

(First published in the Times Sentinel, April _____, 2021)

THE CITY OF GARDEN PLAIN, KANSAS

ORDINANCE NO. 749

AN ORDINANCE AMENDING ORDINANCE 612 PROVIDING FOR REGULATIONS RELATING TO THE MAINTENANCE, CONFINEMENT, CONTROL AND CARE OF DOGS AND OTHER ANIMALS; TO INCLUDE PERMITS AND AUTHORIZATION FOR MAINTAINING CHICKENS WITHIN THE CITY LIMITS OF GARDEN PLAIN, KANSAS

NOW BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, KANSAS:

Section 1. The City of Garden Plain, Kansas, hereby amends “Section #1. DEFINITIONS” of Ordinance number 612 by adding the following sections to be located between subsection “C. Cat” and Subsection “D. Dog”, as follows:

- A. “C(1). Chicken means Gallus 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, or waterfowl, all of which are not permitted under this section.
- B. “C(2). Chicken Coop or Coop means an enclosed structure for housing chickens that provides shelter from the elements.
- C. “C(3). Chicken Run or run means an enclosed outside yard or area for keeping chickens.
- D. “C(4). Chicken Tractor or Tractor means a movable chicken coop lacking a floor.
- E. “C(5). Chick means a chicken of less than sixteen (16) weeks of age.

Section 2. The City of Garden Plain, Kansas, hereby amends subsection “A” of “Section #5 as follows:

- “A. It shall be unlawful for any person to keep, harbor or maintain more than twelve (12) rabbits, three (3) dogs, three (3) cats, six (6) chickens, or (3) of any other animal permitted pursuant to section #5(B)(1), below, within the city. This subsection shall apply only to mature animals that are fully weaned.”

Section 3. The City of Garden Plain, Kansas, hereby amends subsection “B” of “Section 5 to add a paragraph (4), as follows:

- “(4) The maintaining of chickens as more fully described in Section 11, below.”

Section 4. The City of Garden Plain, Kansas, hereby adds and inserts immediately after “Section 10. EXOTIC ANIMALS” a new “Section 11. CHICKENS. CARE AND MAINTENANCE.” as follows:

“SECTION 11. CHICKENS. CARE AND MAINTENANCE.

- A. Chickens can be maintained by obtaining a yearly permit from the Clerk at a cost of \$5.00 per year. The permit cannot be transferred to another party and the City Council may revoke any permit.
No chickens shall be permitted upon properties other than single family detached residential lots or tracts, and no more than six (6) hens shall be allowed for each single family dwelling. No roosters shall be kept within the City limits.
- B. The yard or the area in which chickens may be kept shall be fully enclosed in such a manner as to prevent their escape and to protect them from predators.
 - i. Chickens must be kept in a coop or chicken tractor at all times. A coop must include an attached adjacent chicken run. A chicken tractor must include an enclosed coop portion and a separate attached area lacking a floor. Only one coop (with run) or

- one chicken tractor may be maintained on any one lot.
 - ii. The coop, run, and tractor shall be constructed with durable materials that will hold up to weather and the environment. Sturdy wire and/or wooden fencing shall be used to keep chickens within the run or tractor. New materials shall be used, unless used or reclaimed materials are approved by the City Code Officer. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
 - iii. Coops and runs shall be located in the backyard only, be at least 10 feet from side property line and 3 feet from back property line.
 - iv. Chickens shall be confined to a coop and pen; chickens shall not be free ranging. Fenced yards shall not be considered pens. Pens shall have direct access to the coop.
- C. The attack or killing of a chicken by an animal shall not, by itself, cause such animal to be classified as a dangerous animal, a potentially dangerous animal, or a vicious animal.
- D. There shall be no outdoor slaughter of chickens.
- E. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure or container with a roof or lid over the entire structure or container. All manure not properly stored and not used for composting or fertilizing on the premises shall be removed.
- F. Compliance with all State and Local health and sanitation laws and ordinances is required as well as all nuisance and noise laws and ordinances.

Section 5. The City of Garden Plain, Kansas, hereby renumbers old sections 11,12 and 13 as follows:

“SECTION #12. PENALTY AND RESTRICTIONS. Any person who shall be convicted in municipal court of violating any provisions of this ordinance with the exception of Section 8, Paragraph B, shall be considered guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or imprisonment for a period not to exceed 30 days or both such fine and imprisonment. Each day that the violation of this ordinance occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation.

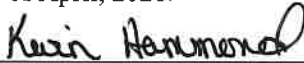
SECTION #13. SEVERABILITY. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

SECTION #14. This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

Section 6. This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

Passed and approved by the Governing Body of the City of Garden Plain, Kansas, this 7th day of April, 2021.

Approved by the Mayor this 7th day of April, 2021.



 Kevin Hammond, Mayor

ATTEST:



 Kimberly McCormick, City Clerk