

## 6.15.170 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, the dog shall 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 and any bond may be applied to such costs. If the owner is personally served with the citation and fails to make an appearance to answer the charges within 72 hours after the failure to appear, the court shall release the animal to the humane society or a proper holding facility. If the citation is mailed to a presumed owner, and the presumed owner fails to appear before the court to answer the charges, the court shall release the animal to the humane society or a proper holding facility 20 days after the failure to appear.

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

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

(e) *Dangerous Dog At Large.* Any dog that has been found to be a dangerous dog or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter, shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not 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. (Ord. 20106 § 34, 12-19-17.)

**Cross References:** Municipal Judge, TMC [2.20.060](#); Legal Department, TMC [2.20.070](#); Police Department, TMC [2.20.090](#); Municipal Court, TMC [2.40.060](#); animal control officer, TMC [6.05.020](#).

**State Law References:** Permitting dangerous animal to be at large, K.S.A. [21-6418](#).

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**The Topeka Municipal Code is current through Ordinance 20302, passed June 15, 2021.**

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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