

(First Published in the Larned Tiller and Toiler on _____, 20__)

ORDINANCE NO. 1603

AN ORDINANCE REGULATING THE PRESENCE OF CERTAIN
ANIMALS AND FOWL WITHIN THE CITY LIMITS;
PROHIBITIONS; IMPOSING PENALTIES; AMENDING AND
REPEALING EXISTING ORDINANCES.

BE IT ORDAINED AND ENACTED by the Governing Body of the City of Larned, Kansas:

Section 1. Section 6.04.010 of the Larned City Code is amended as follows: Any person, firm or corporation who shall, as owner, lessee or occupant, maintain any stable, shed, pen, stockyard, holding pen, feed lot, or other place where horses, mules, cattle, sheep, goats or swine or other animals are kept, held or fed, may not be closer than fifty (50) feet of a dwelling house of any resident of the City of Larned including the owner, or who shall permit the same to remain unclean, to the annoyance of any residents of the City regardless of distance, or who shall permit such livestock operation to be or become offensive to the extent of producing such material annoyance, inconvenience, discomfort or hurt that damage arises from obstruction of reasonable and comfortable use and enjoyment of property of others, because of excessive noise, pollution of the air with foul, noxious and offensive odors, filth, flies, animals running at large, and the presence of diseased, dying or dead animals.

New Section 2. Definitions. The following words or phrases when used in this chapter shall have the meanings respectfully ascribed to them;

1. Animal means any live vertebrate creature domestic or wild, including all fowl, except that this ordinance does not regulate dogs or cats.
2. Enforcement authority means City manager, Chief of Police, Animal Control Officer or their respective designees
3. Fowl means any animal that is included in "Birds" biological class. Bird any in the class Aves which includes 10,400 living species unique in having feathers
4. Harboring means any person who shall allow any animal to habitually remain or lodge or to be fed within his home, yard, enclosure or place of business or any premises where he resides or controls
5. Large animal means any swine, bovine, goat, sheep or beast of burden or any domestic or wild animal of similar or large size.
6. Owner means any person owning or keeping, possessing or harboring any animal, fed, sheltered or profess ownership of such animal.
7. Premises means any parcel of land, any structure thereon in which any animal regulated by this chapter is housed and or confined

New Section 3. Exception. The limit of chickens at any one place is ten (10). No roosters may be kept but the distance between any dwelling house and the roost must be at least fifty (50) feet including the dwelling house of the owner of the birds.

New Section 4. Responsibilities of the Person(s) Owning the Animals. (a) 1) It shall be unlawful for any person to maintain any chicken coop, pigeon cote or rabbit hutch closer than fifty (50) feet to the nearest portion of any residence occupied or that can be occupied by any

person and shall be constructed and maintained so that any animal kept therein is securely confined and prevented from escaping therein.

(b) No chickens or pigeons may reside within the living area of the owner's residence

New Section 5. Removal and Disposal of Dead Animals No person shall, having in his possession, any dead animal and or permit the same dead animal to remain in or upon any private or public place without at once upon the death or discovery of the dead animal remove and dispose of dead animal in the proper way.

New Section 6. Additional Offense. Any owner having a residence out of compliance with this ordinance is creating a nuisance. If said nuisance shall not be removed or abated within five (5) days thereafter, the same shall be deemed as a second offense and every like neglect of each succeeding five (5) days thereafter shall be considered an additional offense against the provisions of this chapter.

New Section 7. Penalties. Anyone found guilty of a misdemeanor, or fined in any sum not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars for each offense

Section 8. Severability Clause If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or resolution, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sub-divisions, paragraphs, sentences, clauses, or phrases be declared invalid.

Section 9. Repeal. Sections 6.04.010 and 6.04.020 of the City of Larned Code of Ordinances are hereby repealed.

Section 10. Publication. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper of the City of Larned, Kansas or from and after compliance with K.S.A. 2012 Supp. 12-3007(b).

PASSED BY THE LARNED CITY COUNCIL AND APPROVED BY THE MAYOR
this ____ day of _____, 20__.

WILLIAM NUSSER, MAYOR

ATTEST:

Kara Rath, City Clerk