

ORDINANCE NO. 315

AN ORDINANCE OF THE CITY OF LAKE QUIVIRA, KANSAS AMENDING TITLE VIII OF THE CODE OF THE CITY OF LAKE QUIVIRA, KANSAS, ADOPTING A NEW SECTION 5 REGARDING THE HARBORING OR KEEPING OF CHICKENS WITHIN THE CITY LIMITS AND ADOPTING REGULATIONS RELATING THERETO.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAKE QUIVIRA, KANSAS THAT:

SECTION ONE. Amendment. Title VIII of the Code of the City of Lake Quivira, Kansas, governing Animal Control, shall be amended by adding a new Section 5 as set forth herein:

Title VIII. Animal Control

Section 5. Chickens

- A. **Definitions.** For the purposes of this Section, the following terms have the meaning indicated:
1. "Building Line" shall have such meaning as provided in the Zoning Code.
 2. "Chicken" shall mean a *Gallus gallus domesticus* of the female sex, also known as a hen; this definition does not include *Gallus gallus domesticus* of the male sex, also known as a Rooster.
 3. "Chicken Run" or "Run" shall mean the fenced or otherwise enclosed outdoor space provided for Chickens that is attached to a Coop.
 4. "Coop" shall mean a detached, stationary, enclosed structure, building or pen within which Chickens roost or are housed and that provides shelter from the elements.
 5. "Dwelling" shall have such meaning as provided in the Zoning Code.
 6. "Lot" shall have such meaning as provided in the Zoning Code.
 7. "Lot Line" shall have such meaning as provided in the Zoning Code.
 8. "Principal Building" shall have such meaning as provided in the Zoning Code.
 9. "Rooster" shall mean a *Gallus gallus domesticus* of the male sex.
 10. "Side Lot Line" shall have such meaning as provided in the Zoning Code.
 11. "Zoning Code" shall mean the Zoning and Subdivision Regulations of the City of Lake Quivira, Kansas.
- B. **Livestock, Poultry and Fowl Prohibited; Exceptions.** It shall be unlawful to own, harbor, keep or maintain livestock, poultry or fowl in the City.
1. Exceptions.
 - a. Any livestock, poultry or fowl allowed as a permitted use or as otherwise allowed pursuant to the Zoning Code.
 - b. Chickens, subject to a valid Chicken license issued by the City and subject to the provisions of this Section.
- C. **Chickens -- License Required; Application Process.** No person shall own, harbor, keep, or maintain Chickens within the corporate limits of the City without first obtaining a Chicken license as set forth herein.

1. **Application Forms.** Applications for a license shall be made on forms provided by the City.
2. **Property Owner; Resident.** An applicant for a Chicken license shall be the owner or resident of the property on which the applicant wishes to harbor, keep or maintain Chickens. In the event the applicant is a resident but not the owner of the property, the license application shall be accompanied by a written statement of support to the City signed by the property owner, as well as a written agreement between the property owner and property resident regarding the plans for maintenance of the Coop and Chickens. Such documents shall also indicate the property owner's agreement and plan regarding disposition of all Chickens, Coop and all other related items in the event the resident vacates the premises.
3. **Application information.** Applicants shall include the following information on the licensing application:
 - a. the number of Chickens proposed to be maintained on the applicant's property;
 - b. the plan to dispose of manure and other waste;
 - c. proposed Coop design including proposed materials;
 - d. diagram describing the location and dimensions of the Coop and attached Run, as well as clearly marked distances to all Lot lines and neighboring structures; and
 - e. certification that the Chickens and Chicken products are primarily for personal, non-commercial use.
4. **Notification.** The City shall provide written notification to all owners of real property within 200 feet of the applicant's property lines. All such owners may object in writing to the issuance or renewal of a license within fourteen (14) days of the date of notification issuance. If an objection is received within such time period, the license application shall be presented to the City council for consideration.
5. **License application fee.** The applicant for a Chicken license shall pay a non-refundable license application fee at the time of application in an amount specified in the City of Lake Quivira Fee Schedule or if none, as set by resolution of the City Council. Payment of a license application fee does not constitute approval of any license application.
6. **Coop and Run location approval.** The applicant shall not commence construction of, or otherwise locate, a Coop or Run on any property within the City until such time as the City has informed the applicant in writing that the location of the applicant's proposed Coop and Run comply with the provisions of this Section as well as applicable Zoning Code regulations.
7. **Coop and Run inspection.** An inspection of the completed Coop and Run shall be completed by City staff prior to license issuance and as part of any license renewal application. All Coops and Runs shall be subject to inspection by the City as needed to verify and maintain compliance with this Section.
8. **License Term; Renewal.** The term of an initial license shall commence on the date of license approval by the City and shall expire on December 31 of that calendar year. The term of an approved renewal license shall be one year, commencing on January 1 and expiring on December 31 of that calendar year. Renewal applications and associated fees, as specified in the City of Lake Quivira Fee Schedule or if none,

as set by resolution of the City Council, shall be submitted not later than December 1 prior to the expiration of such license. Failure to renew a license in a timely manner may result in citations and the issuance of a late fee. Neither the application fee nor any subsequent renewal fees shall be pro-rated, nor shall refunds be granted for partial license years. Payment of renewal fees shall not constitute approval of any license renewal application.

D. Property Requirements and Coop Design.

1. Property Requirements.

- a. Chickens shall only be kept and maintained on a Lot zoned Single-Family Residential District (Districts R-1 through R-4) as set forth in the Zoning Code.
- b. Chickens shall not be kept or maintained upon a vacant Lot.
- c. Chickens shall not be kept or maintained inside a Dwelling, including basements, porches, garages, sheds, or similar storage structures.
- d. Only one Coop and attached Run may be maintained on any one Lot.
- e. A Coop and attached Run shall be located behind a line running from Side Lot Line to Side Lot Line extending from the rear Building Line of the Principal Building on the Applicant's Lot such that no Coop or attached Run shall be located forward of the rear Building Line of the Principal Building.
- f. A Coop and attached Run shall be located not more than twenty (20) feet from the Principal Building on the applicant's Lot.
- g. A Coop and attached Run shall be located not less than ten (10) feet from the Lot Line of an adjacent or abutting Lot and not less than twenty-five (25) feet from the Principal Building on any adjacent or abutting Lot, including Lots separated by streets.
- h. For illustrative purposes of the requirements set forth in subsections e, f, and g herein, see Diagram 1.

2. Coop and Run design and construction.

- a. All Chickens shall be kept and maintained within a Coop used exclusively for the keeping of Chickens. Temporary or movable devices and structures are prohibited. The Coop shall include an attached Run.
- b. The structural floor area of the Coop shall not exceed thirty-six (36) square feet, and the height of the Coop shall not exceed five (5) linear feet as measured vertically from the Coop's grade level to the outside highest point of the Coop. A minimum of two (2) square feet per Chicken of enclosed space inside the Coop is required.
- c. The Chicken Run shall be a minimum area of four (4) square feet per Chicken and shall not exceed fifty (50) square feet total.
- d. If and to the extent setbacks or other requirements of this Section or the Zoning Code limit the size of a Coop or Chicken Run, then a person shall only own or harbor the number of Chickens as may fit within such limited size based upon the minimum size requirements for Coops and Runs.
- d. The Coop shall be constructed in a skillful manner and in compliance with applicable City building codes and provisions of the Zoning and Subdivision Regulations. It shall be well-ventilated, have a roof and shall be enclosed on

all sides. Access doors shall be able to be shut and locked. Opening windows and vents, whether in the Coop or Run, shall be covered with predator- and bird-proof wire of less than one-inch openings. The Coop floor, foundation and footings shall be constructed using a hard, cleanable surface (e.g., concrete, wood, linoleum, or hard plastic) and shall be resistant to rodents. A dirt floor is not allowed.

- e. The Coop and Run shall be constructed with durable materials that will hold up to weather and the environment. Sturdy wire and/or wooden fencing shall be used to keep Chickens within the Run. New materials shall be used, unless used or reclaimed materials are approved in writing by the City. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

E. Standards of Care.

1. No person shall own, harbor, keep or maintain more than six (6) Chickens on any one Lot.
2. No person shall own, harbor, keep or maintain any Rooster in the City.
3. Chickens shall be kept and maintained within a Coop or attached Run at all times.
4. Chickens shall be secured within a Coop during non-daylight hours.
5. Chickens shall be provided with access to adequate feed and clean water at all times.
6. Chickens that become ill shall receive veterinary care on-site or at a veterinary office. Chickens ill with an infectious disease capable of being transmitted from bird to bird, from bird to animal, or from bird to human, including but not limited to, salmonella and avian influenza, are prohibited and shall be immediately euthanized by a veterinarian or immediately removed from the City and humanely killed outside of the city limits. Any person keeping any Chickens shall immediately report any unusual illness or death of Chickens to the County Health Department.
7. No person shall keep or harbor any Chicken that habitually, by any noise, disturbs the peace and quiet of any person in the vicinity.
8. Coops shall be entirely removed from the property within sixty (60) days of the nonrenewal or revocation of a license.

F. Sanitation.

1. Chicken feed shall be stored and kept in containers that make the feed unavailable to rodents, vermin, wild birds, and predators.
2. Chickens shall be kept and maintained in a clean, safe, and healthy environment at all times.
3. No Chicken shall be kept in a manner that is unsanitary, constitutes a public nuisance, or that is offensive in odor.
4. Deceased Chickens shall be disposed of immediately in a safe and sanitary manner.
5. All Chicken waste, including manure, shall be disposed of in a safe and adequate manner that does not create a public nuisance. The Coop, Run, and the whole of any residential Lot, shall be kept free from trash and accumulated waste or droppings. The Chicken owner or harbinger shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
6. No person shall kill or slaughter any Chicken in the City.

7. All Coops and attached Runs where Chickens are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to manure, uneaten feed, feathers, and other such waste, such that they do not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding, or feeding place for rodents or other animals, or otherwise be injurious to public health.
8. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds, from birds to animals, or birds to humans.

G. License Revocation; Non-transferability.

1. A license issued hereunder may be revoked by the City clerk upon determination that the licensee has failed to comply with the provisions of this Section, or the Chickens or premises have been declared a public nuisance. Once a license has been revoked, it shall not be reissued for a period of at least two years.
2. Licenses shall not be transferable. Only the owner of the proposed licensed real property, or a resident of the proposed licensed real property with the owner's written permission, as set forth herein, is eligible to obtain a Chicken license.

H. Dangerous Animals. Any animal which kills or injures a Chicken shall not, for that reason alone, be considered a to have behaved aggressively or dangerously as set forth in Title VIII of the governing Animal Control.

SECTION TWO. Applicability. Any person who, at the time of adoption of this Ordinance, owns or harbors one or more Chickens on residential property within the City, shall have until June 1, 2021 to comply with the provisions hereof, subject to the following exceptions:

Title VIII, Section Five, E. 5, 6, 7 relating to certain Standards of Care and Title VIII, Section Five, F. 1-8 relating to Sanitation, as adopted by Section One of this Ordinance, shall apply from the effective date of this Ordinance to any person who owns or harbors one or more Chickens within the City.

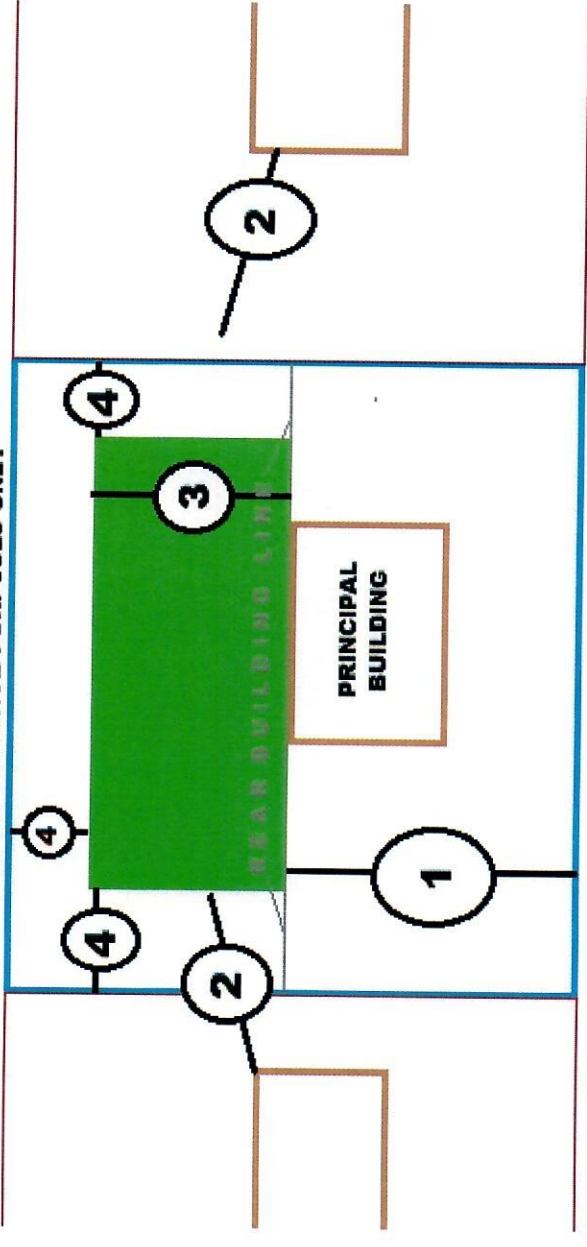
SECTION THREE. Penalties. Any person convicted of a violation of any of the provisions of this Ordinance or failing to comply with any of the mandatory requirements of this Ordinance shall be subject to fines and penalties as set forth in Title III of the Code of the City of Lake Quivira, Kansas.

SECTION FOUR. Existing Sections. Those sections of the Code of the City of Lake Quivira, Kansas not heretofore repealed or repealed hereby shall remain in full force and effect.

SECTION FIVE. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

DIAGRAM #1

FOR ILLUSTRATIVE PURPOSES ONLY



Neighboring Lot

Lot Line

Neighboring Lot

Any chicken coop shall be:

1. Located behind the rear building line
2. 25' or more away from neighboring principal building
3. no greater than 20' from principal building
4. 10' or more away from property line.

SECTION SIX. Take Effect. This ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, all as provided by law.

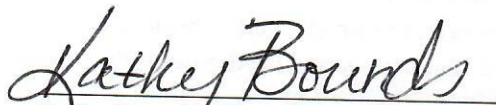
PASSED by the Governing Body the 1st day of February, 2021.

APPROVED by the Mayor the 1st day of February, 2021.



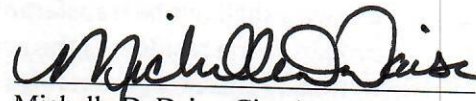
Brady Lilja, Mayor

ATTEST:



Kathy Bounds, City Clerk

APPROVED AS TO FORM:



Michelle D. Daise, City Attorney



Ordinance No. 315 Summary

On February 1, 2021, the Governing Body of the City of Lake Quivira, Kansas passed Ordinance No. 315 adopting a new Section 5 of the Code of the City of Lake Quivira, Kansas regarding the harboring or keeping of chickens within the city limits and adopting regulations relating thereto.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 10 Crescent Blvd or for one week from the date of this publication at www.cityoflakequivira.org.

This summary is hereby certified by Michelle D. Daise, City Attorney, as prescribed by K.S.A. 12-3007.

Dated the 1st day of February, 2021.

/s/ Michelle D. Daise
Michelle D. Daise, City Attorney