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ORDINANCE NO. 17879

AN ORDINANCE introduced by the Public Health & Safety Committee relating to exotic or captive wild animals; amending the provisions of Sections 18-6 and repealing the original Section.

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

Section 1. That Section 18-6 of the Code of the City of Topeka is hereby amended to read as follows:

Sec. 18-6. Exotic or captive wild animals.

(a) Keeping, maintaining, etc. Except as allowed by subsection (d), 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, except as excluded in subsection (d).

(b) Selling, trading, etc. Except as allowed by subsection (d), 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, except as excluded in subsection (d).

(c) Buying, accepting in trade. Except as allowed by subsection (d), it shall be unlawful for any person to willfully buy or accept in trade, within the city limits, any live mammal, bird or reptile except as excluded in subsection (d).

(d) Exceptions. Animals excluded by section. Persons may buy, own, accept in trade, keep, maintain, possess, sell, offer for sale, trade or offer for trade Animals excluded by this section are:

(1) Domestic dogs.

(2) Domestic cats.

JJKORD/Exotic Animals 08/21/02 1
(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.
(11) Amphibians.
(12) Fish.
(13) Invertebrates.

(e) **Exemptions.**

(A) The prohibitions in subsections (a) – (c) of this section shall not apply to bona fide:

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

(B) The prohibitions in subsection (a) shall not apply to bona fide:

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(2)(1) Medical institutions.

(3)(2) Post-secondary educational institutions.

(4)(3) Veterinary clinics in possession of the animals prohibited under this section.

(5)(4) Circuses, if properly licensed by the city.

(6)(5) Carnivals, if properly licensed by the city.
(7) Persons who own, keep, maintain or have in their possession or under their control any live mammal, bird or reptile except as excluded in subsection (d) on or before July 1, 1980, provided, however, that such persons have obtained from the city treasurer, or an agent authorized by the city treasurer, a permit for each prohibited animal pursuant to the requirements set forth in subsection (j) of this section.

(8) Persons temporarily transporting such animals through the city designated and licensed as animal rehabilitators by the state fish and game commission.

(9) Persons designated and licensed as animal rehabilitators by the state fish and game commission. Persons listed in subsections (e)(B)(1)-(6) 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) 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) 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 enforce, destroy or remove from the city any animal prohibited under this section.

(j) Permit required; application; fees.

(1) No person, as described in subsection (e)(7), shall own, keep or harbor within the corporate limits of this city any animal prohibited by this section without first obtaining a permit from the city treasurer, or an agent of the city-treasurer, who may issue such permit when proper application is made in writing.

(2) Applications for exotic or captive wild animal permits shall be made to the city-treasurer, or authorized agent of the city-treasurer, upon forms provided by the city-treasurer and setting forth such information as necessary to properly implement the provisions of this section. Each application must contain, but shall not be limited to, the name of the owner, harborer, keeper or possessor of the animal, his street address, mailing address and telephone number. Such application forms shall be completed by the applicant and submitted to the city-treasurer, or authorized agent, for approval and payment of the permit fee. The application form shall serve as the exotic or captive wild animal permit and shall constitute consent by the applicant to any reasonable inspection of
the animal.

(3) The permit fees under this section shall be $50.00 per animal for each permit year. The permit year shall be from January 1 through December 31 of each year.

Section 2. That original Section 18-6 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.

PASSED and APPROVED by the City Council AUG 2, 0-2002

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE: 8/21/02
TO BE CODIFIED
NOT TO BE CODIFIED