

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, OF THE CODE OF THE CITY OF CANEY, KANSAS, BY AMENDING EXISTING SECTION 2-102 (KEEPING ANIMALS) AND ADDING A NEW SECTION 2-112, REGARDING THE KEEPING OF CHICKENS WITHIN THE CITY OF CANEY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS:

**SECTION 1.** Section 2-102 of the Code of the City of Caney, Kansas is hereby amended to read as follows:

**2-102. Keeping Animals.**

Except as otherwise provided in this Article, the keeping within the city limits of any animal or fowl is hereby prohibited.

**SECTION 2.** Chapter 2, Article 1, of the Code of the City of Caney, Kansas is hereby amended by adding a new Section 2-112, as follows:

**2-112. Chickens.**

Notwithstanding any provisions of this Article to the contrary, chickens may be kept and maintained within the city limits, subject to the requirements set forth in this section. For purposes of this section 1-112:

*Chicken* means an individual animal of the species *Gallus gallus domesticus*;  
*Permittee* means a person to whom a permit has been issued by the city under this section;

*Hen* means a female chicken; and

*Rooster* means a male chicken.

(a) Permit required. No person shall own, keep, or harbor a chicken within the city limits without a permit issued pursuant to this section.

(b) Locations permitted. Only persons residing in residential zoning districts shall be eligible for a permit under this section.

(c) Number allowed. A permittee shall not own, keep, or harbor more than eight (8) hens, unless the permittee's dwelling is situated upon more than one (1) acre, in which case the permittee shall be allowed to own, keep, and harbor an additional four (4) hens for each full additional one (1) acre of property that is under the permittee's control and possession.

(d) Roosters prohibited. It shall be unlawful to own, keep, or harbor a rooster within the city limits.

(e) Setbacks. Coops and cages housing hens shall not be located within (1) 25'

from the door or window of any dwelling or occupied structure other than the permittee's dwelling, (2) 5' of a side or rear yard lot line, (3) a front yard, or (4) 10' of the permittee's principal dwelling.

(f) Enclosures. 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 or cage shall allow at least two (2) square feet of space per hen. Any coop or cage exceeding 100 square feet in size shall be considered an accessory structure as defined in the city's zoning regulations and must meet all standards outlined therein. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the permittee's property and to prevent predators from accessing the birds. Used materials (reclaimed material) for enclosures must be approved by the city as referenced in the adopted International Residential Code. The use of scrap, waste board, or similar materials is prohibited.

(g) Sanitation. The coop or cage, and the outdoor enclosure, must be kept in a sanitary condition and free from offensive odors. The coop or cage, and the outdoor enclosure, must be cleaned regularly to prevent the accumulation of waste. All feed, enclosures, and other items associated with the keeping of chickens shall be maintained so as to prevent the attraction and/or accumulation of rats, mice, or other rodents, and infestation of insects and parasites.

(h) Slaughtering. No person shall engage in the outdoor slaughtering of chickens. The remnants from slaughtering shall be properly disposed of, in accordance with applicable laws.

(i) Commercial Chicken: The keeping of chickens is allowed for use by the owner, and not for profit. Commercial chicken operations are strictly prohibited.

(j) Permit applications.

(1) Each applicant seeking to obtain a permit under this section shall apply for a permit, in writing, on such form as the city clerk may prescribe, and shall pay a non-refundable fee to the city clerk in the amount of \$5.00.

(2) Each application for a permit shall be signed by the applicant, who shall be at least eighteen (18) years old, and request to have approval from the land owners, if applicant is not the property owner :

a. The name, address, telephone number, and date of birth of the applicant.

b. A description of the location and size of the subject property.

c. The number of hens the applicant proposes to keep on the subject property.

d. A description and precise dimensions of the coop or cage and outdoor enclosure to be maintained on the subject property, along with a description or depiction of the precise location of the enclosure in relation to the property lines and adjacent properties.

e. If the applicant proposes to keep hens in the yard of a multi-family dwelling, the applicant must include a signed statement from all owners and all tenants of the multi-family dwelling, indicating their consent to the applicant's proposal for keeping hens on the premises.

f. Such other information as is required by this chapter or reasonably required by the city to determine the applicant's eligibility and qualifications for a permit in accordance with the criteria, standards, and qualifications set forth in this section.

(k) Issuance or denial of permit. The city clerk shall process each valid and administratively complete application for a permit within ten (10) business days. No permit shall be approved for any person ineligible pursuant to the provisions of this section. No permit shall be approved for any person who has been convicted, or who resides with any person in the subject property who has been convicted, of a crime related to maltreatment, mistreatment, neglect, or cruelty to any animal.

(l) Duration of initial permit; renewal.

(1) Any permit issued pursuant to this article shall be for a term of the remainder of the calendar year in which the permit is issued. A permit may be renewed by making timely payment of an annual renewal fee in the amount of \$5.00 to the city clerk on or before December 31 of each calendar year. If the annual renewal fee is not made during the time provided herein, the permit shall expire on December 31 and a new application shall be required.

a. Renewal applications can be approved by the City Clerk unless a written complaint about the chickens was submitted to the city during the year preceding the renewal application

(2) A permit issued under this section may be revoked or temporarily suspended by the city administrator, or his/her designee, for any of the following reasons:

a. A violation of, or failure to comply with, any provision of this section or any other applicable provisions of this code; or

b. Any fraud, misrepresentation, or false statement contained in the application for the permit.

(3) The city governing body may refuse to renew, or may revoke, a permit if

1) the premises are being maintained in violation of any applicable law of the State of Kansas, or of the city.

2) the premises are being maintained so as to be a public nuisance.

3) the premises are being maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(m) Appeal. Any person aggrieved by the city clerk's denial of an initial permit application, or a decision of the city administrator to suspend or revoke a permit, shall have the right to appeal such decision to the City Council within ten (10) days after the notice of the action or decision has been mailed to the applicant or the permittee, as applicable. An appeal to the City Council shall be taken by filing with the city clerk a written statement setting forth the grounds for the appeal. An appeal shall be considered by the City Council at a regular meeting to be held within thirty (30) days of receipt of the written appeal. The City Council may affirm, overrule, or modify the decision. Any person aggrieved by the City Council's decision on appeal may seek judicial review in the manner provided by law.

(n) 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 hens are kept or allowed to inhabit. Such inspection shall be conducted at reasonable times, with or without notice, by such city representatives designated by the city administrator as being responsible for administration of this section.

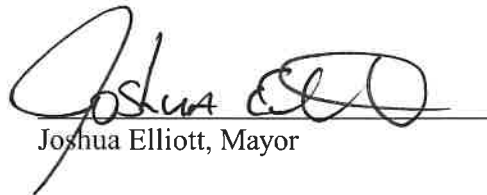
(o) Transferability. A permit issued under this section shall not be assignable or transferable under any circumstances from one person to another person.

(p) Penalty. Any person who shall be convicted of violating any provision of this section shall be punished by a fine of not more than \$500.00. Each day that a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation.

**SECTION 4.** This ordinance shall take effect and be in force from and after the publication of a summary ordinance once in the official newspaper of the City of Caney, Kansas.

Passed and approved by the governing body of the City of Caney, Kansas this 5 day of June, 2023.



  
Joshua Elliott, Mayor

ATTEST:

  
Amber Dean, City Clerk