

## ORDINANCE NO. 47-285

AN ORDINANCE CREATING CHAPTER 3.09 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ANIMAL EXHIBITIONS, RODEOS, AND ANIMAL SHOWS AND REPEALING SECTION 3.08.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. Section 3.09.010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. (1) 'Animal Exhibition' means a show or exhibition with domestic animals, wild animals, or dangerous wild animals where no contact is permitted by law between spectators and the animals.

(2) 'Animals' means domestic animals, wild animals and dangerous wild animals as defined in this section.

(3) 'Dangerous wild animals' means, including, but limited to coyotes, bobcats, foxes, wolves, lions, tigers, leopards, jaguars, cheetahs, mountain lions, or any hybrid thereof; bears or any hybrid thereof; other carnivorous animals of a similar nature and species and venomous reptiles.

(4) 'Director of Central Inspection' means the Superintendent of the Office Of Central Inspection of the City of Wichita, or his/her designee.

(5) 'Director of Environmental Services' means the director of the Department Of Environmental Services of the City of Wichita or his/her designee.

(6) 'Domestic Animal' means cattle, swine, sheep, goats, horses, mules, domesticated deer, all creatures of the Primate family that are not indigenous to this state, including, but not limited to, ostriches, emus, and rheas.

(7) 'Domesticated deer' means any member of the family Cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock, for any carcass, skin or part of such animal; for exhibitions or for companionship.

(8) 'Indoor Rodeo' means a rodeo in which all parties, competitions, exhibitions and/or demonstrations are conducted inside buildings or structures that are covered by roofs, and which are fully enclosed by solid walls and closeable openings, such as windows and doors. Outdoor loading, unloading and temporary penning of livestock into and from the indoor facility or facilities is allowed. An indoor rodeo may include outdoor storage of livestock, but shall not include any outdoor practices, competitions, exhibitions and/or demonstrations.

(9) 'Outdoor Rodeo' means a rodeo in which any or all practices, competitions, exhibitions and/or demonstrations, and any related livestock storage, are conducted outside of buildings or structures as defined by 'indoor rodeo'.

(10) 'Petting Zoo' means a show or exhibit of domestic animals on exhibition for physical contact with humans.

(11) 'Rodeo' means a competition, exhibition or demonstration involving persons, equines and/or bovines in which participants display various skills in one or more events such as, but not limited to, bareback riding, saddle bronco riding, steer wrestling, roping, team roping, tie-down roping, team penning, barrel racing, bull riding or similar events.

(12) ‘Wild Animals’ means non-domesticated animals, birds and reptiles which are native to North America. Such term does not include dangerous wild animals as defined in this section.”

SECTION 2. Section 3.09.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"License Required. 1. It shall be unlawful for any rodeo, animal exhibition or petting zoo to exhibit, conduct or carry on any exhibition, show or event without obtaining a license for such exhibition, show or event.

2. No license shall be issued for an outdoor rodeo, except for rodeos conducted on property owned by the City of Wichita or Sedgwick County. Outdoor rodeos held on property owned by the City of Wichita or Sedgwick County shall comply with the requirements of Chapter 3.11 of the Code of the City of Wichita relating to Community Events.

3. No license shall be issued for any animal exhibition of any dangerous wild animal, as defined by this section, except as allowed by Section 6.08.020 of the Code of the City of Wichita.

EXCEPTIONS: The provisions of this chapter shall not apply to:

- a. Institutions accredited by the American Zoo and Aquarium Association or the Zoological Association of America;
- b. The Kansas Department of Wildlife and Parks;
- c. A licensed or accredited research, veterinary or medical institution;
- d. A United States Department of Agriculture licensed exhibition of dangerous wild animals while transporting such animals as part of a circus, carnival, rodeo or fair.”

SECTION 3. Section 3.09.030 of the Code of the City of Wichita, Kansas, shall read as follows:

“License Fees.(a) An application for a rodeo, animal exhibition or petting zoo shall be accompanied by a license application fee. A license may be issued by the day, weekly or annually. The fees for such licenses shall be as follows:

Daily	\$100.00
Weekly	\$300.00
Yearly	\$500.00

(b) A license shall be valid and effective only for the dates and times of operation set forth in the license. No exhibition or event may be conducted during any hours or other dates.”

SECTION 4. Section 3.09.040 of the Code of the City of Wichita, Kansas, shall read as follows:

“License Nontransferable. A license is not transferable to any other person, nonprofit or business entity, and cannot be used at a location other than those listed on the application and approved for licensing.”

SECTION 5. Section 3.09.050 of the Code of the City of Wichita, Kansas shall read as follows:

“License Application. An application for a rodeo, animal exhibition or petting zoo license shall be obtained from the City Treasurer’s Office. The application shall contain the following information:

a. The name, date of birth and address of the applicant, or if the applicant is a nonprofit or business entity, the names, residential addresses and

personal information of those persons authorized to execute contracts on behalf of the entity;

b. If the applicant is a corporation, or other entity obligated to register the the state or local government in its home state, the name and permanent address of that entity's registered agent or office;

c. The name and address under which the applicant intends to conduct his, her, or its business;

d. The specific dates and times for which events or exhibitions will be conducted;

e. A signed statement on behalf of the applicant that the information is true and correct;

f. A signed statement on behalf of the applicant to establish that such events or exhibitions will be in compliance with animal control and sanitary waste requirements of the City of Wichita;

g. Documentation that the location where the exhibitions, show or events will be held is in compliance with zoning requirements of the Unified Zoning Code of Wichita and Sedgwick County;

h. Proof of liability insurance as required by Section 3.09.110;

i. Name and address of the licensed veterinarians who are responsible for care and treatment of all animals or livestock to be used in the event or exhibition.”

SECTION 6. Section 3.09.060 of the Code of the City of Wichita, Kansas, shall read as follows:

“Issuance of License. (a) A license for a rodeo, animal exhibition or petting zoo, may be issued only upon completion of the application; payment of

the required licensing fees and a showing that the proposed event or exhibition will not be in violation of any state, federal or local law.

(b) Applications for a rodeo, animal exhibition or petting zoo shall not be made less than twenty business days before the event, or exhibition. Upon receipt of a properly completed application, the City Treasurer's Office shall forward the application to the appropriate City departments for investigation and recommendation regarding issuance of the license.

(c) If a license is not issued, written notice shall be mailed or hand delivered to the applicant indicating the reason for the denial. Such notice shall also set forth information regarding the applicant's right to appeal the denial."

SECTION 7. Section 3.09.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Display of License. The licensee shall display the license issued while any activities are being conducted pursuant to the license. The license shall be posted in plain view at the location and made available to law enforcement officers and other enforcement officers for the City of Wichita."

SECTION 8. Section 3.09.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Suspension or Revocation of License. (a)The Director of Environmental Services may suspend for a period not to exceed 30 days or may revoke any license issued under this chapter, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application;
- (2) Failure to pay the appropriate licensing fee;
- (3) Violation of any of the provisions of this chapter;

(4) Violation of any of the provisions of Title 6 of the Code of the City of Wichita or any other state or federal law related to the care and treatment of livestock, domestic or wild animals.

(b) The Director of Environmental Services shall notify the licensee of the suspension or revocation of his or her license, setting forth the grounds for such revocations; which shall be mailed by certified mail to the licensee's permanent address appearing on the application or hand delivered to the licensee.

(c) Any person aggrieved by the suspension or revocation of a license as provided in this chapter shall have the right of appeal to the Wichita City Council as set forth in Section 3.94.120(b)."

SECTION 9. Section 3.09.090 of the Code of the City of Wichita, Kansas, shall read as follows:

"Enforcement and Inspection. The Director of Environmental Services or his or her designee and the Superintendent of Central Inspection or his or her designee, are authorized to inspect and approve the licensee's premises to insure compliance with all state and federal laws and the ordinances of the City of Wichita governing public health, safety and welfare."

SECTION 10. Section 3.09.100 of the Code of the City of Wichita, Kansas, shall read as follows:

"Compliance with Ordinances. All licensees shall comply with all ordinances and regulations of the City of Wichita. A violation of the provisions of this chapter or any ordinance of the City of Wichita shall constitute grounds for revocation or suspension."

SECTION 11. Section 3.09.110 of the Code of the City of Wichita, Kansas, shall read as follows:

“Insurance Requirement. All licensees, except petting zoos, shall provide proof of and maintain liability insurance coverage or secure a bond in an amount of not less than \$250,000 for each occurrence covering destruction of or damage to property and death or bodily injury to a person caused by an animal utilized in or present at any exhibition, show or event. Petting zoos shall provide and maintain liability insurance coverage or secure a bond in an amount of not less than \$100,000 for each occurrence covering destruction of or damage to property and death or bodily injury to a person caused by an animal utilized in or present at exhibition, show or event. Such policy must name the city and the Department of Environmental Services as additional insureds prior to the exhibition, show or event.

Any insurer shall notify the Department of Environmental Services, in writing, of any expiration, reduction or cancellation of liability insurance required by this subsection not later than ten days before the expiration, reduction or cancellation takes effect. Any surety company who secured the performance of a bond shall notify Department of Environmental Services, in writing, of any expiration, reduction or cancellation of the bond as required by this subsection, not later than ten days before the expiration, reduction or cancellation takes effect.”

SECTION 12. Section 3.09.120 of the Code of the City of Wichita, Kansas, shall read as follows:

“Operation Regulations. All rodeos, animal exhibitions or petting zoos shall conform to the following regulations and requirements:

1. Animals shall be maintained and treated in accordance with Chapter 6.04 of the Code of the City of Wichita.

2. Rodeo animals that are to be ridden, roped, raced, displayed or otherwise participate in rodeo events or shows must be penned in by fencing materials that meet generally accepted industry standards and are normally used to confine livestock.

3. All animals must be fenced, caged, or penned in an enclosure of sufficient strength and design for the purpose of maintaining or transporting the animal.

4. Animals must not be used in any form of live entertainment where the animal is likely to be caused undue distress or result in injury or death.

5. All animals transported into the City of Wichita, must comply with the provisions of K.S.A. 47-607, et seq.

6. All cages, pens, stalls or other areas where animals are maintained or exhibited shall be cleaned daily. Manure and other refuse shall be disposed of as provided in Chapter 6.12 of the Code of the City of Wichita.

7. The licensee and/or the operator of any exhibition, rodeo event, or show shall make available upon demand of any employee of the Department of Environmental Services all documentation regarding vaccinations, health, ownership and veterinary care for each animal exhibited.

8. All animals or livestock used, ridden, shown or exhibited by a licensee shall be treated humanely. All operations, events, shows and exhibitions must comply with K.S.A. 21-4310 and Section 6.04.035 of the Code of the City of Wichita.

9. Law enforcement shall be immediately notified of the escape of any animal. The licensee shall be liable for any costs incurred by the City of

Wichita or other governmental agency resulting from the escape of an animal unless the escape is due to a criminal act by another person or a natural event.

10. Any animal injured in any rodeo, show or exhibition shall be given immediate care by a qualified, licensed veterinarian. Licensees and exhibitors shall have a written protocol for first aid and medical attention in the event of an injury. Exhibitors and operators shall maintain appropriate first aid equipment and supplies at an exhibition, event, or show.

11. The licensee shall file a report with the Department of Environmental Services of any bite on a human by any animal exhibited. Such report shall contain the necessary information as required by Chapter 6.04.

12. Any petting zoo which allows physical contact between patrons and spectators and the animals, must comply with the following requirements:

a. Signs must be placed at the entrance and exit of the exhibit to educate the public regarding the risk of transmission of diseases from farm animals to humans.

b. Animal contact is not allowed where food or beverages are being prepared, sold or served.

c. Hand-washing stations must be provided.

d. Eating, drinking and smoking shall not be permitted in areas where interaction with animals is permitted.

e. Only food provided by the animal exhibitor may be fed to the animals. Animal food shall not be provided in containers that are human food items.

13. No physical contact is allowed between patrons and dangerous wild animals.

14. No physical contact is allowed between patrons and wild animals.

15. Licensees shall have a veterinarian on site or immediately available (on call) during any performance or exhibition.

16. No dangerous wild animal shall be allowed to be tethered, leashed or chained outdoors or allowed to run at large.

17. A dangerous wild animal shall not be brought to any public property or commercial or retail establishment, except to bring the animal to a licensed veterinarian or veterinarian clinic.”

SECTION 13. Section 3.09.130 of the Code of the City of Wichita, Kansas, shall read as follows:

“Violations, penalty. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500). Each day that any violation of this chapter continues shall constitute a separate offense and shall be punishable hereunder as a separate violation.”

SECTION 14. Section 3.09.140 of the Code of the City of Wichita, Kansas, shall read as follows:

“Compliance with state statute. Nothing in this Chapter shall be interpreted to authorize any person licensed hereunder to maintain, transport or exhibit animals in violation of any state statute, nor shall compliance with the provisions of this Chapter relieve any person from compliance with the state statutes regarding the care, maintenance and transportation of livestock or animals.”

SECTION 15. Section 3.08.040 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 16. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 14<sup>th</sup> day of November, 2006.

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Carlos Mayans, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law