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DATE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING SECTION 6.04.030 OF THE CODE OF  
THE CITY OF WICHITA, KANSAS, PERTAINING TO ABANDONED  
CATS.

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

SECTION 1. The title to Section 6.04.030 of the Code of the City of Wichita, Kansas, is created  
to read as follows:

**“Feral Cats”**

SECTION 2. Section 6.04.030 of the Code of the City of Wichita, Kansas, is hereby created to  
read as follows:

a. Purpose:

The City of Wichita recognizes the need for innovation in addressing the issues presented  
by feral, free-roaming cats. To that end, it recognizes that a trap neuter-return (TNR)  
program is a viable option to manage and, over time, reduce the population of community  
cats; thus, reducing the number of cats entering the shelter system and being euthanized.  
The program relies upon volunteer caregivers to trap free-roaming cats to be  
spayed/neutered/vaccinated for rabies/eartipped, and then returned to the location where  
the cats were originally trapped, with the property owner’s permission, or to an alternate  
location.

b. Definitions:

*Cat* is a member of the species *Felis catus*.

*Community Cat* means any eartipped feral cat that may be cared for by a designated caregiver in the immediate area; community cats are not domesticated.

*Community Cat Caregiver* shall mean a person who is the registered responsible party for a Community Cat Colony. The caregiver is responsible for providing food, shelter and medical care when necessary to prevent suffering of a community cat.

*Community Cat Colony* means a group of Community Cats living together as a unit with a location registered with Wichita Animal Services.

*Eartipping* means the removal of a small section of the tip of a community cat's left ear while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian. The purpose of eartipping is to identify a cat as having been sterilized and lawfully vaccinated against rabies.

*Feral* is a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

*Public nuisance* means any repeated acts of a cat or cats within a registered Community Cat Colony that damages rights and privileges common to the public or enjoyment of public and private property or indirectly injures or threatens the safety of a member of the general public. Such actions include, but are not limited to: urinating or defecating on a complainant's property or immediately adjacent public property, destruction of complainant's property or public property, unwanted and repeated squatting on complainant's property, destruction to wildlife or other animals upon complainant's property or public property. The standard by which to judge whether the Community Cat Colony is a public nuisance is that of a reasonable person.

*Rescue organization* means a person or group of persons who work in accordance with City of Wichita ordinances to provide care, shelter, or rehome animals.

*Trap-Neuter-Return (TNR)* means the nonlethal process of humanely trapping, sterilizing, vaccinating against rabies, eartipping, and returning community cats to a designated Community Cat Caregiver.

c. Community Cat Caregiver Registration

1. A registered Community Cat Colony is exempt from Animal Maintenance Permit and continuing vaccination requirements of Community Cats. Community Cat Caregivers must register with Wichita Animal Services as a responsible party.
2. Feeding, watering or caring for feral or feral eartipped cats without being registered as a Community Cat Caregiver shall be unlawful unless they are owned cats and done so in accordance with 6.04.035, 6.04.040, 6.04.110, and 6.04.157.
3. A registered Community Cat Caregiver is a responsible party but not an owner of a Community Cat Colony and has no legal rights to feral cats. The responsibility of a Community Cat Colony does not impact the caregiver's right to ownership of pets in accordance with this code.
4. A registered Community Cat Caregiver shall:
  - A. Feed and water Community Cats in accordance with Caregiver Guidelines.
  - B. Provide shelter to Community cats in accordance with Caregiver Guidelines.
  - C. Provide medical care for cats in accordance with Caregiver Guidelines.
  - D. Report the Community Cat Colony to Wichita Animal Services in accordance with Caregiver Guidelines when the number of cats receiving food on a regular basis exceeds 8 cats.

5. A registered Community Cat Caregiver shall not:
- A. Allow Community Cats into the living area of a home or dwelling.
  - B. Allow a Community Cat Colony to become a nuisance to the community.
  - C. Release cats from traps set by Wichita Animal Services or another rescue.
  - D. Care for more than 8 cats at one property, which includes both feral and owned cats.

d. Management of community cats

1. Feral cats in the custody of the Wichita Animal Shelter either because they were brought in by Animal Services or any other party are candidates for release into a Community Cat Colony.
2. Wichita Animal Services must approve the location of any new Community Cat Colony. No person shall be allowed to register as a caregiver of a new community unless the location is registered with the Wichita Animal Services.
3. All cats that are part of Community Cat Colony shall be sterilized, vaccinated against rabies, and ear-tipped under the supervision of a licensed veterinarian prior to release to a registered Community Cat Caregiver;
4. Previously or newly ear-tipped cats may be released to an approved Community Cat Caregiver but shall not be released onto private property without permission, or city streets, roadways, buildings, parking lots, or parks.
5. An ear-tipped cat received by Animal Services may be returned to the location where it was trapped unless it has been deemed a nuisance or veterinary care is required. Animal Services may contact a registered Community Cat Caregiver or a

rescue organization to claim and return said cat to a location approved by Animal Services so long as under the care of a registered Community Cat Caregiver.

6. No Community Cat shall be returned to a Community Cat Colony that has been declared a nuisance or upon a property where 8 cats, both owned and feral, are cared for.
7. Organizations participating in the TNR program shall maintain records including number of cats trapped, location of Community Cat Colony, number of cats sterilized, number of cats vaccinated for rabies, number of cats returned, number of cats euthanized due to illness or injury.
8. Animal Services shall maintain records including number of cats entering the shelter, number of ear-tipped cats trapped by officers or brought into the shelter, number of (ear-tipped) cats (re)claimed by caregivers (or TNR organizations)/ returned to their trapping location, number of (ear-tipped) cats euthanized along with reasons for euthanasia and number of cat nuisance complaints. Animal Services shall monitor and record locations of Community Cat Colonies.
9. Caregivers of feral cats at the time of passage of this ordinance shall be allowed to maintain an existing cat colony in its current state as long as the colony is registered within six months from the date of passage. If the colony exceeds eight cats in combination with any owned cats, the caregiver shall not care for any additional cats at any time until the number reaches that allowed by ordinance.

e. Feral cats as a public nuisance

1. A registered Community Cat Colony may be declared a public nuisance by Animal Services. The registered Community Cat Caregiver will be given notice in writing regarding the nature of the nuisance. If the registered Community Cat Caregiver fails to resolve the nuisance within 30 days or fails to cooperate with Wichita Animal Services in abating the nuisance, the registration of the Community Cat Colony will be revoked and the registration for the Community Cat Caregiver will be revoked.
2. If the Community Cat Colony is deemed a public nuisance and its registration is revoked, the director of Animal Services or designee may order one or all cats removed from the Community Cat Colony. It shall be at the discretion of Animal Services whether the cats will be rehomed to a new Community Cat Colony or humanely euthanized. The director of Animal Services or designee shall notify the individual of the denial in writing, stating the reasons for the denial. Service of the notice shall be by certified mail, return receipt requested or by personal service. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope.
3. If a Community Cat Colony registration is revoked, the registered person may appeal the decision pursuant to Section 6.04.210. The appeal is not to decide whether specific cats will be returned to a registered caregiver as there is no ownership of Community Cats, but whether the caregiver will be allowed to harbor a Community Cat Colony.

f. Punishment

Any violation of this section shall be punishable in accordance with 6.04.190.

SECTION 3. This ordinance shall be included in the Wichita Municipal Code, and shall be effective upon its passage and publication of this Ordinance once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of November,  
2018.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Jennifer Magaña, City Attorney and  
Director of Law

