

Sec. 6.04.040. Control and protection of animals in general.

- (a) Any owner, keeper or harbinger of any animal, other than cats, found running at large within the corporate limits of the city shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the owner, keeper or harbinger shall not be elements of this offense. An Animal Control Officer may seize, impound and cause to be destroyed any such animal, including those animals not within the definitions of the Kansas Pet Animal Act, using the procedures set out at K.S.A. 47-1710. The Supervisor of Animal Control may return the animal to its rightful owner, keeper or harbinger upon request and may require the payment of a service charge and a boarding fee for days spent in confinement at the shelter prior to return of the animal. If any animal impounded for any reason is determined by the Animal Control Officer to require confinement separate from other like animals in order to protect the health and well being of that animal, staff, the public, or other animals being housed at the animal holding facility due to any aggressive behavior and/or any disease or medical conditions, the boarding fee for such animal shall be twice the normal boarding fee established by the animal shelter.

Any person who is convicted of the charge of animal running at large shall be punished as set forth below:

- (1) Upon a first conviction, a fine of not less than \$50.00 nor more than \$1,000.00 shall be assessed.
 - (2) Upon a second conviction a fine of not less than \$100.00 nor more than \$1,000.00 shall be assessed.
 - (3) Upon a third or subsequent conviction, a fine of not less than \$200.00 nor more than \$1,000.00 shall be assessed and the owner must appear in Municipal Court.
- (b) In addition to the penalties set forth in paragraph (a), the owner, keeper or harbinger of any unaltered dog that has been impounded for running at-large shall be required to:
- (1) Have an identification microchip implanted in the dog traceable to the current owner, and registered with the City of Wichita, and
 - (2) Have the dog surgically sterilized by a licensed veterinarian within thirty days of redemption of said dog, at his or her own expense. It shall be a violation of this ordinance to fail to have the dog surgically sterilized, or provide proof from a licensed veterinarian that said dog has previously been surgically sterilized, or has been surgically sterilized and micro-chipped within thirty days after redemption of said dog as indicated in this ordinance, or
 - (3) The owner, keeper or harbinger may maintain the aforementioned dog intact by paying an additional unaltered animal fee, the amount of which shall be established by the Chief of Police or designee, to redeem such dog from the Animal Shelter. Such dog may be maintained intact provided that the dog is not found to be running at large on any subsequent occurrence within the dog's lifetime.
 - (4) For any dog required to be surgically sterilized, the Supervisor of Animal Control shall collect payment for and issue a spay/neuter voucher at the time of the animal's redemption, and the owner, keeper or harbinger shall provide documentation of the sterilization upon completion. Such voucher shall remain valid for thirty (30) days. Any owner, keeper or harbinger failing to provide documentation of the sterilization procedure within thirty days of impoundment shall be deemed guilty of a

misdemeanor. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

- (c) Upon the second occurrence of any intact dog impounded by Animal Control for running at large, the owner, keeper or harborer of such dog shall be required to have the animal surgically sterilized by a licensed veterinarian within thirty days of redemption of said dog at his or her own expense. For any animal required to be surgically sterilized, the Supervisor of Animal Control Officer shall collect payment for and issue a spay/neuter voucher at the time of the animal's redemption, and the owner, keeper or harborer shall provide documentation of the sterilization upon completion. Any owner, keeper or harborer failing to provide documentation of the sterilization procedure within thirty days of impoundment shall be deemed guilty of a misdemeanor.
- (d) Animals which are kept on the premises of any pet store shall not be allowed, by the storeowner or any employee, to run at large inside the store or on the external premises of the pet store during business hours, and no person shall allow any animal under their care or control to run at large on the premises of any store during business hours. This provision shall not apply to animals participating in supervised training classes within an enclosed area of the store.
- (e) It is unlawful for any person to:
- (1) Kill any squirrel or songbird within the corporate limits of the city; provided, that it shall be permissible for Animal Control Officers to kill squirrels, skunks, birds, or other animals that have become so numerous as to cause destruction or nuisance to property or in the event of disease occurring among such squirrels, skunks, birds, or other animals that may be considered contagious to human beings;
 - (2) Interfere with or molest an animal used by the police or fire department of the city or other governmental agency or department in the performance of its lawful functions and duties or interfere with the handler of such animal in such a way that the handler is deprived of or inhibited in his control of such animal;
 - (3) Own, maintain, or have in his or her possession with the intent to use in the unlawful conduct of animal fighting, animal fighting paraphernalia;
 - (4) Own, keep or harbor on one's premises any animal, by a person convicted of animal fighting, pursuant to K.S.A. 21-6414 or convicted of cruelty to animals as defined by Section 6.04.035 of the Code of the City of Wichita or K.S.A. 21-6412 and amendments thereto;
 - (5) Own, keep or harbor any animal, which, by loud, frequent, excessive or habitual barking, howling, yelping or other noise or action, unreasonably interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area. To effect legal relief, persons so affected directly may sign a complaint at the Animal Shelter or contact the Wichita Police Department to file a report regarding such nuisance.
 - (6) Allow any unspayed female dog in season to be in an area where there is access by an unconfined male dog;
 - (7) Allow an unconfined male dog in an area where there is access to any unspayed female dog in season;
 - (8) Own, keep or harbor a dog over five months of age within the corporate limits of the city without such dog having a current vaccination against rabies performed by a veterinarian, and the owner thereof securing an annual license for such dog issued by

- the City Treasurer, The Chief of Police or designee shall have the authority to establish appropriate licensing fees for such animals.
- (9) Own, keep or harbor a cat over five months of age within the corporate limits of the city without such cat having a current vaccination against rabies performed by a veterinarian licensed by the State of Kansas.
- (10) Sell or offer for sale, barter or give away any living baby chicks, rabbits, ducklings, or other fowl except pigeons, under two months of age or to sell, offer for sale, barter, give away or display animals or fowl as specified in this subsection which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color; provided, however, that this section shall not be construed to prohibit the sale of animals or fowl, as specified in this subsection, in proper brooder facilities by hatchers or persons engaged in the raising and selling of such animals and fowls for recognized animal husbandry or commercial purposes;
- (11) Own, keep, or harbor, sell or offer for sale, barter or give away any animal whose possession is prohibited by federal or state law, or any exotic animal as defined in by this title. This section shall not apply to: tropical or other fishes; birds, except those prohibited by federal or state law; animals such as gerbils, rats, mice, hamsters, guinea pigs, and ferrets; small mammals raised for harvesting of fur salable into an existing market, such as chinchillas, nutria and mink; nonpoisonous amphibians and reptiles, not including pythons, anacondas, boa constrictors, monitor lizards, iguanas, alligators, caiman, crocodiles and turtles. This section shall not apply to exhibitions authorized by and conducted in accordance with [Chapter 6.08](#)
- (12) Continuously picket a dog for more than one continuous hour, except that picketing of the same dog may resume after a hiatus of three continuous hours. A dog may not be picketed for a total time period exceeding three hours, in any twenty-four-hour period. For the purpose of picketing a dog, a chain, leash, rope, or tether shall be at least 10 feet in length.
- a. A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to picket a dog shall not weigh more than one-eighth (1/8) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area picketed.
- b. Dogs shall be picketed in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles;
- c. It is unlawful to attach chains or other tether restraint implements directly to a dog 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.
- (13) Permit or allow any animal to be a public nuisance.
- (14) Own, keep or harbor more animals than is permitted by the requirements of this title.
- (15) Entering or remaining on premises where the unlawful conduct of animal fighting is occurring whether the person knows or has reason to know that animal fighting is occurring on the premises.
- (f) Animal Control Officers and Law Enforcement Officers may issue the owner or owners of animals creating a public nuisance, as defined in this title, a citation to appear in municipal court to answer the offense charged. To effect legal relief, persons affected directly may sign a complaint at the Animal Shelter or contact the Wichita Police Department to file a report regarding such nuisance.

(Ord. No. 47-895, § 5, 12-4-07; Ord. No. 48-300, § 6, 3-24-09; Ord. No. 48-583, § 2, 12-22-09; Ord. No. 49-010, § 6, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 6, 7-11-2011; Ord. No. 49-257, § 2, 4-10-2012)

Sec. 6.04.045. Dangerous dog—Determination—Notice and hearing—Confinement or destruction.

- (a) The Supervisor of Animal Control may declare a dog to be dangerous based on:
1. The nature of any attack committed or wound inflicted by the animal;
 2. The past history and seriousness of any attacks or wounds inflicted by the animal;
 3. The potential propensity of the animal to inflict wounds or engage in aggressive or menacing behavior in the future;
 4. The conditions under which the animal is kept and maintained which could contribute to, encourage, or facilitate aggressive behavior, such as, but not limited to, allowing the animal to run at large, tethering in excess of legal limits as defined in this chapter, physical property conditions, presence of young children, the elderly, or infirm within or residing near the home, any past violations of this chapter, and/or failing to provide proper care, food, shelter, or water.
- If the Supervisor of Animal Control determines that the animal is dangerous, he or she will determine an appropriate disposition based on the known facts and consistent with the provisions of this chapter. The Supervisor of Animal Control may impound the dog and shall notify the owner of such determination by personal service, residential service at the person's usual place of abode by leaving a copy of the notice with some person of suitable age and discretion residing therein, or by certified mail addressed to the owner's last known address, or addressed to the location where the dog is maintained. Service by certified mail, shall request return receipt, with instructions to the delivering postal employee to show to whom delivered, the date of delivery, and address where delivered. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope. If the certified mail envelope is returned with an endorsement showing refusal of delivery, the Supervisor of Animal Control or designee shall send a copy of the notice to the defendant by ordinary, first class mail. This first class mailing shall be evidenced by a certificate of mailing. Service shall be considered obtained upon the mailing of this additional notice by first class mail. The owner of a dog declared dangerous may request an administrative review of the determination by filing a written request with the Supervisor of Animal Control within ten days of receipt of such notification.
- (b) The Chief of Police or designee will conduct a hearing within ten days of receipt of the owner's request. At such hearing, testimony may be offered by the owner of the dog, Animal Control Officers or staff of Animal Control, victims of any bite or attack, neighbors or other affected persons, and veterinarians concerning the vicious propensity of the dog. In making a determination, the Chief of Police or designee shall consider the factors listed in subsections (1) through (4) above. It shall be an affirmative defense that at the time of a bite, attack, or threatening behavior:
1. The dog was actively being used by a Law Enforcement Official for legitimate law enforcement purposes; or
 2. The threat, injury, or damage was sustained by a person:
 - (i) Who was committing, at the time, a criminal trespass or other tort upon the premises lawfully occupied by the owner of the dog; or
 - (ii) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

A specific dog, not the whole breed.

- (iii) Who was committing or attempting to commit a crime; or
- 3. The dog was responding to pain or injury.

If the Chief of Police or designee determines that the dog is dangerous, he or she shall determine an appropriate disposition based on the facts determined at the hearing and the provisions of this chapter, and will notify the owner in writing of the outcome of the hearing within five business days. The owner may appeal the hearing outcome as provided for in section 6.04.210. During the appeal process, the owner, keeper or harbinger of such animal shall be responsible for the cost of keeping such animal in the animal shelter. The owner, keeper or harbinger of such animal can file a renewable, non-refundable, cash or performance bond with the animal shelter where the animal is being held, within the ten day appeal period, in an amount equal the cost of care and treatment of the animal for 30 days. Said cash or performance bond shall be renewable for an additional 30 days and each successive 30 days the animal is held by Animal Services during the pendency of the appeal. Payment of said renewal shall be within five days of the running of the previous 30 day period. If said cash or performance bond, or its renewal, is not tendered to the Animal Shelter within the time specified above, then Animal Control shall have immediate ownership of such animal and the Supervisor of Animal Control shall determine the disposition of such animal. Absent such appeal, the Supervisor of Animal Control or designee may pick up and cause the animal to be destroyed, or in lieu of such destruction he or she may permit the confinement of the animal in a manner and location that he or she deems appropriate or as provided in section 6.04.046

(Ord. No. 47-895, § 6, 12-4-07; Ord. No. 48-300, § 7, 3-24-08; eff. 7-1-09; Ord. No. 48-583, § 3, 12-22-09; Ord. No. 49-010, § 7, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 7, 7-11-2011)

Sec. 6.04.046. Dangerous dog—Failure to confine—Destruction and defenses.

- (a) It is unlawful for an owner, keeper or harbinger of a dangerous dog to permit the dog to be outside an approved or secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is 18 years of age or older, and possesses sufficient strength for physical control of the animal for the purpose of transportation to and from a veterinarian for medical treatment. In such event, the dangerous dog shall be securely muzzled and restrained with a chain or leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner, keeper or harbinger 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.
- (b) Secure or approved enclosures required under this section must be approved by the Supervisor of Animal Control or designee and be adequately lighted and kept in a clean and sanitary condition.
- (c) The owner, keeper or harbinger shall allow the access to the property where the dangerous animal is being harbored to facilitate inspections and insure compliance for the duration of the life of the animal.
- (d) The owner, keeper or harbinger of any dog that has been determined to be dangerous shall be required to have the animal surgically sterilized by a licensed veterinarian within thirty days of the dangerous animal determination, at his or her own expense. For any animal required to be surgically sterilized, the Supervisor of Animal Control or designee shall collect payment for and issue a spay/neuter voucher at the time of the animal's redemption, and the owner, keeper or harbinger shall provide documentation of the sterilization upon completion. If the dog's owner had a valid dog license, such owner shall not receive a refund of the

licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.
 Any owner, keeper or harbinger failing to provide documentation of the sterilization procedure as required by this section shall be deemed guilty of a misdemeanor.

(e) The owner, keeper or harbinger of any dog that has been determined to be dangerous shall be required to have a microchip, traceable to the dangerous dog and the current owner, inserted into the dog and copies of documentation of said procedure available for review by the Supervisor of Animal Control. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.
 Any owner, keeper or harbinger of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(f) It is unlawful for anyone having prior felony convictions defined in articles 34, 35, 36, and 43 of Chapter 21, and article 41 of Chapter 65 of the Kansas Statutes Annotated to possess, harbor, own or reside on any premises with a dangerous dog.

(g) It shall be unlawful for any person to:
 (1) Harbor, keep or maintain a dangerous dog on property not owned by the person without the written consent of the land owner; or
 (2) Sell, barter or give away to another person a dog which has been deemed dangerous; or
 (3) Own, keep or harbor more than two dogs which have been declared dangerous by this title.

CAREAT (h) Should a previously determined dangerous dog be found running at large in violation of this section attack or inflict injury upon any person, the Judge of the Municipal Court shall, in addition to any other penalty provided in section 6.04.190, order the dog destroyed. Provided, however, the Judge of the Municipal Court may, at his or her discretion, consider whether the attack or injury was sustained by a person who, at the time, was committing a criminal trespass or other tort upon the premises of the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, aroused, or assaulted the dog or was committing or attempting to commit a crime.

(Ord. No. 47-895, § 7, 12-4-07; Ord. No. 48-300, § 8, 3-24-09, eff. 7-1-09; Ord. No. 48-583, § 4, 12-22-09; Ord. No. 49-010, § 8, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 8, 7-11-2011)

Sec. 6.04.047. Signs required.

Upon determination by the Supervisor of Animal Control, the owner of a dangerous dog shall display in a prominent place at the entrance to his or her premises a clearly visible warning sign indicating there is a dangerous dog on the premises. A similar sign is required to be posted on the secure enclosure in which the animal is harbored.

(Ord. No. 47-895, § 8, 12-4-07; Ord. No. 49-010, § 9, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 9, 7-11-2011)

Sec. 6.04.048. Registration and insurance.

(a) The owner, keeper or person harboring a dangerous dog shall annually register the dangerous dog with the City of Wichita on such forms designated by the Chief of Police or

designee, and shall have a microchip, traceable to the current owner of the dog, inserted into the dog. The owner, keeper or harbinger shall complete an application and shall pay a \$100.00 annual registration fee to the City of Wichita and shall pay all costs associated with the microchip procedure. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

The owner, keeper or person harboring a dangerous dog shall notify the City of Wichita in writing a minimum of seven days prior to any change in the address of the owner, keeper or person harboring the dog or the location of the dangerous dog. Any owner, keeper or harbinger of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

- (b) The owner, keeper or person harboring a dangerous dog required to be registered under this section may be required to maintain liability insurance in the amount of \$100,000.00 dollars for each such dog against the potential injury or damage liabilities and hazards associated with the ownership or possession of such dog. The owner or person harboring a dangerous dog shall file with the City of Wichita a certificate of insurance reflecting the required minimum insurance. Any owner, keeper or harbinger of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(Ord. No. 47-695, § 9, 12-4-07; Ord. No. 48-300, § 10, 3-24-09, eff. 7-1-09; Ord. No. 48-583, § 5, 12-22-09; Ord. No. 49-010, § 10, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 10, 7-11-2011)

Sec. 6.04.050. Interference with the duty of an animal control officer.

It is unlawful for any person to:

- (a) Refuse to identify himself or herself and provide verification of his or her correct name, address, date of birth and any other information reasonably necessary to correctly identify such person when asked to do so by the Animal Control Officer, when the Animal Control Officer has probable cause to believe that this person has violated a section of this chapter;
- (b) Interfere with, molest, injure or prevent the Animal Control Officer in the lawful discharge of his or her duties as herein prescribed, including interference when removing animals from private property and/or when investigating animal concerns.
- (c) Provide false or misleading information to the Animal Control Officer when retrieving or claiming an animal from the shelter.
- (d) Knowingly provide false or misleading information to the Animal Control Officer during the course of the Animal Control Officer's investigation into possible violations of this chapter or while performing the lawful discharge of the officer's duties.

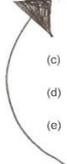
(Ord. No. 47-695, § 10, 12-4-07; Ord. No. 49-010, § 11, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 11, 7-11-2011)

Sec. 6.04.052. Restrictions on the ownership of Pit Bulls.

- (a) All adult pit bulls within the City of Wichita are required to have an identification microchip implanted in the dog traceable to the current owner and registered with the City of Wichita. Such microchip information shall be included in the dog's annual license application with the City of Wichita. The owner, keeper or harbinger shall pay all costs associated with the microchip procedure.
- (b) It shall be unlawful for any person to own, keep or harbor an adult unaltered Pit Bull, unless such person is licensed as a dog breeder pursuant to section 6.04.155. No licensed dog

breeder shall own, keep or harbor more than two unaltered adult Pit Bulls. Such dogs must be micro-chipped as required by this title. The provisions of this section shall not apply to any unaltered Pit Bull which was located within the City of Wichita as of July 1, 2009, and such dog was being utilized as: (1) a service dog to accommodate an individual with a disability recognized by the Americans with Disabilities Act, or (2) a show dog which has been certified to have been shown in a qualified show by December 31, 2009. No person shall own more than two such service dogs or show dogs, unless otherwise exempted in this title. Any person who owns such a show dog shall be required by March 31, 2010 to obtain a waiver from the Chief of Police or designee in order to retain the unaltered status of the Pit Bull. Such waiver shall be renewed on an annual basis under the guidelines specified by the Chief of Police or designee and shall cost the sum of \$50.00 per waiver per year. Waivers can be revoked by the Chief of Police or designee pursuant to the provisions of 6.04.157. Any such service dog or show dog must be micro-chipped as required by this title. Sterilization of a Pit Bull described in this section, shall not be required upon certification, presented to the Supervisor of Animal Control, by a veterinarian licensed by the state of Kansas, that such sterilization would be injurious to such dog due to its health or age.

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- (c) It shall be unlawful for any person to own, keep or harbor more than two Pit Bulls unless otherwise exempted in this title.
- (d) It shall be unlawful for more than two adult Pit Bulls, to be owned, kept, or harbored on the same premises or dwelling.
- (e) Any person who owns a Pit Bull, as of July 1, 2009, shall have six months thereafter, to microchip and surgically sterilize such animal or apply for a breeder's license pursuant to this title, unless exempted under section (b) above. Sterilization of the Pit Bull shall not be required upon certification, presented to the Supervisor of Animal Control, by a veterinarian licensed by the State of Kansas that such sterilization would be injurious to such dog due to its health or age.
- (f) Any person who had a current animal maintenance permit or variance for three or more Pit Bulls, at the time of passage of the ordinance shall be permitted to keep, but not replace such dogs until their number equals no more than two dogs. Such dogs must be registered, micro-chipped and surgically sterilized in accordance with this title, unless otherwise exempted within this title.
- (g) Any person aggrieved by the determination of the Chief of Police or designee that a dog is a Pit Bull as defined by section 6.04.010 of this title, shall have the right to appeal such determination as set forth in section 6.04.155.
- (h) The provisions of this section shall not apply to dogs which are temporarily located within the City of Wichita for participation in dog shows which are sanctioned by the American Kennel Club, United Kennel Club, the Wichita Kennel Club or the American Dog Breeders Association, or unless otherwise recognized by the Chief of Police or designee.
- (i) Any individual who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

(Ord. No. 48-300, § 10, 3-24-09, eff. 7-1-09; Ord. No. 48-583, § 6, 12-22-09; Ord. No. 49-010, § 12, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 12, 7-11-2011)

Sec. 6.04.055. Animals prohibited—Exceptions.

It is unlawful for any person to have any animal at any festival or community event authorized under a permit issued pursuant to the City Code and occurring within the city, unless such animal is a specially trained service dog and actually in the control of the disabled person. For purposes of this section "festival event" means community events approved pursuant to Chapter

3.11 of the Code of the City of Wichita, and any other events held on city property wherein the City of Wichita issues a permit or license for the activity; provided, however, that such prohibition shall not apply to events where animals are required to be present as part of the event.

(Ord. No. 47-895, § 11, 12-4-07; Ord. No. 48-300, § 11, 3-24-09, eff. 7-1-09)

Sec. 6.04.058. Permitting a dangerous animal to be at large.

- (a) Permitting a dangerous animal to be at large is the act or omission of the owner or custodian of an animal of dangerous or vicious propensities who, knowing of such propensities, permits such animal to go at large or keeps such animal without taking ordinary care to restrain it.
- (b) Permitting a dangerous animal to be at large is a misdemeanor. Any person convicted of violating this section shall be sentenced to a term of imprisonment of not more than six months and/or a fine not to exceed one thousand dollars.

(Ord. No. 49-257, § 3, 4-10-2012)

Sec. 6.04.060. Animal bite violations.

- (a) No person who owns, possesses, harbors or exercises control over any animal shall do the following:
 - 1. Permit or allow the animal to attack or bite any person or domestic animal not on the premises of such owner, keeper or harbinger;
 - 2. Permit or allow the animal to attack or bite any person or domestic animal upon the premises of the residence of such owner, keeper or harbinger upon the premises of any business establishment not then open to the public. It is an affirmative defense to this paragraph if such premises are previously posted at each entrance with a prominent and conspicuous sign warning all persons of the animal, and the animal is confined in a proper enclosure. It is also an affirmative defense to this paragraph that the attack or bite by the animal was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, theft or other crime upon the property;
 - 3. Permit or allow the animal to attack or bite any person or animal upon the premises of any business establishment that is open to the public. It is an affirmative defense to this paragraph that the attack or bite by the animal was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, theft or other crime upon the property.
- (b) For purposes of this section, the word "permit" shall mean allow or let happen. Knowledge or intention on the part of the person who owns, possesses, harbors or exercises control over the animal shall not be elements of this offense.
- (c) The provisions of this section shall not apply to any law enforcement officer who uses an animal while engaged in law enforcement activities, nor to any owner, keeper or harbinger of any animal which attacks or bites a person engaged in physically attacking or striking such owner, possessor or keeper or harbinger.
- (d) Penalties for violation of this section:
 - 1. Upon a first conviction of any violation of the provisions of this section, a minimum fine of \$150.00 shall be assessed.
 - 2. Upon a second conviction within a twelve-month period, of any violation of the provisions of this section, a minimum fine of \$250.00 shall be assessed.
 - 3.

Upon a third or subsequent conviction, of a violation of any provisions of this section, a minimum fine of \$500.00 shall be assessed. In addition to the minimum fines set forth above, the Municipal Court Judge may impose a term of imprisonment not to exceed six months, and a fine not to exceed one thousand dollars.

(Ord. No. 47-695, § 12, 12-4-07; Ord. No. 48-300, § 12, 3-24-09, eff. 7-1-09; Ord. No. 48-583, § 7, 12-22-09)

Sec. 6.04.155. Dog breeder license; breeder inspections.

- (a) No person shall be a dog breeder, as defined by section 6.04.010, unless such person is properly licensed by the City of Wichita as a breeder.
- (b) All dog breeders, shall make an application for, and obtain an annual dog breeder's license as established and described by this section.
1. An application for a breeder's license shall be obtained from the City Treasurer's Office, Animal Services or the City of Wichita's website. The application shall contain the following information:
 - a. The name, date of birth and address of the applicant;
 - b. The name, breed, color, sex and age of all dogs owned by the applicant;
 - c. Documentation that all animals are properly vaccinated and licensed;
 - d. Name and address of the licensed veterinarian who is responsible for the care and treatment of the animals;
 - e. A signed statement by the applicant that the information is true and correct;
 - f. The permanent ID or microchip number of all animals owned, if available;
 - g. A statement as to whether there is a fenced yard or fenced run available for the confinement of the dogs.
 - h. A statement as to whether the applicant has ever had a licensed suspended or revoked which was issued by the State of Kansas pursuant to the Kansas Pet Animal Act. Such statement shall contain the date of any such suspension or revocation.
 - i. The zoning classification for the premises where the animals will be maintained.
 - j. A copy of any current license issued to the applicant by the State of Kansas pursuant to the Kansas Pet Animal Act.
 2. The Chief of Police or designee is empowered to establish administrative requirements for obtaining dog breeder licenses. Application forms and administrative requirements can be obtained through Animal Services, City Treasurer, or the city website.
- (c) Approval of dog breeder licenses shall be contingent upon the applicant's compliance with all administrative requirements set forth by the Chief of Police or designee including, but not limited to, proper veterinary care, health certification of breeding stock and offspring, and compliance with all applicable requirements, and/or regulations of the City of Wichita and the State of Kansas.
- (d) The Chief of Police or designee may refuse to approve issuance or renewal of, or revoke, a breeder's license for one or more of the following conditions:
1. Failure of the applicant to provide proof that the animals are properly licensed and vaccinated;
 2. The making of any false statement as to any material matter in the application for a license, or a license renewal, or in a hearing concerning the license;

Application
for becoming
a licensed
breeder.

3. Violation by the applicant of a provision of this title, the Kansas Pet Animal Act or any state or federal law relating to the care and treatment of animals;
 4. Suspension or revocation of a license issued by the State of Kansas pursuant to the Kansas Pet Animal Act; or
 5. The applicant has a history of allowing animals to run loose or escape, has otherwise been found to be neglectful, has had an animal identified as a nuisance, or has previously been determined to have violated the provisions of this title.
- (e) No breeder's license shall be approved or renewed for premises zoned residential by the Wichita/Sedgwick County Unified Zoning Code.
- (f) No breeder's license shall be approved for an individual who owns more than two unaltered pit bulls, unless otherwise exempted within this title. If the Chief of Police or designee refuses to issue or renew a license under this section, such individual shall have the appeal rights established by [section 6.04.158](#).
- (g) The fee for a breeder license is established at fifty dollars annually. Such licenses shall expire one year from the date of issue. The City Treasurer shall impose a penalty of \$50.00 dollars annually on all delinquent license renewals beginning 30 days following the expiration of the previous license. Failure by a person to obtain a breeder license as required by this section shall constitute a misdemeanor. Conviction of two or more violations of this Code within a two-year period may result in revocation of the breeders' license. The individual shall be precluded from obtaining a breeder's license for a period of 24 months following the revocation.
- (h) All places and premises by licensed breeders or persons seeking approval for a breeder license as described by this chapter shall be open during reasonable hours for inspection by Animal Control in order to ensure the health, safety, and welfare of the animals on said property. If upon such an inspection by Animal Control any person who has been granted or applied for a license is found violating any of the regulations prescribed in this chapter, or any provisions within the Unified Zoning Code, or any administrative regulation established by the Chief of Police or designee such person shall be given a written notice of such violation. If such violation or violations of this Code do not or cannot cease within 24 hours of such notification, the permit, or license may be revoked or canceled by action of the Chief of Police or designee, pursuant to the procedures set forth in [section 6.04.153](#) of this Code.
- (i) It shall be unlawful for any breeder of Pit Bulls, as defined by this title, to engage in the breeding of such animals with an owner, keeper or harbinger of a Pit Bull involved in the breeding process who is not also licensed as a breeder.
- (j) Upon a first conviction of a violation of the provisions of this section, a minimum fine of \$100.00 shall be imposed. Upon a second or subsequent conviction, of a violation of the provisions of this section, a minimum fine of \$250.00 shall be imposed. In addition, the Municipal Court Judge may impose a term of imprisonment not to exceed six months and/or a fine not to exceed \$1,000.00.

(Ord. No. 47-895, § 22, 12-4-07; Ord. No. 48-300, § 16, 3-24-09, eff. 7-1-09; Ord. No. 48-583, § 10, 12-23-09; Ord. No. 49-010, § 19, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 19, 7-11-2011)

Sec. 6.04.158. Appeal from denial of breeder's license, animal maintenance permit, or determination that dog is a Pit Bull.

- (a) If the Chief of Police or designee has determined that an applicant is not eligible for a breeder's license or animal maintenance permit, he or she will make an appropriate determination based on the known facts and consistent with the provisions of this title.

- (b) The Chief of Police or designee shall notify the individual of the denial in writing, stating the reasons for the denial of such application. Service of the notice shall be by certified mail, return receipt requested. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope.
- (c) The applicant of a denied application or the owner of a dog deemed to be a pit bull may request an administrative review of the determination by filing a written request with the Chief of Police or designee within ten days of receipt of such notification.
- (d) The Chief of Police or designee will conduct a hearing within ten days of receipt of the owner's request. At such hearing, testimony may be offered by the owner of the dog(s) or animals, the Animal Control Officers and/or staff of Animal Control, neighbors, or other affected persons, and veterinarians concerning the lineage of the dog, or the care and maintenance of the dog.
- (e) The Chief of Police or designee shall determine an appropriate disposition based on the facts determined at the hearing and the provisions of this chapter and will notify the applicant in writing of the outcome of the hearing within five business days. The owner may appeal the hearing outcome as provided in section 6.04.210 of this Code.

(Ord. No. 49-300, § 19, 3-24-09, eff. 7-1-09; Ord. No. 49-010, § 21, 5-24-2011; Ord. No. 49-010(Corr. Copy), § 21, 7-11-2011)