildings with exterior exits; Apartment inspections are from late summer to fall 2025. There will continued partnership with code compliance housing inspectors and try to be onsite at the same time. Stovall added when code inspectors can not be there at the same time there are checklists and cross training provided to staff.

Committee chair Hiller asked what the minimum number of unit's shared with Fire and PMU. Stahl responded interior units are inspected annually, currently at 216, and exterior units are once every three years. He continued to speak to the interaction with residents on a joint inspection for public space. He expressed the importance of the property maintenance inspector gain a connection with the resident.

Committee chair Hiller asked if brochures are being distributed to all residents. Stahl responded that there are not brochures left at a door; he continued to speak to the importance to get the brochure to the right person and not thrown away. Stahl and Stovall concurred that there is constant communication, awareness and cross training with both Fire and PMU on properties. Stahl added that there is current discussion of the code adoption for 2024 concerning exit structures and spoke to the importance of insuring that certain sections of the code be included to have consistency from Fire and PMC codes for property owners

Committee chair Hiller stated at the next Public Health and Safety committee meeting there will be a draft of the recommendations for the International Property Maintenance Code (IPMC).

Committee member Banks asked about the details of cross training and the fireworks stands schedule. Stovall and Stahl responded that it is informational driven and working together in the field that leads to the success of cross training. Stahl stated that having the ordinances in place does help with inspections to ensure that the proper steps are taken with enforcement.

Committee member Kell supports the fireworks stand process. He added his suggestion of having additional information on signage for fireworks being dispersed.

- IV. Housing Navigator Update and Placement. Stovall reported the Housing Navigator position will now have the title of Community Navigator; the position is currently awaiting with Human Resources for approval. The position will be under the Community Engagement department. Committee chair Hiller spoke to the history of the Housing Navigator position. City Manager Dr. Robert Perez spoke to the title of Housing Navigator and how it will have Ombudsman and Community Navigator roles to help the community and Governing Body with department issues. He added the Housing Navigator will also be a resource for constituents having code compliance situations.
- V. Annual Inspections on Government-Assisted - HUD, KHRC, THA, COT. Director of Planning and Development Friedman spoke to the recent Kansas State Legislative session House Bill 2099 allowing the City of Topeka to conduct interior inspections of private residential housing properties when the owner received direct public financial assistance for tenant rent. The bill did not pass. City Attorney Stanley confirmed that the Legislative Bill is still alive and will have one more year; it has made it through the House and Senate. She added there will continue to be discussions with the President Kansas State Senate and other communities to lobby for the Bill.

Division Director of Housing Services Higgins spoke to the U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care program. The program includes an inspection prior to when a tenant moves in and an annual inspection. The Impact Avenues Program also has inspections prior and annual ensuring the housing is safe and up to code. The City of Topeka reports back to HUD to receive funding. She continued to speak to the Topeka Housing Authority (THA) that receives funding directing from HUD. THA conducts their own inspections; public

housing is in apartment complexes and Section 8 recipients receive vouchers to give to landlords. She added that private landlords, such as Timberlee, Plaza West, Highland Park Apartments go through Kansas Housing resources Corporation (KHRC) which provides oversight of properties and then KHRC reports to HUD; inspections are based on a scoring system and not necessarily done annually but no less than three years. Lastly, the Housing Tax Credit properties, which KHRC provides oversight to properties, does not have set inspections.

Committee chair Hiller thanked staff for the work on the information provided.

- VI. Timberlee, Motive Power, Madison Street, other complexes - Status Check. Director of Planning and Development Friedman spoke to Timberlee. She reported that HUD, the end of March 2025, put a relocation management company on site, to help identify new housing options for individuals that have to move. Friedman noted she will get the information on number of tenants that are remaining that need assistance from THA. Stahl spoke to the tenants that are not on assistance and that the building remains open; there are no current code violations only lost the HUD funding.
- No current update on Motive Power or Madison Street.
- VII. Axon Use - Success and any Downsides - Report. No report .
- VIII. LLC Ordinance - Data Report. City Attorney Stanley spoke to the background of LLC and the reluctance to file complaints against LLC's and the response to municipal court. She spoke to the gap in the code for the City of Topeka. She continued to speak to the law for Kansas and it is permissible to charge and proceed with a business in the absence if there are certain processes in place. In 2023, the Governing Body adopted a standard for businesses that states if there has been a charge, with a misdemeanor, and do not show up to court then the City can proceed with violations. She believes the ordinance is working as intended and is being effective.
- a. Since 2023, 417 cases against LLC's. 36 default judgements of a complete process, 220 cases have been corrected through violations and then dismissed, 21 cases dismissed for varied reasons such as sold property. 140 open cases. Stanley spoke to the ongoing number of new cases, 2 cases open pending from 2023, cases from ongoing activity of properties, rezoning issues, properties actively making repairs for violations, weather related.

Committee chair Hiller spoke to the challenge of keeping LLC's out of court and if can things can stay at the City administrative level.

- IX. City Retaliation Ordinance. City Attorney Stanley spoke to her support of the language in the ordinance. She continued to speak to the education for people to continue to bring cases forward.
- X. Life Safety Categorizations. Stovall spoke to the 2025 violations are compliance issues that pose immediate or significant risks. The violation prioritization list has been shared with inspectors.
- a. (1) Structural Integrity (2) Fire Safety (3) Electrical Hazards (4) Gas and HVAC Systems (5) Plumbing and Sanitation (6) Egress and Accessibility (7) Hazardous Materials (8) Pest Infestations (9) Unsafe Occupancy
- XI. Fines/Fees Update - including Life Safety, Repeat Offender considerations. City Attorney Stanley reported an update from Judge Thadani that the LLC ordinance has currently brought in \$157,349 in fines and fees.
- XII. Escrow Opportunities. City Attorney Stanley spoke to escrow opportunities through Kansas Legal service. She added Manhattan, Kansas is the only city with an ordinance for escrows; it was reported it had not been used in 20 years. Committee chair Hiller thanked Stanley for research on escrow opportunities.
- XIII. Other. Committee chair Hiller spoke to tenants of Lew McGinnis properties receiving rent reductions of compensation for not receiving services such as trash. City Attorney Stanley suggested to have Class Action approach go through Kansas Legal Services. She suggested for further education the Supreme Court website would be a good source for eviction processes or small claims court information.

Next Meeting: Committee Chair Hiller requested to meet June 18, 2025 at 9:30 a.m. Law Enforcement Center (LEC); 320 S Kansas Avenue Classroom A.

Adjourn: Committee Chair Hiller adjourned the meeting at 11:03 a.m.

The video of this meeting can be viewed at; https://youtu.be/_cLpvbhvEI4

Changing Our Culture of Property Maintenance 2025 Action Plan

Website Updates

- CoCPM Page- Dan Garrett and Nicole Stovall
- PMU Page- Nicole Stovall
- Sync Across Our Own and Partner Platforms- Dan Garrett

Media

- Determine outreach media to be used (Radio, TV, Social Media, Print/Digital Media)- Dan Garrett
- 2025 Promotional Plan- Dan Garrett
- Develop blast and events lists- Dan Garrett

Software Transition and Merge

- MyGov to Tyler Transfer- Nicole Stovall, Jeremiah Linser, Katy Jackson, Zac Shields
- SNCO location Sync- Tyler Tech
- Cross Department Data-Sharing- Nicole Stovall, Megan Rodecap, Rob Scott, Rhiannon Friedman, Travis Lathrop, Alan Stahl, Jaime Dennis, Amie Gomez, Tyler Corn, Travis Tenbrink
- Revision of all Letters/Layout- John Schardine
- Revision of all Workflows- John Schardine, Carlos Hernandez, Jeanette Weese, Cristian Marino-Leiva, Nathan Dykeman

Data Inventories

- Vacant Property Inventory- John Schardine, Alan Stahl, Megan Rodecap, Nicole Stovall, Quinn Cole, Travis Lathrop
- Rental Properties Fire Investigations (Apartments- 8 or More Units)- John Schardine and Alan Stahl

Community Engagement and Volunteer Opportunities/ Neighborhood Self-Help

- Community Clean Up- Nicole Stovall and Monique Glaude
- Yard of the Month- Nicole Stovall and Monique Glaude

Promotional/Educational Material

- New Vegetation and Pest Control Education Distribution- John Schardine and Nicole Stovall
- Program and Resource Lists:
 - Community Engagement- Monique Glaude
 - Housing - Carrie Higgins
 - Renter Protection- Carrie Higgins
 - PMU- Nicole Stovall
 - Small Developer Tip Sheet- Planning and Development -Rhiannon Friedman, Quinn Cole, Land Bank
- Spanish Translations- Nicole Stovall and Eduardo Herrera
- Neighborhood Profiles- Rhiannon Friedman

Legal/Ordinance Creation

- Update International Property Maintenance Code- John Schardine and Legal
- Revisit Inspector Access to Rental Housing -John Schardine
- Revisit Renter Protection/ Eviction Defense- Amanda Stanley, Carrie Higgins, John Schardine and Partners
- Review Abatement Policies/Procedures and related Kansas law- John Schardine and Matt Mullen
- Review Success of LLC and Repeat Offender Strategies- Amanda Stanley and John Schardine
- Revisit Fines/Fees and related Waiver policies- Amanda Stanley
- Review Practices Regarding Continuances-Amanda Stanley, Courts, John Schardine
- Address Contract for Deed Issues- Amanda Stanley
- Interface with Camping Issues – Public Works, Legal, PMU, City Manager, Fire, Police

PMU Code Administration

- All inspectors to train and certify in code within 18 months- John Schardine
- Institutionalize Fire/PMU Rental Outreach Program on Fixed Rotation- Alan Stahl
- Set goals for balance and comprehensiveness of inspections- John Schardine
- Set Objective Response Times for Hazards and Occupied Rentals- John Schardine
- KDOT Mowing- Steve Baalman, Nicole Stovall, Travis Lathrop
- Problem Property, Safety and Code Collaboration- John Schardine, Housing/Homeless Partners
- Clearly define SOP for Securement and Emergency Securement Cases- John Schardine, Nicole Stovall, Fire, Police

Department Training

- Onboarding and Training manuals for All Positions -John Schardine
- Tyler Software Training-Nicole Stovall
- Customer Service- John Schardine, Carlos Hernandez, Christian Marino-Leiva

Housing Community Navigator

- Refresh Position Description and Location - Monique Glaude and City Manager
- Cross Training in All Applicable Departments/Partners- Monique Glaude, Carrie Higgins, John Schardine, Kelly Trussel and Legal, Mayors Office, Council Office, Partner Networks
- Address Other Resident Legal and Organizational/Safety Net Support Needs for Case Resolution

Performance Data and Measurement

- 2021-2025- Nicole Stovall
- Begin Outcome Measurements using Data- Nicole Stovall

Engagement/Expansion

- Explore New Partners for Challenged LMI Owners- Carrie Higgins

Vacant Property Activation

- Developer/Small Developer Round Tables - Rhiannon Friedman, Quinn Cole, Land Bank
- Study and Settle on Best Redevelopment Strategies for Topeka- Planning and Development
- Explore Creative Ways to Optimize Use of Tax Sales- Quinn Cole and Land Bank

2025 Action Plan- Team Directory

Property Maintenance Unit

John Schardine- Property Maintenance Director

Nicole Stovall- Program Administrator

Jeanette Weese- Supervisor III

Carlos Hernandez- Property Maintenance Field Supervisor

Cristian Marino-Leiva- Property Maintenance Field Supervisor

Nathan Dykeman- Property Maintenance Inspector II

City Manager

Dan Garrett- Division Director of Communications and Media Relations

Eduardo Herrera- Language Access Coordinator

Information Technology

Katy Jackson- Division Director

Jeremiah Linser- Senior System Developer

Travis Lathrop- Manager Technical Services

Amie Gomez-Business Systems Analyst

Finance

Zac Shields- Senior Project Manager

Planning and Development

Rhiannon Friedman- Director of Planning and Development

Carrie Higgins- Division Director of Housing Services

Rob Scott- Manager Field Services

Megan Rodecap- Zoning Inspector

Quinn Cole- Management Analyst

Topeka Fire Department

Alan Stahl- Fire Marshal

Topeka Police Department

Jamie Dennis- Public Safety Systems Administrator

Tyler Technologies

Tyler Corn-

Public Works

Travis Tenbrink- Forestry Manager

Community Engagement

Monique Glade- Division Director



WHY IS MOWING AND MAINTAINING YOUR PROPERTY IMPORTANT TO YOUR COMMUNITY?

**Maintaining your property isn't just about curb appeal
it's about building a safer, cleaner, and
more welcoming neighborhood for everyone!**

A WELL-KEPT PROPERTY HELPS:

- PREVENT PEST INFESTATIONS
- REDUCE FIRE HAZARDS
- IMPROVE PROPERTY VALUE
- INCREASE PEDESTRIAN AND DRIVER SAFETY
- DETER CRIMINAL ACTIVITY
- BOOST NEIGHBORHOOD PRIDE

ALL PROPERTIES MUST BE MAINTAINED FREE OF VEGETATION OVER 12 INCHES TALL, INCLUDING:

- WEEDS
- WOODY VINES
- VOLUNTEER SAPLINGS
(UNDER 4-6" DIAMETER)
- SHRUBS AND BRUSH
- GRASS AND UNCULTIVATED
PLANTS

 **CULTIVATED GARDENS, NATIVE PLANTS, AND ORNAMENTAL
GRASSES ARE WELCOME.**

 **NOXIOUS WEEDS ARE PROHIBITED.**

 **APPLIES TO YARDS, FENCE LINES, ALLEYWAYS, EASEMENTS,
AND RIGHTS-OF-WAY.**

**NEED HELP
WITH MOWING?**
**CONTACT THESE LOCAL
CONTRACTORS**

OMNI CIRCLE GROUP 785-422-7549
ROBERT JOHNSON 303-378-3293
CHRIS WARE 785-806-2755
FOREVER GREEN 785-250-0496



FOR MORE INFORMATION - CALL THE PROPERTY MAINTENANCE TEAM
785-368-3161



¿POR QUÉ ES IMPORTANTE PARA SU COMUNIDAD PODAR EL CÉSPED Y MANTENER SU PROPIEDAD?

**Mantener su propiedad no sólo se trata de tener un exterior atractivo
¡se trata de construir un vecindario más seguro,
limpio y acogedor para todos!**

UNA PROPIEDAD BIEN CUIDADA AYUDA A:

- PREVENIR INFESTACIONES DE PLAGAS
- REDUCIR LOS RIESGOS DE INCENDIOS
- MEJORAR EL VALOR DE LA PROPIEDAD
- AUMENTAR LA SEGURIDAD DE LOS PEATONES Y CONDUCTORES
- DISUADIR LA ACTIVIDAD CRIMINAL
- AUMENTAR EL ORGULLO DEL VECINDARIO

TODAS LAS PROPIEDADES DEBEN MANTENERSE LIBRES DE VEGETACIÓN DE MÁS DE 12 PULGADAS DE ALTURA, INCLUYENDO:

- MALEZAS
- VIÑAS LEÑOSAS
- ÁRBOLES JOVENES VOLUNTARIOS (MENOS DE 4-6" DE DIÁMETRO)
- ARBUSTOS Y MATORRALES
- CÉSPED Y PLANTAS NO CULTIVADAS

 **LOS JARDINES CULTIVADOS, LAS PLANTAS NATIVAS Y LOS
CÉSPEDES ORNAMENTALES SON BIENVENIDOS.**

 **SE PROHÍBEN LAS MALEZAS DAÑINAS.**

 **ESTO APLICA A PATIOS, LÍNEAS DE CERCADO, CALLEJONES,
SERVIDUMBRES Y DERECHOS DE PASO.**

NECESITA AYUDA OMNI CIRCLE GROUP 785-422-7549
PARA CORTAR EL CÉSPED? ROBERT JOHNSON 303-378-3293
PÓNGASE EN CONTACTO CON CHRIS WARE 785-806-2755
ESTOS CONTRATISTAS LOCALES FOREVER GREEN 785-250-0496

**PARA MÁS INFORMACIÓN
LLAME AL EQUIPO DE MANTENIMIENTO DE LA PROPIEDAD AL
785-368-3161**

Performance Measures- Data

- C1 1. Number of PMU inspections, to include initial, re-inspections, and total per year for all case types
- C1 2. Number of internal and external violations and total number per year
- C1 3. How many cases per year per case type and how many address for all case types
- C1 4. Percentage of violations from LLCs or repeat offenders
- C1 5. How many individuals are utilizing the appeal form in the notice and what were the outcomes

- C2 6. How many vacant properties are cited per year for other case types
- C2 7. How many vacant properties are registered, complied, and not complied
- C2 8. How many of the vacant properties have been transferred to tax sale per year
- C2 9. How many fires did we have each year (accidental, incendiary, and undetermined)
- C2 10. How many inspections in multi-house properties are we doing for fire safety violations per year

- C3 11. How many abatements per year were paid and other fines paid
- C2 12. How many abatement costs were sent and retrieved by collections per year
- C2 13. How much abatement/fine costs were waived per year and for what case type
- C3 14. How many cases go to court per year and for what case type
- C3 15. How many does the court find owners guilty of violations per year

- C4 16. Average number/range of days between case start date and volunteer compliance per year
- C4 17. Origin of complaint internal vs external per year
- C4 18. How much money was applied for vs how much was awarded per year
- C4 19. How many abatements were completed per year for sanitation and weeds
- C4 20. Does the survey show better overall appearance from public

Performance Measures Data 2024

C1 #1 Number of PMU inspections, to include initial, re-inspection, and total per year for all case types

Years	Courtesy Inspection	Initial Inspections	Re-Inspections	All Total
2021	5	7454	12245	19704
2022	1	6965	11181	18147
2023	2	9628	8519	15449
2024	42	9230	10030	19302

*This is how many times the button Resulted has been pressed in the system, so for initial and re-inspection it shows higher than actual case count.

C1 #2 Number of internal and external violations and total number per year

Years	Exterior	Interior	Exterior & Interior	Blank	Total
2021	11			995	1008
2022	430	87	36	204	757
2023	615	67	44	244	970
2024	391	77	54	461	983

*Only Housing Violation case type have been logging violation type.

C1 #3 How many cases per year per case type and how many address for all case types

Year	Graffiti	Housing Condemnation	Housing Violation Notice	Sanitation	Unsafe Structure	Unsafe Structure (Emergency)	Vacant Registry	Vehicle	Weeds	Total Cases	Total Addresses
2021	122	143	1008	2514	185	1	556	845	2071	7445	4183
2022	148	169	757	2268	198	1	438	622	2073	6674	3844
2023	101	198	970	2503	177	3	209	799	1675	6636	3919
2024	147	279	983	3037	122		201	1047	3006	8822	5136

C1 #4 Percentage of violations from LLC’s or repeat offenders

In 2024 out of 6638 total report cases

- 29% --1954 cases were from owners that had just one case.
Out of these cases 227 of them were from LLCs.
- 13% -- 897 cases were from owners that had multiple addresses with just one case for each address.
Out of these cases 435 of them were from LLCs.
- 57% -- 3787 cases were from owners that had had 2 or more violations for the same address.
Out of these cases 858 of them were from LLCs.

C1 #5 How many individuals are utilizing the appeal form in the notice and what were the outcomes

*Only cases included are Weeds, Sanitation, and Vehicle. Violation appeals and bill appeals make up the total appeals.

Appeals	Outcomes
2	Abatement Costs and Admin Penalties Affirmed
2	Case Closed
2	Failed to Appear
1	Owner Canceled Hearing
7	Owner Ordered to Abate Property
11	Voluntary Compliance
28	Abatement Costs and Admin Penalties Waived
53	Total Appeals

Performance Measures Data 2024

C2 #6 How many vacant properties are cited per year for other case types

Years	Vacant Properties with Other Cases	Graffiti	Weeds	Sanitation	Vehicle	Housing Violation Notice	Housing Condemnation	Unsafe Structure	Total Other Cases
2021	556	4	154	169	43	44	27	9	450
2022	438	2	88	84	21	18	15	2	230
2023	209	1	54	82	11	30	23	5 1 emergency	207
2024	201	2	70	78	13	27	20	3	213

C2 #7 How many vacant properties are registered, complied, and not complied

Years	Properties Registered	Owner Confirmed Vacancy	Owner did not Confirm Vacancy	Left Blank
2024	201	67	123	11

C2 #8 How many of the vacant properties have been transferred to tax sale per year

Tax Sale Year	Vacant Properties Registered	Vacant Properties Sent to Tax Sale	Overall Parcel Total at Tax Sale	Redeemed Prior to Tax Sale	Sold at Tax Sale
2021	556	5	24	1	4
2022	438	17	67	2	15
2023	209	13	104	0	13
2024	201	9	85	0	9

C2 #9 How many fires did we have each year (Accidental, Incendiary, and Undetermined)

Years	Accidental	Incendiary	Undetermined	Total	Registered Vacant Structures
2021	21	43	30	94	4
2022	16	44	38	98	2
2023	31	51	46	128	3
2024	27	84	39	150	2

C2 #10 How many inspections in multi-housing properties are we doing for fire safety violations per year

Years	Total Known Apartment Complexes	Interior Exit Building Inspections (FIRE)	Exterior Exit Building Inspections (FIRE)	Total Buildings Inspected (FIRE)	Total Complexes Inspected (FIRE)	Total Buildings Inspected (PMU)	Total Complexes Inspected (PMU)
2024	111	216	189	405	88	138	32

*Total known apartment complexes come from fire department Memorandum of Understanding (MOU) spreadsheet.

Performance Measures Data 2024

C3 #11 How many abatements per year were paid and other fines paid (Abatement costs/case fines/case fees)

Years	Total Billed	Total Paid	*PMU only
2021	\$817,665.74	\$301,794.57	
2022	\$1,002,902.09	\$259,485.27	
2023	\$759,210.60	\$232,840.14	
2024	\$756,389.09	\$146,096.22	

C3 #12 How many abatement costs were sent and retrieved by collections per year

Year	Amount Sent	Amount Paid	Still Active to Collect	Collected on Cancelled	Cancelled Debt	On Hold
2021	\$421,899.97	\$67,220.44	\$254,539.39	\$447.07	\$98,969.53	\$723.54
2022	\$614,789.37	\$77,159.30	\$394,550.12	\$101.52	\$128,632.78	\$14,345.65
2023	\$483,421.15	\$13,692.13	\$169,306.58	\$25.00	\$109,961.44	\$190,436.00
2024	\$381,475.57	\$20,111.00	\$243,517.86	\$0.00	\$115,646.71	\$2,200.00

C3 #13 How much abatement/fine costs were waived per year and for what case type

Years	Case Type	Total Waived Per
2021		
2022		
2023	Weeds	9,436.98
2023	Sanitation	12,784.14
2023		
		2023
		22,221.12
2024	Weeds	14,357.13
2024	Sanitation	14,232.74
2024	Unsafe Structure	13,665.85
		2024
		42,255.72

C3 #14 How many cases go to court per year and for what case type

Year	Housing Condemnation Case	Housing Violation Case	Total Filed to Court for Intake
2021	7	342	349
2022	17	234	251
2023	25	348	373
2024	26	355	381

*This number is what PMU sends to court each year for Kelly to evaluate during an intake process and then decide when to file it based on importance and number of fillings that are allowed weekly.

Performance Measures Data 2024

C3 #15 How many does the court find owners guilty of violations per year

Year	Total Filed	Dismissed	Convictions
2021	896 (3 Zoning)	567	5
2022	367 (2 Fire)	283	4
2023	387 (2 Fire, 8 Zoning)	229	17
2024	323 (13 Fire, 6 Zoning)	203	46

*Kelly reported an extremely high value in 2021 because there was a backlog of cases in the intake process that had not been delt with before she arrived in the position.

C4 #16 Average number and range of days between case start date and volunteer compliance per year

Years/Range	Graffiti	Weeds	Sanitation	Vehicle	Housing Violation Notice	Housing Condemnation	Unsafe Structure
2021	0-340	0-651	0-1009	2-205	0-1267	2-635	66-553
2022	1-63	0-568	0-517	1-426	0-683	2-252	1-301
2023	1-124	2-234	1-440	5-311	1-636	5-485	209-533
2024	5-195	2-142	2-265	1-277	5-404	2-412	176-134
Years/Average	Graffiti	Weeds	Sanitation	Vehicle	Housing Violation Notice	Housing Condemnation	Unsafe Structure
2021	35	22	31	29	222	83	189
2022	21	20	33	32	86	46	152
2023	29	22	38	34	133	173	327
2024	32	16	31	30	89	59	152

C4 #17 Origin of complaint internal vs external per year

Years	External	Internal (City)	See Click Fix	Marked Yes but No Complaint Type	Total Cases
2023	320	111	193	13	637
2024	1376	650	1721	55	3802
Years	Blank	No Complaint		Yes Complaint	Total Cases
2023	5395	732		637	6764
2024	84	4932		3802	8818

Performance Measures Data 2024

C4 #18 How much money was applied for vs how much was awarded per year

Years	Grant Money Received	General Funds Received	Grant Money Allocated	Households
2019-2022	750,000	0	750,000	37
2023-2026	750,000	200,000	272,358.98	14

C4 #19 How many abatements were completed per year for sanitation and weeds

Year	Case Type	Number Of Abatements	Total for Year
2021	Sanitation	432	2514
2021	Weeds	550	2071
2022	Sanitation	448	2268
2022	Weeds	467	2073
2023	Sanitation	395	2503
2023	Weeds	558	1675
2024	Sanitation	574	3037
2024	Weeds	1042	3006

C4 #20 Does the survey show a better overall appearance from the public

Four (4) 2022-2026 Challenges

1) Reduce current substandard structures by 50% in 5 years.

By:

- Establish a system, within existing laws, to do complete interior inspections on all structures that appear to need it and/or upon request
- Establish a single visit complete inspection system that provides for one inspection and one write-up procedure for all violations
- Allow extensions to parties who are working on compliance
- Set up system for referring property owners to paid or volunteer laborers
- Initiate courtesy inspections
- Establish processes & consequences such that citizens will want to take care of issues so that Code does not even request access
- Establish communitywide or neighborhood wide campaigns if needed

2) Reduce Deterioration in Vacant Structures

By:

- Staff establishes procedures to advise owners of long-term vacant or soon-to-be vacant structures about "Mothballing" standards
- Encourage owners to implement and refer them to resources for advice and assistance
- The process would be implemented through the Vacant Registry through communications
- Establish strategy with the TPD to optimize vacant structure security

3) Reduce the expense / revenue gap on abatement cases by 50%

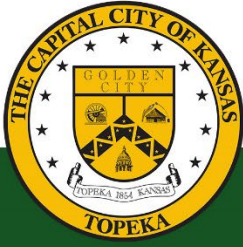
By:

- Establish a system and culture whereby it is clear that COT expects owners to take full responsibility for their properties. Includes implementing current capacity to increase fines for extended or repeat violations.

4) Improve the appearance of the community through management of uncultivated and overgrown vegetation such that the average resident or visitor would score Topeka's property appearance at least a 7 on a scale of 10. The Police Department would rate 80% or more of properties as in compliance with CPTED (Crime Prevention through Environmental Design) principles within 5 years. At the same time, tree and shrub abatements by City Departments would be reduced by at least 50% (Links with #2 above)

By:

- Initiative will require a minor amendment of new legal interpretation of the Code about vegetation that is over 12" that has turned into shrubs, trees or vines as well as synch-up with non-IPMC section of the TMC that addresses the same issue
- Will likely require a community education campaign in conjunction with a volunteer assistance campaign
- Optimal partnership with all departments who deal with exterior maintenance issues (Police, Engineering, Zoning, Forestry, KDOT) as well as combined ticketing, billing and collections system would seem to be in order



CITY OF TOPEKA

Legal Department, Prosecution Division
215 SE 7th Street, Room 170
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution
Tel: (785) 368-3910
www.topeka.org

MEMORANDUM

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

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

The first proposed amendment is within (a)(2), regarding the time allowed for the owner's compliance with the dangerous dog conditions that are imposed by the court upon conviction. The purpose of the first amendment is to allow for the municipal judge to have discretion in granting an extension of time to comply with the conditions, upon a finding of good cause. Currently, the owner is allowed only 15 days to comply with the conditions, and if the owner cannot comply, the dog must be destroyed. 15 days is more than enough time to comply with the conditions *if* the dog has already been spayed or neutered. However, 15 days is not enough time to allow completion of that procedure with longer scheduling times at licensed veterinary offices. This amendment allows the judge to have discretion over the extension of time, should the owner need time to address the sterilization.

The second proposed amendment is within (b), regarding automatic release of the dog to the humane society upon the owner failing to appear to the first appearance. The current wording of this ordinance does not address any situations of the owner's failure to appear to subsequent settings. Often, the owner appears to the first appearance but then fails to appear at other later settings (arraignments, motions, trial, or sentencing). This means that the dog is held indefinitely at the humane society, often for many months and sometimes over a year. The amendment would release the animal upon *any* failure to appear to a court setting for the case, preventing long extended holds on dogs at the humane society.

We are recommending adoption of these two proposed amendments to TMC 6.15.170.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, concerning dangerous dogs, amending § 6.15.170 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 6.15.170, Dangerous dogs, of The Code of the City of Topeka, Kansas, is hereby amended to read 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 (A) to obtain veterinary care for the dangerous dog; or (B) for the limited purposes of allowing said dangerous dog to urinate or defecate; or (C) to surrender the dangerous dog to the humane society to be euthanized by a certified veterinarian; or (D) to respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely and humanely 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, upon motion filed by the owner, the Municipal Court Judge may allow an extension of time to comply, after a finding of good cause, or order the dog ~~shall~~to 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(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

77 and any bond may be applied to such costs. If the owner is personally served with the
78 citation and fails to make an appearance to answer the charges within 72 hours after
79 the failure to appear, the court shall release the animal to the humane society or a
80 proper holding facility. If the citation is mailed to a presumed owner, and the presumed
81 owner fails to appear before the court to answer the charges, the court shall release the
82 animal to the humane society or a proper holding facility 20 days after the failure to
83 appear. Upon any failure to appear by the presumed owner thereafter, the court shall
84 release the animal to the humane society.

85 (c) Dogs seized in connection with dog fighting shall be housed in a secure
86 enclosure with proper exercise and care and held as evidence in the case until the
87 conclusion of the case and order from the court on the disposition of the dogs.
88 Disposition and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-
89 6414 and any amendments thereto.

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

94 (e) Dangerous Dog At Large. Any dog that has been found to be a dangerous
95 dog or vicious dog under the previous Topeka City Code 18-8 or this section, that is not
96 confined or registered as required pursuant to this chapter, shall be impounded by an
97 animal control officer or a law enforcement officer. Upon conviction, in addition to all
98 costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not
99 more than \$499.00. For a second offense within 24 months, in which the dog is not
100 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.

Section 2. That original § 6.15.170 of The Code of the City of Topeka, Kansas, are 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.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



CITY OF TOPEKA

Legal Department, Prosecution Division
215 SE 7th Street, Room 170
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution
Tel: (785) 368-3910
www.topeka.org

MEMORANDUM

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

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

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

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

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

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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, concerning Cruelty to Animals, amending § 6.05.100 of the Topeka Municipal Code and repealing original section.

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

Section 1. That section 6.05.100, Cruelty to Animals, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

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~~ at all times.

(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.

(C) 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

74 insulation and protection against cold and dampness when the atmospheric
75 temperature falls below 40 degrees Fahrenheit, or to tether without securing the
76 animal's water supply so that it cannot be tipped over by the tether; or

77 (5) Tether a dog, cat or miniature pot-belly pig in an open area where it
78 can be teased by persons or an open area that does not provide the dog, cat or
79 miniature pot-belly pig protection from attack by other animals; or

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

83 (c) Any public health officer, animal control officer, law enforcement officer or
84 licensed veterinarian, or any officer or agent of any duly incorporated humane society,
85 animal shelter or other appropriate facility, may take into custody any animal, upon
86 either private or public property, which clearly shows evidence of cruelty to animals, as
87 defined in subsection (a) of this section and subsections thereto. Such officer, agent or
88 veterinarian may inspect, care for or treat such animal or place such animal in the care
89 of a duly incorporated humane society or licensed veterinarian for treatment, boarding
90 and other care or, if it appears, as determined by an officer of such humane society or
91 by such veterinarian, that the animal is diseased or disabled beyond recovery for any
92 useful purpose, the humane killing thereof. The owner or custodian, if known or
93 reasonably ascertainable, shall be notified in writing. If the owner or custodian is
94 charged with a violation of this section, the law enforcement agency, city attorney's
95 office, veterinarian or animal shelter may petition the Municipal Court to transfer
96 ownership of the animal at any time after 21 days after the owner or custodian is

97 notified, unless the owner or custodian of the animal files and maintains a renewable
98 cash or performance bond with the Topeka Municipal Court Clerk in an amount equal to
99 not less than the cost of care and treatment of the animal for 30 days. Such cash or
100 performance bond shall be maintained and renewed every 30 days as necessary to
101 cover the cost of care and treatment of such animal until disposition of the animal by the
102 court. If the owner or custodian is not known or reasonably ascertainable after 21 days
103 after the animal is taken into custody, the law enforcement agency, city attorney's office,
104 veterinarian or animal shelter may petition the Municipal Court to transfer ownership of
105 the animal. Upon receiving such petition, the court shall determine whether the animal
106 may be transferred.

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

110 (e) Expenses incurred for the care, treatment or boarding of any animal taken
111 into custody pursuant to subsection (c) of this section, pending prosecution of the owner
112 of such animal for the crime of cruelty to animals, as defined in subsection (a) of this
113 section, shall be assessed to the owner as a cost of the case if the owner or custodian
114 is adjudicated guilty of such crime. Any costs collected by the court or through the cash
115 or performance bond described in subsection (c) shall be transferred to the entity
116 responsible for paying the cost of the care, treatment, or boarding of the animal.

117 (f) If a person is adjudicated guilty of the crime of cruelty to animals, as defined
118 in subsection (a) of this section, and the court is satisfied that an animal owned or
119 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.

(h) Violation of TMC 6.05.100 is a Class A nonperson misdemeanor.

Section 2. That original § 6.05.100 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.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk