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ORDINANCE NO. 52-265

AN ORDINANCE CREATING CHAPTER 3.40 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO SHORT-TERM RENTAL PROPERTY LICENSING.

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

SECTION 1. Section 3.40.010 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

**“Short-Term Rental Licensing.”**

SECTION 2. Section 3.40.020 of the Code of the City of Wichita is hereby created to read as follows:

**“Intent and Purpose.**

“This Chapter applies to the owning and operation of Short-Term Rentals as defined by this Chapter. The purpose and intent of this Chapter is to establish standards to regulate and provide a licensing process for Short-Term Rentals to protect the health, safety and general welfare of Short-Term Rental Transient Guests and neighboring residents of the City of Wichita.”

SECTION 3. Section 3.40.030 of the Code of the City of Wichita is hereby created to read as follows:

**“Definitions.**

**Advertise** means the act of drawing the public’s attention to a Short-Term Rental to promote the availability of the dwelling unit for use as a Short-Term Rental. Such advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

**Booking Service** means any reservation and/or payment service provided by a person or entity that facilitates a Short-Term Rental transaction between an Owner and a prospective Transient Guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the Short-Term Rental transaction.

**Dwelling Unit** means a building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation. For the purposes of this ordinance, this definition does not include hotels or motels.

**Hosting Platform** means a person or entity that participates in the Short-Term Rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises to a Transient Guest on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential Transient Guests arrange their use and their payment, whether the would-be Transient Guest pays rent directly to the Owner or to the Hosting Platform.

**Inspection Team** means, including but not limited to, members of the Metropolitan Area Planning Department, the Metropolitan Area Building Construction Department, and the Wichita Fire Department who are responsible for inspections to ensure housing, zoning building, fire and neighborhood code compliance of Short-Term Rentals.

**License** means the authority to conduct the business of owning or operating a Short-Term Rental Unit(s).

**Licensee** means any person to whom a current License has been issued under this Chapter authorizing such person to conduct the business of owning or operating a Short-Term Rental Unit(s) within the City Limits.

**Licensed Premises** means the premises specified in an approved application for a License under this Chapter which are owned or operated by the Licensee.

**MABCD** means the Director of the Metropolitan Area Building and Construction Department and his or her designees.

**MAPD** means the Director of the Metropolitan Area Planning Department and his or her designees.

**Non-Owner Occupied** means any Dwelling Unit, which is not the Owner's primary place of residence, and which is not considered to be Owner Occupied as defined by this Chapter. Non-Owner Occupied also includes Short-Term Rentals in which the Owner resides in the residence, is the Owner's primary place of residence, but the owner is not onsite during the period the unit(s) is rented as a Short-Term Rental.

**Owner** means the individual(s), natural or corporate, in possession of lawful title to real property. As used in this Chapter, Owner may also include any authorized agent of the possessor

of lawful title to real property. The term “Owner” may be used interchangeably with the terms “Person” and “Licensee.”

**Owner Occupied** means any Dwelling Unit in which the Owner resides and which is the Owner’s primary place of residence. To be considered Owner-Occupied, the Owner must be onsite during the period of time the unit(s) is rented as a Short-Term Rental.

**Person** means any individual, Owner, operator, company, corporation, partnership, or association.

**Resident Agent** means any person or business entity, that resides or are located within the City Limits of the City of Wichita, however organized, appointed by an Owner or Licensee, who shall have the express authority to receive communications, service of process, summons, notices and other legal process on behalf of the Owner or Licensee.

**Responsible Party** means the manager or assistant manager, Owner, Licensee or any other person in charge of the Short-Term Rental Unit(s) licensed under this Chapter. Such term shall include any person who resides, uses, owns, manages or controls property where a Short-Term Rental License is required.

**Short-Term Rental** means the use of a residential Dwelling Unit or structure to provide rooms for temporary lodging or lodging and meals for Transient Guests for a period of 28 days or less for which compensation is paid to the Owner or Responsible Party. The dwelling or structure may be Owner or manager occupied.

**Short-Term Rental Unit** means the Dwelling Unit or portion thereof that is rented for 28 days or less. Each Dwelling Unit within a multifamily apartment building that is rented for 28 days or less is considered a Short-Term Rental Unit.

**Transient Guest** means a person who occupies a room for a period of not more than 28 days at a time other than the Owner's immediate family (related by blood, marriage, or adoption) or any person residing with the Owner in a Short-Term Rental.

**Zoning Administrator** means the individual or entity designated by the Planning Director to enforce the provisions of this Chapter.”

SECTION 4. Section 3.40.040 of the Code of the City of Wichita is hereby created to read as follows:

**“Short-Term Rentals Permitted.**

- a. Owner Occupied Short-Term Rental Units are allowed, as a matter of right, as permitted by the Wichita Sedgwick County Unified Zoning Code.
- b. Non-Owner Occupied Short-Term Rental Units are allowed as permitted by the Wichita-Sedgwick County Unified Zoning Code. If additional zoning approval is required, an application for such zoning approval must be submitted to MAPD before an application for licensing is submitted to the City's Licensing Department.

SECTION 5. Section 3.40.050 of the Code of the City of Wichita is hereby created to read as follows:

**“General Provisions.**

Each Owner or Responsible Party shall:

- a. Maintain a valid City License for purposes of operating any one or more Short-Term Rental(s) within the City of Wichita. A separate license is required for each dwelling unit or structure utilized as a Short-Term Rental.

- b. Pay all applicable local, state, and federal taxes, including income taxes, associated with the operation of each Short-Term Rental Unit;
- c. Maintain liability insurance coverage for each Short-Term Rental Unit in the minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000) per Short-Term Rental Unit to insure against damages to guest(s) caused by the Owner or Responsible Party, and to insure against damages caused by Short-Term Rental guest(s) or the Owner when such damages are incurred by other persons including, but not limited to, neighbors or invited guests. Liability insurance provided by a third party, such as an online booking platform, is acceptable proof of the required liability insurance;
- d. Clearly display inside each Short-Term Rental Unit a copy of the applicable Short-Term Rental License issued pursuant to this Chapter;
- e. Include the Short-Term Rental License number issued by the City of Wichita on all marketing materials for each respective Short-Term Rental Unit. For the purposes of this subsection, marketing materials include, but are not limited to: a business card, printed letterhead, any other printed or written material, or any internet posting/publication, postings in any Booking Service or Housing Platform, electronic billboard, or telephonic transmission of information, designed to inform persons of the Short-Term Rental service offered by the Owner or Responsible Party;
- f. Display inside each Short-Term Rental Unit a current “Good Neighbor Agreement.” The Good Neighbor Agreement will be provided by the City and shall inform the Transient Guests of the maximum overnight occupancy,

maximum gathering occupancy and relevant City ordinances, and explain that Transient Guests of any Short-Term Rental Units are required to comply with all relevant City ordinances and State Statutes;

- g. Be available twenty-four (24) hours per day, seven (7) days a week or have designated a Responsible Party to be available to respond to complaints regarding the operation or occupancy of the Short-Term Rental. Such person shall be available to come to the premises, if required , within thirty minutes to resolve any complaint ;
- h. Comply with all the terms and conditions of this Chapter and all other applicable City codes and State statutes, including but not limited to: Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto.
- i. If licensed as Owner-Occupied remain on the premises of the Short Term Rental during such time as the dwelling unit is rented as a Short-Term Rental.
- j. Not discriminate against any person or persons on the basis of race, color, sex, religion, national origin, ancestry, disability, sexual orientation, sexual identity, gender identity or age; in the rental or leasing a Short-Term Rental Unit,
- k. Not allow the occupancy of guests to exceed the number of occupants allowed pursuant to Section 3.40.120.

SECTION 6. Section 3.40.060 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

**“License Required.**

- a. It shall be unlawful for any Owner or Responsible Party to operate, rent, own maintain, or otherwise permit or allow any Short-Term Rental without a valid License issued by the City's Licensing Department in accordance with this Chapter upon the payment of a license fee. The annual license fee for Short-Term Rentals is \$225.00. A separate license is required for each dwelling unit or structure utilized as a Short-Term Rental. Revenue from fees collected pursuant to this paragraph shall be used to offset costs to administer, manage and enforce this Chapter.
- b. It shall be unlawful for any Owner, Responsible Party or other person to advertise in any medium, including but not limited to Hosting Platforms, Booking Services, newspapers, magazines, brochures, websites or mobile applications the use of any structure as a Short-Term Rental that is not properly licensed pursuant to the provisions of this Chapter.
- c. It shall be unlawful for any Owner, Responsible Party or other person to advertise in any medium, including but not limited to Hosting Platforms, Booking Services, newspapers, magazines, brochures, websites or mobile applications the use of any structure as a Short-Term Rental that is not properly licensed pursuant to the provisions of this Chapter without including the current license number assigned to the Short-Term Rental by the City's Licensing Department.
- d. It shall be unlawful for any Owner, Responsible Party or other person to violate the terms and conditions of this Chapter.

SECTION 7. Section 3.40.070 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

**“Inspections.**



- a. Upon the filing of a complaint with the Zoning Administrator , Short-Term Rental Units shall be inspected by members of the Inspection Team, as set forth in this Chapter.
- b. The Inspection Team shall perform the inspection in compliance with applicable city codes for the purpose of verifying that the premises are in compliance with the City’s housing, fire, building, zoning and all other applicable City Codes;
- c. Following such inspections, if Code violations are found to exist, the Inspection Team must perform a re-inspection of the premises. No License shall be re-issued until the re-inspection is completed and any violations remedied;
- d. The fee for such re-inspection shall be \$50.00.
- e. Any Owner or Responsible Party who fails to appear for a scheduled inspection or re-inspection, or any Owner or Responsible Party that refuses consent to inspect at a scheduled inspection, shall be charged a re-inspection fee of \$50.00. A scheduled inspection or re-inspection may be rescheduled with no re-inspection fee assessed if rescheduled within no less than seven (7) days’ prior notice to MAPD.”

SECTION 8. Section 3.40.080 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

**“Application.**

Before any License shall be granted by the City’s licensing department, an application shall be filed for such License setting forth the following facts:

- a. The name, address, and date of birth of the applicant and telephone number where the applicant can be reached between the hours of 8:00 a.m. and 5:00 p.m.;

- b. The name, address, and date of birth of the applicant, Owner, Manager and other Responsible Party of the Short-Term Rental. If a corporation, all the names, addresses, and dates of birth of the officers, managers or directors of such corporation and any individual who owns twenty-five (25) or more percent of the stock of such corporation. If the License is to be held by a corporation, the Resident Agent and registered office of said corporation. If the applicant is a partnership, all the names, addresses, and dates of birth of all partners of the partnership;
- c. For Owners applying for an Owner Occupied Short-Term Rental license, two documents giving proof of Owner occupation must be provided. Each document must be current and show the Owner's name and address matching that of the property to be utilized for a Short-Term Rental. Acceptable documentation includes: (1) A Kansas Driver's License; (2) other valid State of Kansas Identification Card; (3) Sedgwick County Voter Registration Card; (4) current employer verification of residential address from the employer on company letterhead; (5) current automobile, life or health insurance policy; (6) paycheck/check stub; (7) IRS W-2 Form; (8) a bank statement or (9) other documentation showing the owner's residential address;
- Identifying information (Drivers License Numbers, Account Numbers and Social Security Numbers) for the individual(s) may be redacted on copies submitted to the City's licensing department.
- d. If the Owner does not have a local address within thirty (30) miles of the City limits of the City of Wichita, then he or she must appoint a person or management company, located within the City limits of the City of Wichita to serve as his or her

Resident Agent by providing the name, company name, if any, address, e-mail address, if any, and telephone number of the Resident Agent. Any Resident Agent appointed by the Owner shall have written, express and actual authority to receive communications, service of process, summons, notices and other legal process on behalf of the Owner.

- e. If the Owner appoints a Resident Agent, the application must be accompanied by the Owner's written, notarized authorization granting the Resident Agent express, actual authority to sign documents, to receive service, and to act on the behalf of the Owner or Licensee;
- f. The physical address of the Short-Term Rental Unit;
- g. Maximum occupancy of the Short-Term Rental Unit(s);
- h. Number of rooms, units or areas to be used as a Short-Term Rental Unit;
- i. The name, phone number, email, and business address of the Owner or Responsible Party who will be available twenty-four (24) hours per day, seven (7) days a week to respond to complaints regarding the operation or occupancy of the Short-Term Rental. Such person shall be available to come to the premises, if required , within thirty minutes to resolve any complaint.;
- j. A scaled floor plan on a form provided by the City Licensing Department showing the layout and square footage of the Short-Term Rental Unit(s). Such floor plan, at a minimum, shall include a designation and location of bedrooms, bathrooms, and kitchens, the dimensions of such rooms and the means of ingress and egress within each room and the dwelling unit.

- k. A notarized statement signed by the Owner or Responsible Party that the Short-Term Rental will be operated in compliance with all the terms and conditions of this Chapter and all other applicable City Codes and State statutes, including, but not limited to: Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto;
- l. Proof of insurance as required by Section 3.40.050 of this Chapter;
- m. A notarized statement signed by the Owner or Responsible Party that all applicable taxes on the property have been paid and that any income from the rental of such property is being reported as taxable income to the Internal Revenue Service;
- n. A statement as to whether the applicant has ever had any License denied, revoked, or suspended by the City of Wichita or the State of Kansas or any other governmental entity, the reason therefor and the business activity or occupation of the individual subsequent to such suspension, revocation or denial;
- o. A statement that the Owner, Responsible Party, or any employee thereof will not, in renting or leasing a Short-Term Rental Unit, discriminate against any person or persons on the basis of race, color, sex, religion, national origin, ancestry, disability, sexual orientation, sexual identity, gender identity or age; and

SECTION 9. Section 3.40.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Denial of License.**

A License shall be denied or not renewed if one or more of the following conditions exist:

- a. The premises does not comply with the health, housing, fire and zoning codes of the City of Wichita, including but not limited to: Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto;
- b. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City of Wichita on the application;
- c. The application is incomplete or contains any material misrepresentation;
- d. Within the five (5) years prior to the date of application, the applicant, or any person with a financial interest of twenty-five (25) percent or greater in the Short-Term Rental stated in the application, has committed or allowed to be committed while operating any Short-Term Rental any violation of this Chapter; and
- e. Within the five (5) years prior to the date of application, the applicant, or any person with a financial interest of twenty-five (25) percent or greater in the Short-Term Rental stated in the application has had a Short-Term Rental License suspended or revoked pursuant to any provision of this Chapter.”

SECTION 10. Section 3.40.100 of the Code of the City of Wichita is hereby created to read as follows:

**“Term of License.**

- a. A Short-Term Rental License expires one (1) year after the date of issuance.
- b. A Short-Term Rental License is not transferable to another person or location. A change in ownership shall require the new Owner or Responsible Party to pay a new application fee and secure a new Short-Term Rental License.”

SECTION 11. Section 3.40.110 of the Code of the City of Wichita is hereby created to read as follows:

**“Inspection of Property During Period of License.**

**Exterior Inspections:**

The Wichita Fire Department, Metropolitan Area Planning Department and Metropolitan Area Building and Construction Department (Inspection Team) and any other code officers shall have the right to inspect the exterior premises each Short-Term Rental Unit, without prior notice, during the period of the License to determine compliance with this Ordinance and the Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto.

**Interior Inspections:**

Absent exigent circumstances, whenever it is necessary to make an inspection to enforce any provisions of this Chapter, the Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto or whenever the Inspection Team has reasonable suspicion that there exists conditions which make the property unsafe, dangerous, hazardous, or a public nuisance, the Inspection Team shall have the right, after giving seventy-two (72) hours' written notice to the Owner or Licensee, to enter a Short-Term Rental, at all reasonable times, to inspect the same or to perform any duty imposed by this Chapter provided that such entry is made in accordance with the law. At the time of inspection, if the Short-Term Rental is occupied, then the Inspection Team shall first attempt to make contact with the occupant, present proper credentials, and request entry. If the Short-Term Rental is

unoccupied, then the Inspection Team shall contact the Owner, Licensee, or Registered Agent thereof to request entry. If the Inspection Team is unable to make contact with the Owner, Licensee, or Registered Agent, or the Inspection Team is denied consent to enter, then the Inspection Team shall have the right to seek entry by way of an administrative search warrant or other lawful means.”

SECTION 12. Section 3.40.120 of the Code of the City of Wichita is hereby created to read as follows:

**“Maximum Occupancy–Gatherings.**

- a. The maximum overnight occupancy of a Short-Term Rental Unit is limited to a maximum of two adults per bedroom, plus an additional two adults for each unit excluding studio or efficiencies, such that a two-bedroom house would have an overnight occupancy of six adults, or a three-bedroom house would have an overnight occupancy of eight adults. For the purposes of this subsection, an adult is any person over 12 years of age;
- b. Gatherings of persons in excess of the maximum overnight occupancy prescribed by Subsection “a.” above, shall not exceed two times the maximum overnight occupancy or 20 persons, whichever is less;
- c. All such gatherings shall conclude and attendees disburse by 10:00 p.m.;
- d. In addition to the Zoning Administrator, the provisions of this section may be enforced by any law enforcement officer;
- e. Upon violation of this section, the Zoning Administrator or a law enforcement officer may issue a criminal complaint setting forth the violation of this subsection; and

- f. Upon conviction for violation of this subsection, the person shall be deemed guilty of a misdemeanor and shall be punished by a fine or not to exceed five hundred dollars (\$500) and/or imprisonment of a term not to exceed six (6) months. Each day that any violation of this Chapter continues shall constitute a separate offense and shall be punishable hereunder as a separate violation.”

SECTION 13. Section 3.40.130 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Notice of License Denial/Suspension/Revocation.**

The Zoning Administrator shall provide written notice to the Owner or Responsible Party of the intent to deny, revoke, or suspend a Short-Term Rental License by personal service or certified mail, return receipt requested.

The notice shall be sent to the mailing address of the Licensee on file with the City’s Licensing Department. Such notice shall detail the reason or basis for the denial, suspension or revocation of the License. It shall also specify the rights of the Licensee to appeal any such denial, revocation or suspension.”

SECTION 14. Section 3.40.140 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Suspension of License.**

- a. A License may be suspended by the Zoning Administrator for a period not to exceed thirty (30) days, if:
  - 1. The Licensee or other Responsible Party knew or should have known that activities on the Licensed Premises were in violation of Section 3.40.120 of



the Code of the City of Wichita relating to Maximum Occupancy and Gathering limitations for the Licensed Premises.

2. The premises do not comply with the provisions of this Chapter and/or the health, housing, fire and zoning codes of the City of Wichita, including but not limited to: Wichita-Sedgwick County Unified Building and Trade Code, Wichita-Sedgwick County Unified Zoning Code, International Fire Code, and Chapters 7, 8, 15, 18, 19, 20, 21, 22 and 28 of the Code of the City of Wichita and any amendments thereto.”

SECTION 15. Section 3.40.150 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Revocation of License.**

A License may be revoked by City Council at the recommendation of the Zoning Administrator:

- a. If a Licensee or Responsible Party has fraudulently obtained the License by giving false information in the application therefor;
- b. If the Licensee or Responsible Party has committed two (2) or more instances of violations of this Chapter, or other applicable City ordinances or State statutes within a 12-month period;
- c. If the Licensee or Responsible Party fails to maintain required liability or Short-Term Rental insurance;
- d. If a Licensee or Responsible Party has become ineligible to obtain a License under this Chapter; and

- e. If a Licensee or Responsible Party fails to bring the premises into compliance with the terms and conditions of this Chapter within the time frames for initial compliance as set forth in Section 3.40.190.
- f. For the nonpayment of any License or inspection fees payable under this Chapter.”

SECTION 16. Section 3.40.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Appeals Process.**

- a. Unless otherwise specified by this Chapter, any Applicant or Licensee aggrieved by the denial or suspension of a Short-Term Rental License may file with the City Clerk a written notice of appeal to the City Council within ten (10) business days of the decision by the Zoning Administrator or his/her designee. The Notice of Appeal shall specify:
  - 1. the name and address of the appellant;
  - 2. the date of application;
  - 3. the action appealed from;
  - 4. the date of the action appealed from; and
  - 5. the factual basis for the appeal.
- b. Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty (30) days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the suspension or revocation of the License until the matter is heard by the City Council.

- c. The City Council or Council Appeal Panel may approve the denial, suspension, revocation, or overrule the denial, suspension, revocation or may modify the decision of the Zoning Administrator.
- d. The City Council's or the Council Appeal Panel's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, modification or suspension of the License by the City Council."

SECTION 17. Section 3.40.170 of the Code of the City of Wichita is hereby created to read as follows:

**"Enforcement and Penalties.**

- a. Except as otherwise provided, the Zoning Administrator has the duty and authority to enforce the provisions of this Chapter.
- b. The Administrator shall send a written notice by personal service or by First Class Mail to the Licensee, Responsible Party, Registered Agent, if one is established, or to the Owner of record as listed in the real property records of the Sedgwick County Clerk.
- c. The written notice must include:
  - 1. A statement that a violation of this Chapter has been observed or otherwise determined to exist;
  - 2. A brief description of the nature of the violation;
  - 3. With the exception of violations of Section 3.40.120, notice of a 30-day compliance period (or longer if appropriate in the reasonable

determination of the Zoning Administrator) within which to come into compliance; and

4. A reference to the penalty provisions of this Section.
- d. Penalty. With the exception of violations of Section 3.40.120, if the property has not been brought into compliance within the compliance period set forth by the notice prescribed under Subsection C above or any period of extension granted by the Zoning Administrator, any person who shall own, operate, or manage a Short-Term Rental in violation of a License granted under this Chapter, or without a License when a License is required by this Chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500) and/or imprisonment of a term not to exceed six (6) months. Each day that any violation of this Chapter continues shall constitute a separate offense and shall be punishable hereunder as a separate violation.

In addition to the penalty described in this Section, the City may seek injunctive relief, or revocation of a License as further provided in this Chapter.”

SECTION 18. Section 3.40.180 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Violations not exclusive.**

The provisions of this Chapter are in addition to any other violations enumerated within the ordinances of the Code of the City of Wichita. This Chapter in no way limits the penalties, actions or abatement procedures which may be taken by the City for a violation of any ordinance of the City of Wichita or Statute of the State of Kansas.”

SECTION 19. Section 3.40.190 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

**“Initial Compliance.**

With the exception of zoning approval, each Owner or Responsible Party is required to come into compliance with the terms and conditions of this Chapter within six (6) months of the effective date of the ordinance. If additional zoning approval is required, such approval must be obtained from the Metropolitan Area Planning Commission within twelve (12) months from the date of approval of this ordinance.”


SECTION 20. Section 3.40.200 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Severability.**

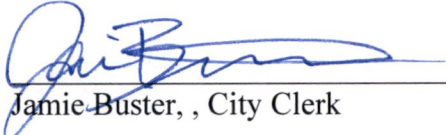
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.”

SECTION 21. 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.

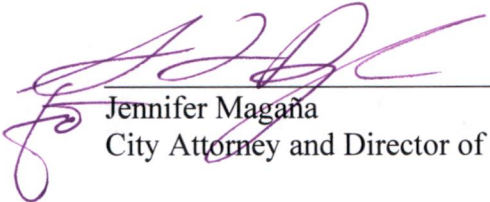
PASSED by the governing body of the City of Wichita, Kansas, this 19<sup>th</sup> day of September, 2023.

  
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Brandon J. Whipple, Mayor

ATTEST:

  
\_\_\_\_\_  
Jamie Buster, , City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magaña  
City Attorney and Director of Law

