

(Published in the Kiowa County Signal on May 11, 2016)

ORDINANCE NO. 1070

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF THE CITY OF GREENSBURG, KANSAS, BY AMENDING CHAPTER II, ARTICLE I, SECTIONS 2-201, 2-109, 2-112, AND BY ADDING NEW ARTICLE 5 TO FACILITATE THE MAINTAINING OF CHICKENS AND DUCKS WITHIN THE CITY AND PROVIDING FOR THE REGULATION AND PERMITTING THEREOF.

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

SECTION 1: Chapter II, Article 1, Section 2-101 of the Code of the City of Greensburg, Kansas, is hereby amended to read as follows:

2-101. Definitions.

For the purposes of this chapter, the following words and phrases shall mean:

(a) Abandon - includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) Animals - means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) Animal Shelter - means the facility or facilities operated or used by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

(d) At-large - means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

(e) Bite - means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(f) Cat - means any member of the species felis catus, regardless of sex.

(g) Chicken- means any female member of the species gallus domesticus or its young.

1. For the purposes of Chapter 2, Chicken as defined herein shall not include Roosters.

(h) Chicken Run- means an enclosed area in which Chickens are allowed to walk and run about.

(i) Chicken Tractor- means a moveable Chicken Run.

(j) Coop- means a structure for housing Chickens.

(j) Dangerous or Vicious Animal - means any animal deemed to be dangerous or vicious per section 2-114.

(k) Dog - means any member of the species *canis familiaris*, regardless of sex.

(l) Duck - means any member of the species *anas platyrhynchos*, regardless of sex.

(m) Fowl - means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

(n) Habitual Violator - means any person who is the owner, keeper or harbinger of any animal or animals which have been impounded by the Animal control officer on three or more occasions within any 36 month period each incidence of an impoundment being regarded as a separate occasion, regardless of whether one or more animals were impounded at the same time and regardless of whether the impoundment was as to the same or different animals on each occasion; or who was the owner, keeper or harbinger of any animal or animals which have on two or more occasions within any 36 month period attacked a human or a domestic animal without provocation including snapping or biting at a human or a domestic animal and whether or not such attack was completed or any injury inflicted, each incidence of an attack being regarded as a separate occasion regardless of whether the attack was by the same or a different animal on each occasion; or who has been fined or convicted for three or more violations under this Article, which violations occurred within any 60 month period; or who fails to confine or control in accordance with the provisions of this Article, any animal that has been determined to be a dangerous animal.

(o) Harbor - means any person who shall allow any animals to habitually remain at large or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(p) Humane Live Animal Trap - means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(q) Humanely Euthanize - means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

(r) Immediate Control - means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(s) Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than five dogs.

(t) Livestock - includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(u) Neutered - means any male or female cat or dog that has been permanently rendered sterile.

(v) Own - means and includes own, keep, harbor, shelter, manage, possess, or have a part ownership interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(w) Owner - means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (r) above.

(x) Vaccination - means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(y) Veterinarian - means a doctor of veterinary medicine licensed by the State of Kansas.
(Code 1986, 2-101; Code 2007; Ord. 1038)

SECTION 2: Chapter II, Article 1, Section 2-109 of the Code of the City of Greensburg, Kansas, is hereby amended to read as follows:

2-109. Keeping animals.

It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs or cats which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-112 of this chapter;

(d) The transporting of animals through the city by ordinary and customary means;

(e) A permit shall not be required for people keeping livestock at the time of the passage of this code; provided, this exception to registration will terminate if there is a change in livestock or property ownership in which case a permit shall be required.

(f) Animals subject to a special exception authorized in accordance with Section 15.8 of the Sustainable Zoning Ordinance.

(g) The maintaining of chickens or ducks in accordance with Article 5 of this chapter

(Code 1986, 2-107; Code 2007; Ord. 1038)

SECTION 3: Chapter II, Article 1, Section 2-112 of the Code of the City of Greensburg, Kansas, is hereby amended to read as follows:

2-112. Animal confines; shelters.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any shelter, pen, coop or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All shelters, pens, coops and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All shelters and board fences confining animals shall be maintained in good repair, and all shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.

(f) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after impoundment fees are paid and cause for impoundment has been corrected.

(Code 2007; Ord. 1038

SECTION 4: Chapter II of the Code of the City of Greensburg, Kansas is hereby amended by adding new Article 5 which reads as follows:

ARTICLE 5. CHICKENS AND DUCKS

2-501 Permitted fowl

- (a) Up to six (6) chickens or ducks may be maintained in the city by any person of the city that obtains and maintains a Backyard Fowl Permit issued in accordance with this Article 5.
- (b) A Backyard Fowl Permit may be approved to authorize a person to own, keep, or harbor a total of one (1) to six (6) chickens or ducks of any age.
- (c) A Special Animal Permit through the Board of Zoning Appeals may grant a land owner the ability to have additional chickens or ducks.

2-502 Backyard Fowl Permit Fees and Application

- (a) The City Clerk shall collect a onetime non-refundable \$45.00 Backyard Fowl Permit application fee, and a \$15.00 annual permit fee.
- (b) Backyard Fowl Permits shall expire twelve (12) months following the date that the permit was issued.
- (c) Applications for Backyard Fowl Permits shall be reviewed by the City Clerk or their designee.
 1. The City Clerk or their designee may approve an application that meets all of the following requirements:
 - a. The property must be occupied by the person requesting a Backyard Fowl Permit, and the applicant must reside in a single family home or duplex;
 - b. The applicant must have had no Animal violations charges within twenty-four (24) months preceding the date of the Backyard Fowl Permit Application for which the applicant has been found guilty, or entered a plea of guilty or no contest;
 - c. The applicant has not received notice of non-compliance for any City Code environmental or housing violations within twenty-four (24) months preceding the date of the Backyard Fowl Permit Application;

- (h) Coops and chicken tractors shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents must be covered with predator and bird-proof wire of less than one inch openings.
- (i) Coops, chicken runs, and chicken tractors shall consist of sturdy wire or wooden fencing and shall be designed so as to be easily maintained.
- (j) Coops, chicken runs and chicken tractors shall be constructed and maintained with durable materials that will hold up to weather and environment. Scrap, waste board, sheet metal, or similar materials are prohibited.
- (k) All coops, chicken runs, and chicken tractors shall be subject to inspection by a designated city representative as needed to verify and maintain compliance with this section.
- (l) All coops, chicken runs, and chicken tractors shall be placed behind screening of sufficient size, strength and density to screen such objects from the view of the public.
- (m) All manure accumulations shall be regularly removed and disposed of in such a manner as to prevent the breeding of insects, rodents, and other vermin. All such manure shall be buried with a covering of not less than six (6) inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or removed from the property.
- (n) Chicken and duck waste control and removal is the responsibility of the owner, who shall be responsible for maintaining the property in compliance with this Chapter. No more than three cubic feet of animal waste may be maintained as manure fertilizer. The coop, chicken run, and chicken tractor and surrounding area must be kept free from trash and accumulated animal waste droppings.
- (o) The chicken or duck owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (p) It shall be unlawful to keep chickens or ducks for profit.
- (q) No chicken, duck, or facility shall be kept in a manner that is:
 1. Offensive in odor;
 2. Unsanitary;
 3. Detrimental to the health of the animal or any neighboring animals;
 4. A public nuisance ;or
 5. A public blight.

SECTION 5: Other ordinances or portions thereof in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Greensburg, Kansas, this 2nd day of May, 2016.



 Mayor

ATTEST:



 Christy Pyatt, City Clerk