

ORDINANCE NO. 20-3387

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS BY AMENDING EXISTING SECTION 4-117 AND ADDING A NEW SECTION 4-124 TO PERMIT THE KEEPING OF CHICKENS WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION 1. Section 4-117 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

4-117. Prohibited animals.

It shall be unlawful to keep, harbor, own or in any way possess:

- (a) Any domestic livestock or fowl, including but not limited to cattle, swine, horses, mules, sheep, goats, chickens, ducks, geese and turkeys, except that:
 - (1) registered purebred miniature Vietnamese pot-bellied pigs and other similar registered purebred miniature pigs may be maintained within the city limits, subject to the conditions stated in Section 4-123 below; and
 - (2) permitted chickens may be maintained within the city limits, subject to the conditions stated in Section 4-124 below.
- (b) Any warm-blooded, carnivorous, or omnivorous, wild or exotic animals (including, but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats but excluding fowl, ferrets and small rodents or varieties used for laboratory purposes).
- (c) Any animal having poisonous bites.
- (d) Any pit bull dog.

SECTION 2. Article 1 of Chapter 4 of the City Code of the City of Abilene, Kansas is hereby amended by adding a new Section 4-124, to read as follows:

4-124. Exception; chickens.

The provisions of this article are not applicable to owners, keepers, or harborers of permitted chickens which may be maintained within the city limits, subject to the requirements of this section:

- (a) Definitions.
 - (1) *Permittee* means a person to whom a permit has been issued by the city under this section.
 - (2) *Chicken* means an individual animal of the species *Gallus gallus domesticus*.
 - (3) *Hen* means the female chicken.
 - (4) *Rooster* means a male chicken.
- (b) Permit required. No person shall own, keep, or harbor a chicken within the city limits without a permit issued pursuant to this section.
- (c) Locations permitted. Only persons residing in residential zoning districts shall be eligible for a permit under this section.

- (d) Number allowed. A permittee shall not own, keep, or harbor more than six (6) hens, unless the permittee's dwelling is situated upon more than one (1) acre, in which case the permittee shall be allowed to own, keep, and harbor an additional three (3) hens for each full additional one (1) acre of property that is under the permittee's control and possession.
- (e) Roosters prohibited. It shall be unlawful to own, keep, or harbor a rooster within the city limits.
- (f) Setbacks. Coops and cages housing hens shall not be located within:
 - (1) twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the permittee's dwelling;
 - (2) five (5) feet of a side or rear yard lot line;
 - (3) in a front yard; or
 - (4) ten (10) feet of the permittee's principal dwelling.
- (g) Enclosures. Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop or cage shall allow at least two (2) square feet of space per hen. Any coop or cage exceeding 100 square feet in size shall be considered an accessory structure as defined in the Zoning Regulations and must meet all standards outlined therein. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the permittee's property and to prevent predators from accessing the birds.
- (h) Sanitation. The coop or cage, and the outdoor enclosure, must be kept in a sanitary condition and free from offensive odors. The coop or cage, and the outdoor enclosure, must be cleaned at least once each week to prevent the accumulation of waste.
- (i) Slaughtering. No person shall engage in the outdoor slaughtering of chickens. The remnants from slaughtering shall be properly disposed of, in accordance with applicable laws.
- (j) Permit applications.
 - (1) Each applicant seeking to obtain a permit under this section shall apply for a permit in writing on such form as the city clerk may prescribe, and shall pay a non-refundable fee to the city clerk in the amount of \$25.00.
 - (2) Each application for a permit shall be signed by the applicant, who shall be at least eighteen (18) years old, and who shall be in actual control or possession of the dwelling on the subject property. The application shall include or be accompanied by the following information:
 - i. The name, address, telephone number, and date of birth of the applicant.
 - ii. A description of the location and size of the subject property.
 - iii. The number of hens the applicant proposes to keep on the subject property.
 - iv. A description and precise dimensions of the coop(s) or cage(s) and outdoor enclosure(s) to be maintained on the subject property, along with a description or depiction of the precise location(s) of these enclosures in relation to the property lines and adjacent properties.
 - v. If the applicant proposes to keep hens in the yard of a multi-family dwelling, the applicant must include a signed statement from the owner(s) and all tenants of the multi-family dwelling, indicating their consent to the applicant's proposal for keeping hens on the premises.

- vi. Such other information as is required by this chapter or reasonably required by the city to determine the applicant's eligibility and qualifications for a permit in accordance with the criteria, standards, and qualifications set forth in this section.
- (k) Issuance or denial of permit.
- (1) The city clerk shall process each valid and administratively complete application for a permit within ten (10) business days.
 - (2) No permit shall be approved for any person ineligible pursuant to the provisions of this section.
 - (3) No permit shall be approved for any person who has been convicted, or who resides with any person in the subject property who has been convicted, of a crime related to maltreatment, mistreatment, neglect, or cruelty to any animal.
- (l) Duration of initial permit; renewal.
- (1) Any permit issued pursuant to this article shall be for a term of the remainder of the calendar year in which the permit is issued. A permit may be renewed by making timely payment of an annual renewal fee in the amount of \$25.00 to the city clerk on or before December 31 of each calendar year. If the annual renewal fee is not made during the time provided herein, the permit shall expire on December 31 and a new application shall be required.
 - (2) A permit issued under this section may be revoked or temporarily suspended by the city manager for any of the following reasons:
 - i. Violation of or failure to comply with any provision of this section, or any other provision in this code or applicable city ordinances; or
 - ii. Fraud, misrepresentation, or false statement contained in the application for the permit.
- (m) Appeal. Any person aggrieved by the city clerk's denial of an initial permit application, or a decision of the city manager to suspend or revoke a permit, shall have the right to appeal such decision to the city commission within ten (10) days after the notice of the action or decision has been mailed to the applicant or the permittee, as applicable. An appeal to the city commission shall be taken by filing with the city clerk a written statement setting forth the grounds for the appeal. An appeal shall be considered by the city commission at a regular meeting to be held within fifteen (15) days of receipt of the written appeal. The city commission may affirm, overrule, or modify the decision. Any person aggrieved by the city commission's decision on appeal may seek judicial review in a manner provided by law.
- (n) Inspection. As a condition of the permit, the permittee agrees to the entry and inspection of any premises, building, enclosure, or other premises where the hens are kept or allowed to inhabit. Such inspection shall be conducted at reasonable times, with or without notice, by such city representatives designated by the city manager as being responsible for administration of this section.
- (o) Transferability. A permit issued under this section shall not be assignable or transferable under any circumstances from one person to another person.
- (p) Penalty. A violation of this section shall constitute a class C violation. Any person who shall be convicted in municipal court of violating any provision of this section shall be punished by a fine of not more than \$500.00. Each day that a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation.

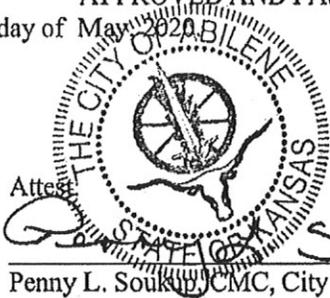
SECTION 3. Existing Section 4-117 is hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. ~~20-3387~~ Summary

On May 11, 2020, the City Commission passed Ordinance No. ~~20-3387~~
The ordinance amends Chapter 4 of the City Code of the City of Abilene, Kansas by amending existing Section 4-117 and adding a new Section 4-124 to permit the keeping of chickens within the City of Abilene, Kansas, subject to a permitting requirement and regulations as set forth in the ordinance. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 11th day of May, 2020.



Penny L. Soukup
Penny L. Soukup, CMC, City Clerk

Chris Ostermann
Chris Ostermann, Mayor

The publication summary set forth above is certified this 14th day of May, 2020.

Aaron O. Martin
Aaron O. Martin, City Attorney