

Published in the official newspaper on the 15th day of December 2021

ORDINANCE NO. 1846

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO AMEND CERTAIN SECTIONS OF CHAPTER II, ARTICLE 1, SECTIONS 2-101 (c), 2-101(i), 2-108 AND TO ADD SECTIONS 2-116 AND 2-117 TO FACILITATE THE REGULATION OF CERTAIN FOWL WITHIN THE CITY LIMITS OF HERINGTON, KANSAS; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS.

SECTION 1. That Chapter II, Article 1, Section 2-101(c) of the Code of the City of Herington, Kansas, is hereby amended and replaced in its entirety to read as follows:

2-101 (c) Animal Shelter (Domestic) means all pens, houses, or fenced enclosures where more than three domestic animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, warrens, feedlots, barns, coops, or other buildings and enclosures as well as the facility or facilities operated by the city or its authorized agents for the purpose of impoundment or caring for animals under the authority of this chapter or state law.

SECTION 2. That Chapter II, Article 1, Section 2-101(i) of the Code of the City of Herington, Kansas, is hereby amended and replaced in its entirety to read as follows:

2-101 (i) 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.

SECTION 3. That Chapter II, Article 1, Section 2-108 of the Code of the City of Herington, Kansas, is hereby amended and replaced in its entirety to read as follows:

2-108 NOISY ANIMALS. The keeping, or harboring of any animal which by loud, frequent and habitual barking, clucking, crowing, howling, yelping, mewling, roaring, or screeching shall disturb the peace of any neighborhood is hereby prohibited and declared to be a public nuisance. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate

the condition, and if he or she fails to do so, the City may abate it by taking up, impounding, and/or disposing of the animal at the expense of the owner.

SECTION 4. That Chapter II, Article 1, of the Code of the City of Herington, Kansas, shall be amended to add Section 2-116 in its entirety to read as follows:

2-116 DOMESTIC ANIMAL SHELTERS; PERMIT REQUIRED; EXCEPTIONS. It shall be unlawful to operate or maintain a domestic animal shelter in the City without first obtaining a permit from the City. The Police Chief or Animal Control Officer, as designated, shall inspect the premises on which the proposed shelter will be located, and upon a determination by the Police Chief or Animal Control Officer that the proposed shelter does not violate the terms of this article, and upon presentation of the properly completed form and the signatures of the majority of the heads of household within 200 feet of the location of the proposed shelter, consenting to the shelter, the City shall issue a permit which shall be valid for a period of one year. It shall be the responsibility of the person maintaining a domestic animal shelter to renew the permit annually following the same procedure as for the initial permit. All permit a domestic animal shelters shall conform with all other provisions of this article. Veterinary hospitals or municipally operated animal shelters are excluded from this section.

SECTION 5. That Chapter II, Article 1, of the Code of the City of Herington, Kansas, shall be amended to add Section 2-117 in its entirety to read as follows:

2-117 CHICKENS. The keeping of chickens within the city shall be allowed subject to the following limitations in addition to the provisions of this article:

- (a) The keeping of chicken shall be subject to the provisions of section 2 -117, regarding domestic animal shelters;
- (b) It shall be unlawful to keep any rooster in a domestic animal shelter;
- (c) It shall be unlawful to harbor more than 12 chickens at any one time;
- (d) Nothing contained herein shall exempt any person harboring chickens from complying with all state and local health, sanitation, and zoning laws.
- (e) As used in this section, fowl shall mean those chickens that may be legally owned within the City.

- (f) The maximum total number of chickens allowed to be owned or kept on an individual lot is one animal per 150 square feet of lot size, rounded down, but in no event will the total number of chickens on any lot exceed 12 as noted in this Article.
- (g) It shall be unlawful to keep roosters anywhere within the City.
- (h) In addition to the other requirements of this Chapter that specify standards applicable to the keeping of animals, any person who owns chickens shall provide a coop or other similar shelter and adequate laying boxes, and roosts for the chickens. Such shelter shall be screened or walled in a manner that allows the chickens to be reasonably protected from predators.
- (i) Coops shall be constructed in a manner that is consistent with the requirements of current City Codes applicable to such construction.
- (j) In the event that a coop qualifies as an accessory structure under that code, all requirements regarding placement and setbacks must be met.
- (k) In the event that a mobile coop is utilized, the coop shall be kept in compliance with all City ordinances that apply to the outdoor storage of property.
- (l) The coop shall be kept in a clean and sanitary fashion to prevent the accumulation of waste or any other noxious substance or the presence of vermin.
- (m) Any civil nuisance complaint will be cause for City inspection.

SECTION 6. Other ordinance or portions thereof in conflict herewith, are hereby repealed.

SECTION 7. 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 Herington, Kansas, this 19th day of October, 2021.

Signed by the Mayor this 19th day of October, 2021.

Debi Urbanek
Debi Urbanek, Mayor

ATTEST:

Megan Lawrenz
Megan Lawrenz, City Clerk

(SEAL)

