

ORDINANCE NO. 2022 - 01

AN ORDINANCE PROVIDING AN EXCEPTION TO ORDINANCE 105 TO ALLOW THE KEEPING OF CHICKENS UNDER THE PERMIT AND CONDITIONS SET OUT BELOW.

BE IT ORDAINED by the governing body of the City of Liebenthal, Kansas that domestic chickens may be kept if permitted in accordance with the following provisions. These provisions are intended to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

1. **Number.** No more than ten (10) hens shall be allowed for each single-family dwelling.
2. **Setbacks.** Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
3. **Enclosure.** 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 shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds.
4. **Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on at least a weekly basis to prevent the accumulation of waste.
5. **Slaughtering.** There shall be no outdoor slaughtering of chickens. The remnants from slaughtering shall be properly disposed of.
6. **Roosters.** It is unlawful for any person to keep roosters. Roosters shall be defined by their common meaning; a male chicken.

(A) **Permits.**

1. A current and valid permit is required to keep, harbor, house, or possess any chicken duck inside the corporate limits of the City of Liebenthal.
2. Said permit shall be obtained prior to any chicken being possessed or housed in the city. An annual permit fee of \$25 shall be paid to the City before the City will process the permit application.
3. Only the person who has actual possession and control of the chickens may obtain a license.
4. Permits may only be issued to adults.
5. Permits may not be issued to any household in which resides any person who has been convicted of a crime related to maltreatment, mistreatment, neglect, or cruelty to any animal. An application for a permit must contain the following items:
  - a. The name, phone number, date of birth, and address of the applicant and all persons residing therein.
  - b. The size and location of the subject property.
  - c. A proposal containing the following information:
    - i. The number of hens the applicant seeks to keep on the property.
    - ii. A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
6. If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all

owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.

(B) **Permit Renewal.**

1. Permits may be renewed on a calendar-year annual basis.
2. If the City receives any objections or complaints during the license year, the license renewal shall be put on the agenda at a city council meeting for its consideration and approval. If the city council does not approve the license renewal, the owner or keeper of the chickens and/or ducks shall have fourteen days to remove said animals from the city limits.
3. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and conditions of the initial permit.
4. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

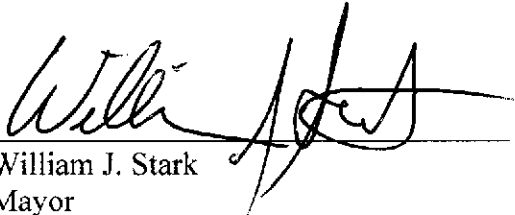
(C) **Inspection.** As a condition of the permit, the permittee agrees to the entry and inspection of any premises, building, enclosure or other premises where the chickens and/or ducks are kept or allowed to inhabit. Such inspection shall be conducted at reasonable times with or without advance notice. Such inspection shall be made by such city personnel which are designated by the City of Liebethal as being responsible for such matters.

(D) **Nuisances.** The issuance of any permit under this section shall in no way shield the holder of said license, or any other person, from legal proceedings under the municipal or state codes regarding nuisances or any other violation of law, rules, or regulations.

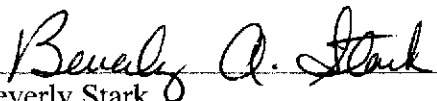
Statement of Passage: This ordinance shall become effective and in full force from and after its passage, adoption, and publication in the official city newspaper.

**PASSED AND ADOPTED** this 8th day of August 2022.



  
\_\_\_\_\_  
William J. Stark  
Mayor

ATTEST:

  
\_\_\_\_\_  
Beverly Stark  
City Clerk