



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
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, LEC Classroom A

Date: July 19, 2016

Time: 3:30 p.m.

Attendance

Committee members: Councilmembers Sylvia Ortiz (Chair), Elaine Schwartz & Jeff Coen

Council members: Karen Hiller

City staff members: Judge Jason Geier, Municipal Court; Chuck Kitt and Jason McIlrath, City Prosecutor's Office; Keya Downing, City Clerk's Office.

Call to Order

Meeting was called to order by Councilmember Sylvia Ortiz.

Approval of Minutes

Minutes of the May 20, 2016 meeting were approved.

Discussion Items

Discussion and possible action on AN ORDINANCE introduced by City Manager Jim Colson, concerning dangerous dogs, amending City of Topeka Code § 6.05.080 and repealing original section.

Chuck Kitt, City Prosecutor, presented the proposed changes (attached) and answered questions from the committee.

Councilmember Karen Hiller summarized the many responses she received from constituents regarding this ordinance and the proposed changes. Most responses were positive with requests for further discussion and clarification on:

1. Definition of great bodily harm.
2. Optional euthanization on a first offense.
3. Full behavioral assessment before euthanization.
4. Review of fines.
5. Exceptions in the ordinance.
6. Affirmative defense.

Citizen Renee Hall gave testimony regarding a Pitbull attacking her small dog on her property and the issues she encountered getting the needed emergency veterinarian care.

Citizen Sara Velasquez asked questions to provide clarification of the ordinance.

Councilmember Hiller encouraged Legal staff to work on the exceptions language in the ordinance so it is clear, consistent and easy for citizens to read and understand.

Chuck Kitt suggested that a definition of domestic animals be included in the ordinance.

Councilmember Ortiz would like to schedule an additional meeting at a later date to allow staff time to conduct additional research, and for the committee to study the information provided.

Discussion on any other items before the Committee

None

Adjournment

The meeting was adjourned at 4:40 p.m.

Minutes were taken by Keya Downing (City Clerk's Office) and finalized by Angela Horn (City Council Office).

Video recording of this meeting can be found at:

<https://www.youtube.com/watch?v=TaxtDVQDBHk&feature=youtu.be>

Dangerous Dog Ordinance Proposed Changes

ATTACK ON HUMAN

1. Classifications of dangerous dog behavior.

Current	Proposed		
	1	2	3
None	Caused great bodily harm or death.	Caused bites and or scratches, but no great bodily harm or death.	Behaved in an aggressive/threatening manner, but caused no great bodily harm or death.

2. Animal Control Office picks up dangerous dog. Optional or mandatory?

Current	Proposed		
	1	2	3
If probable cause to believe dog is dangerous, the ACO <u>MAY</u> seize and impound. TMC 6.05.080(a)	no change	no change	no change

3. Can dangerous dog be held at Helping Hands Human Society or vet of owner's choice?

Current	Proposed		
	1	2	3
Dog shall be held at HHHS or owner (at their own expense) may choose any vet within the City. TMC 6.05.080(a)	no change	no change	no change

4. Can dangerous dog be held at home?

Current	Proposed		
	1	2	3
If bond is granted by the Court while case pending. TMC 6.05.080(a). After first conviction if requirements are met. 6.05.080(d)(1)	no change	no change	no change

5. Maximum time to Dangerous Dog court hearing?

Current	Proposed		
	1	2	3

ATTACK ON ANIMAL

1. Classifications of dangerous dog behavior.

Current	Proposed		
	1	2	3
None	Caused great bodily harm or death.	Caused bites and or scratches, but no great bodily harm or death.	Behaved in an aggressive/threatening manner, but caused no great bodily harm or death.

2. Animal Control Office picks up dangerous dog. Optional or mandatory?

Current	Proposed		
	1	2	3
If probable cause to believe dog is dangerous, the ACO <u>MAY</u> seize and impound. TMC 6.05.080(a)	no change	no change	no change

3. Can dangerous dog be held at Helping Hands Human Society or vet of owner's choice?

Current	Proposed		
	1	2	3
Dog shall be held at HHHS or owner (at their own expense) may choose any vet within the City. TMC 6.05.080(a)	no change	no change	no change

4. Can dangerous dog be held at home?

Current	Proposed		
	1	2	3
If bond is granted by the Court while case pending. TMC 6.05.080(a). After first conviction if requirements are met. 6.05.080(d)(1)	no change	no change	no change

5. Maximum time to Dangerous Dog court hearing?

Current	Proposed		
	1	2	3

Owner is entitled to hearing within 14 days of requesting bond for the animal. TMC 6.05.080(a)	no change	no change	no change
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Owner is entitled to hearing within 14 days of requesting bond for the animal. TMC 6.05.080(a)	no change	no change	no change
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6. 1st offense. Euthanized? Diversion option? List other options for the dog, then fines for owner.

Current	Proposed		
	1	2	3
If declared dangerous, dog must be microchipped, registered, sterilized, and kept in secure enclosure or on 4 foot leash with muzzle. \$1 - \$499 fine. TMC 6.05.080(d)(1)	Euthanized. \$499 - \$1,000 fine.	Fine amended to \$499 - \$1,000 fine. Other requirements remain.	Fine amended to \$499 - \$1,000 fine. Other requirements remain.

6. 1st offense. Euthanized? Diversion option? List other options for the dog, then fines for owner.

Current	Proposed		
	1	2	3
If declared dangerous, dog must be microchipped, registered, sterilized, and kept in secure enclosure or on 4 foot leash with muzzle. \$1 - \$499 fine. TMC 6.05.080(d)(1)	Euthanized. \$250 fine.	Fine amended to \$250 fine. Other requirements remain.	Fine amended to \$250 fine. Other requirements remain.

7. To determine if 1st or 2nd offense. Prior 'dangerous dog' classification counts only if adjudicated in Topeka Municipal Court? Also Shawnee County District Court? Adjudication in other jurisdictions? Can documented dangerous dog behavior, not adjudicated, be counted as a first offense?

Current	Proposed		
	1	2	3
1st offense means a finding by the Municipal Court. TMC 6.05.080(f)	no change	no change	no change

7. To determine if 1st or 2nd offense. Prior 'dangerous dog' classification counts only if adjudicated in Topeka Municipal Court? Also Shawnee County District Court? Adjudication in other jurisdictions? Can documented dangerous dog behavior, not adjudicated, be counted as a first offense?

Current	Proposed		
	1	2	3
1st offense means a finding by the Municipal Court. TMC 6.05.080(g)	no change	no change	no change

8. 2nd offense conviction. Euthanized? Varies by type of conviction? List other options for the dog, then fines for owners.

Current	Proposed		
	1	2	3
Euthanized, regardless of injury. \$499 - \$1,000 fine. TMC 6.05.080(f)	Euthanized. \$499 - \$1,000 fine.	Discretion to euthanize. \$499 - \$1,000 fine.	Discretion to euthanize. \$499 - \$1,000 fine.

8. 2nd offense conviction. Euthanized? Varies by type of conviction? List other options for the dog, then fines for owners.

Current	Proposed		
	1	2	3
Euthanized, regardless of injury. \$250 fine. TMC 6.05.080(g)	Euthanized. \$250 fine.	Discretion to euthanize. \$250 fine.	Discretion to euthanize. \$250 fine.

9. Exceptions? (ie. Protecting)

Current	Proposed		
	1	2	3

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Current	Proposed		
	1	2	3

"victim" trespassing on owner's land. "victim" teasing, tormenting, abusing or assaulting the dog. "victim" committing a crime. TMC 6.05.010(b)(6)	no change	no change	no change
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"victim" trespassing on owner's land. "victim" teasing, tormenting, abusing or assaulting the dog. "victim" committing a crime. TMC 6.05.010(b)(6) Dog was protecting owner or litter from an attack or assault while on owner's property. TMC 6.05.010(b)(7)	no change	no change	no change
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10. Affirmative Defenses

Current	Proposed		
	1	2	3
On a second offense, if the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being. TMC 6.05.080(h)	Affirmative defense deleted.	Affirmative defense deleted.	Affirmative defense deleted.

10. Affirmative Defenses

Current	Proposed		
	1	2	3
On a second offense, if the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being. TMC 6.05.080(h)	Affirmative defense deleted.	Affirmative defense deleted.	Affirmative defense deleted.