

AN ORDINANCE AMENDING PART II, CHAPTER 6 - ANIMALS OF THE MUNICIPAL CODE OF THE CITY OF LEOTI TO ALLOW CHICKENS WITHIN THE CORPORATE LIMITS OF THE CITY OF LEOTI AND PROVIDE STANDARDS FOR THEIR CARE.

WHEREFORE, taking in mind the current economic environment and the citizens desire to provide for their own food, the City of Leoti finds it in the best interests of its citizens to allow the keeping of chickens.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leoti, Kansas:

1. Part II, Chapter 6, Article I, Section 6-3(4) of the Municipal Code of the City of Leoti shall be amended to read as follows:

Sec. 6-3. Prohibited Animal Keeping.

(4) With the exception of chickens, any animal that would be normally associated with that of being a farm animal (including, but not limited to, a horse, cow, pig, rooster, goat, etc.). The keeping of chickens shall be governed by Section 6-190 et. seq.

2. Part II, Chapter 6, Article VII, Section 6-190 through Section 6-196 of the Municipal Code of the City of Leoti shall be added to read as follows:

Article VII. - Chickens

Sec. 6-190. - Definitions.

- A. "Chicken" means species *gallus gallus* of the female sex only. Male roosters, or other fowl, such as peacocks, turkeys, guinea fowls, ducks or waterfowl are not permitted.
- B. "Chicken Coop" or "Coop" means an enclosed and roofed structure for housing chickens that provides appropriate temperature and shelter from the elements.
- C. "Chicken Run" or "Run" means an enclosed outside yard or fenced area for keeping chickens.
- D. "Chicken Tractor" or "Tractor" means a movable chicken coop lacking a floor.
- E. Humane standards of care shall be defined to include, but not be limited to, accessibility of the chickens to food and water, proper medical attention, proper shelter from the elements, and cleanliness in animal waste areas with regular waste removal.
- F. "Nuisance" means any act which is unreasonably annoying or vexatious to another or substantially interferes with the rights of others and shall include, but not be limited to, obnoxious odors, excessive noise, and creation of an environment attractive to other animals or insects. More than three substantiated violations of this title within a twelve-month period will automatically constitute a nuisance.

Sec. 6-191. - Keeping of Chickens.

- A. It shall be unlawful for any person to keep chickens upon any property within the City, except for those approved as animal housing, unless the chickens are kept in accordance with the provision of this Chapter.
- B. It shall further be unlawful for any owner, renter, resident, or leaseholder of any such property to allow chickens to be kept or maintained in or upon such property in violation of the provisions of this Chapter.

Sec. 6-192. - Permit Required.

- A. A Chicken Permit shall be obtained prior to the keeping chickens on the property. The City Clerk shall establish an application process to be followed by all individuals seeking a Chicken Permit. The Chicken Permit shall be issued yearly.
- B. Application shall contain sufficient information to ensure compliance with this Chapter. Code Enforcement Officer will inspect and verify chicken coops and runs prior to the issuance of a Chicken Permit. The Applicant must show that the keeping of chickens will not create a nuisance in the surrounding neighborhood, that humane care will be provided, and that the chicken keeping requirements herein can be met. The City Clerk may deny the application if the Code Enforcement officer notes concerns or finds that the keeping of chickens will create a nuisance in the surrounding neighborhood, that humane care may not be provided, or that the chicken keeping requirements herein cannot be met.
- C. Applicant must be in compliance with all other city codes.

Sec. 6-193. - Chicken Keeping Requirements.

Chicken keeping must comply with these requirements at all times:

- A. Six chickens will be allowed per residence or business.
- B. Chickens will be kept in a safe and sanitary manner.
- C. Chickens may only be kept for non-commercial purposes only. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
- D. The owner of the chickens shall be also the principal owner of the property. Tenants and renters may keep chickens with the written permission of the property owner (which must be turned in with the application).
- E. Chicken health will be maintained, and chickens will be provided with appropriate medical care.
- F. Chicken coops, mobile pens and runs will not be allowed in the front yard or side yard frontage and will be set back 10 feet from the side property line and 25 feet from the rear property line.
- G. Chickens must be provided a secure and well-ventilated chicken coop within a fenced-in yard. The floor area of the chicken coop and attached pen area must equal at least 10 square feet of area per chicken.
- H. Chickens must be housed in a chicken coop or other roofed structure and attached pen at all times, provided that during daylight hours chickens are allowed to occupy a completely fenced-in yard.
- I. Chicken keepers shall control noxious odors and not disturb the peace and quite so as not to create a nuisance of any kind. Chickens will not deposit excrement on property of another. Chickens will not molest or intimidate passersby. Chickens will not make disturbing noises.
- J. Chicken keepers shall take necessary action to reduce the attraction of predators, insects, and rodents. Chicken keepers will prevent the breeding of rodents, flies or other insects, and the potential infestation of insects and parasites. All grain and food stored for the use of chickens shall be kept in a rodent-proof container.
- K. Live slaughter of chickens is prohibited within the city limits.

- L. Chickens shall not be allowed to run at large. Any dog attacking a chicken running at large shall not be construed as a dangerous animal based upon the attack of the chicken.
- M. The chicken owner must provide for the regular removal of chicken manure. All stored manure shall be covered in an airtight container provided that no more than 3 cubic feet of manure shall be stored.
- N. The chicken coop, chicken tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 6-194. - Permit Revocation and Suspension.

- A. Upon recommendation of Code Enforcement, a Chicken Permit may be revoked or suspended by the City Clerk upon a showing of one of the following:
 1. The chicken keeping constitutes a nuisance to the surrounding neighbors.
 2. Humane standards of care are not being met by the permittee.
 3. A failure to meet or to continue to meet the chicken keeping requirements herein.
 4. A violation of City Code zoning, nuisance, or animal care regulations has occurred.
 5. The permittee provided false information in their application.
- B. Upon revocation of the Chicken Permit, owners will be notified and writing and have 30 days to rehome their chickens.
- C. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, chickens may be removed by the Code Enforcement Officer and destroyed. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation are a danger to the health of the public.
- D. In the event of an outbreak of the bird flu or avian flu, the city may enact additional regulations to prevent its spread and protect the health of the public. Any immediate danger to the public health may be remedied by the City in any manner prudent as recommended by animal experts.

Sec. 6-195. - Appeal.

Any person who is denied a Chicken Permit for keeping chickens, or whose existing permit has been revoked, may within 10 days file a written notice or statement of appeal from said decision to the Leoti Municipal Court for an administrative hearing thereon.

1. An administrative fee equal to the court costs shall be paid to the Municipal Court Clerk for filing such appeal. No appeal shall be set for hearing until such fee has been paid.
2. The filing of an appeal under this subsection shall not stay any action taken pursuant to this Chapter.
3. The hearing on the appeal shall be conducted by the Municipal Court judge who will sit as an administrative judge for purposes of this Chapter. The sole issue for determination shall be whether decisions, rulings, actions, or findings of the Code Enforcement Officer and/or the City Clerk (or their respective designees) were within the scope of their authority, supported by substantial evidence, and not arbitrary or capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case. Pursuant to its role as administrative judge, the court is empowered to hold hearings, subpoena witnesses, take the testimony of any person under oath and in connection therewith, to require the production of any evidence relating to any matter being heard. In the case of the refusal of any person to comply with any subpoena issued hereunder or to testify in any matter

regarding which he or she may be lawfully questioned, the court may order such person to comply with such subpoena and testify; and failure to obey the court's order may be punished by the court as contempt.

Sec. 6-196. - Violations and Penalty.

The violation of any provision of this Chapter is a Class C public offense and any person convicted thereof shall be punished as provided in Section 1-13. Each day that any violation of these sections shall continue shall constitute a separate offense.

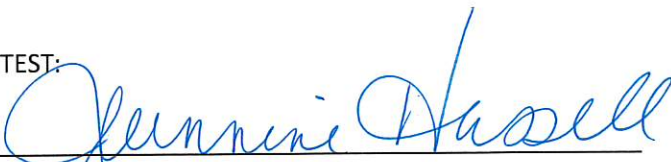
3. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

ADOPTED this 5th Day of December 2022, by the City Council of the City of Leoti, Wichita County, Kansas.



Charlie Hughes, Mayor

ATTEST:



Jeannine Hassell, City Clerk

