

City of La Cygne, Kansas
ORDINANCE NO. 1534
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AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, SECTION 2-101(I) AND SECTION 2-102(e)(3)(A) AND ADDING ARTICLE 5. KEEPING OF CHICKENS TO CHAPTER 2 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LACYGNE, KANSAS:

Section 1: **That** Chapter 2, Article 1, Section 2-101(l) of the Codes of the City of La Cygne, Kansas, is hereby amended to read as follows:

(l) Fowl means those animals in the zoological class aves, which can be generally defined as domestic birds commonly kept for the production of meat, eggs or feathers, which shall include chickens, but not limited to, chickens, ducks, turkeys, geese or other waterfowl.

Section 2: **That** Chapter 2, Article 1, Section 2-102(e)(3)(A) of the Codes of the City of La Cygne, Kansas, is hereby amended to read as follows:

(3) It is unlawful to own, keep, harbor or maintain any livestock in the City, except as set forth in this Article and Chapter. A minimum lot size of one (1) acre shall be required to keep any number of livestock in the City. The size of the parcel shall be determined through reference to the Linn County, Kansas Land Records as maintained by the Linn County Appraiser.

- (A) Number Permitted:
(i) Livestock: One (1) per acre

Section 3: **That** Chapter 2, of the Codes of the City of La Cygne, Kansas, is hereby amended to add Article 5. Keeping of Chickens to read as follows:

Article 5. Keeping of Chickens

2-501. Definitions

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

- A. **Chicken** means the species *gallus domesticus* of the female sex. This definition does not include male chickens or roosters, or other fowl, such as, but not limited to, peacocks, turkeys, guinea fowls, ducks or waterfowl, all of which are not permitted under this Chapter.
- B. **Chicken Coop** or **Coop** means an enclosed and roofed structure for housing chickens that provides shelter from the elements and predators.
- C. **Chicken Run** or **Run** means an enclosed outside yard or area for keeping chickens.

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- D. **Chicken Tractor** or **Tractor** means a movable chicken coop or run lacking a floor utilized for containment during “free range feeding” with a minimum size of 3 square feet per chicken.
- 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 predators, and cleanliness in animal waste areas with regular waste removal.
- F. **Nuisance** means any act which is unreasonably annoying 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.

2-502. Unlawful keeping of chickens; Nuisance

- a) Any violation of this chapter that constitutes a health hazard or that interferes with the use of enjoyment of neighboring property is a nuisance and may be abated under the general abatement provisions.
- b) In addition, any violation of this article may be cited as a code violation in municipal court punishable by a fine and court costs; and each day such violation continues shall be a separate offense.

2-503. Keeping of Chickens

- c) The keeping of chickens shall be prohibited, except as provided in this Section. Chickens must be kept in accordance with the provisions of this Section and applicable zoning regulations.
- d) No residence/property may have more chickens than what the property size allows at the measurement of 1 chicken per 1500 square feet of property, but no property may have more than 10 chickens.
- e) No male chickens or roosters shall be kept within the city.
- f) Chickens must be kept in a clean, safe and healthy environment.

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- g) Chicken coops and runs shall be located in the rear yard only of the premises, located no closer than 10 feet from the property line, and at least 50 feet from any adjacent dwelling, church, school, or place of business, except from the dwelling located on the same property. Further, they shall be screened or walled in a manner that allows the permitted chickens to be reasonably protected from predators. They shall be maintained in a clean and sanitary manner to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.
- h) The floor area of the chicken coop or a combination of the floor area and attached pen area must equal at least 10 square feet of area per chicken. However, the coop may not exceed at total square footage of 100 square feet.
- i) Chickens must remain on the owner's property at all times, either by fence or chicken tractor. Chickens are prohibited from being at large. A chicken on a property without the permission of the property owner shall be deemed to be a chicken at large and the owner of such animal shall be in violation of this Section.
- j) Odor from keeping of chickens shall not be detected at or beyond the property boundaries.
- k) Noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensibilities.
- l) The chicken owner must provide the storage and removal of chicken manure. All stored manure shall be covered in a fully enclosed structure with a roof or lid over the entire structure. No more than 3 cubic feet of manure shall be stored. All other chicken manure not used for composting or fertilizing shall be regularly removed in a manner complying with all applicable federal, state and local regulations. 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.
- m) Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with the keeping of chickens shall be protected from or to prevent rats, mice, or other rodents from gaining access to or coming into contact with the feed.
- n) The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- o) Chickens are not to be kept for profit. Commercial chicken operations are prohibited.

- p) The slaughter of chickens must be done out of public view.

2-504. Permit Required

- a) In order for a person to keep or otherwise maintain chickens upon residential property within the city a one time “Chicken Permit” shall be obtained from City Hall. The Chicken Permit shall be obtained prior to the keeping of chickens on the property. The Public Health Officer or their designee shall establish an application process to be followed by all individuals seeking a Chicken Permit.
- b) Applications for a Chicken Permit shall be filed on forms prescribed by the City and include a non-refundable fee and the following information:
 - 1. Applicant’s name and contact information.
 - 2. If the applicant is not the property owner, then written permission of the property owner shall be submitted with the application along with the property owner’s name and contact information.
 - 3. Street address where chickens will be kept.
 - 4. The number of chickens.
 - 5. Sufficient information to show compliance with 2-503 which shall be confirmed by the Public Health Officer or their designee prior to the issuance of the Chicken Permit.
- c) The Applicant must adequately show, by clear and convincing evidence, that the keeping of chickens will not create a nuisance in the surrounding neighborhood, that humane care will be provided, and that the premises where the chickens are kept are suitable for the keeping of chickens and is in conformity with all City zoning requirements and rules set forth in 2-503.
- d) The applicant, or any person who will share in the care, custody and control of the chickens, is not currently in violation of, or has not previously violated any applicable City, state or federal laws, codes, rules or regulations, including, but not limited to, those pertaining to the care and control of animals and the maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the Chicken Permit.
- e) The Chicken Permit shall be denied to any application where the applicant fails to show proof of the aforementioned requirements or an examination of the documentation submitted or any investigation by the Public Health Officer or their designee, reveals that in their opinion that the applicant has failed to meet the requirements of this Chapter.

- f) The Chicken Permit shall be a one-time fee of \$20, payable at the time of application and non-refundable. Failure to pay the fee shall constitute a violation of this Chapter.

2-505. Revocation and Suspension

Upon recommendation of the Public Health Officer or their designee, a Chicken Permit may be revoked or suspended by the Municipal Court Judge upon a showing any of the following:

1. The chicken's place of 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 any applicable requirement for permit approval.
4. A violation of City zoning regulations has occurred;
5. The permittee provided false information in their application; or
6. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety.
7. Failure to comply with any provision of this Chapter shall be considered good cause for revocation or suspension of a Chicken Permit.

2-506. Exceptions

Persons harboring or maintaining other fowl, other than chickens, in compliance with La Cygne Animal Code 2-102 (e)(3) (Code 1988; Ord. 1482):

{It is unlawful to own, keep, harbor or maintain any livestock or poultry in the City, except as set forth in this Article and Chapter. A minimum lot size of one (1) acre shall be required to keep any number of livestock or poultry in the City. The size of the parcel shall be determined through reference to the Linn County, Kansas Land Records as maintained by the Linn County Appraiser. Number Permitted: (i) Livestock: One (1) per acre; (ii) Fowl: Four (4) per acre. (Code 1988; Ord. 1482)}

prior to 01/01/2025, may be allowed, with consideration from the Public Health Officer, or their designee. Allowance of other fowl will be notated on the Chicken Permit, with proven compliance of all regulations established here-in.

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Section 4. **That** all ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

Section 5. **That** this Ordinance shall take effect and be in full force from and after its publication in the official city newspaper of the City of La Cygne, Kansas.

PASSED by the Council this 20th day of November 2024
APPROVED by the Mayor this 20th day of November 2024
ADOPTED this 20th day of November 2024.

Debra Wilson

ATTEST:

Jodi Wade, City Clerk