

ORDINANCE NO. 949

AN ORDINANCE AMENDING ORDINANCE NO. 930, CHAPTER 2, SECTION 302 WHICH ALLOWED FOR THE KEEPING OF CHICKENS WITHIN THE CITY LIMITS OF THE CITY OF MEDICINE LODGE.

WHEREAS, the City Council of the City of Medicine Lodge has reviewed Ordinance No. 930 and has determined the same should be amended; and

WHEREAS, the City Council of Medicine Lodge aims to put the welfare and well-being of the whole community first.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MEDICINE LODGE, KANSAS THAT PRIOR CITY ORDINANCE NO. 930 IS HEREBY AMENDED AS SHOWN IN THE UNDERLINED TEXT AS FOLLOWS:

2-302. Chickens.

(a) Definitions. For the purposes of this section, the following words and phrases shall mean:

- (1) Chicken means any domestic fowl of the species *Gallus gallus domesticus*.
- (2) Owner means any person who possesses, controls, or cares for chickens within the city limits.
- (3) Rooster means a male chicken of the species *Gallus gallus domesticus*.
- (4) Hen means a female chicken of the species *Gallus gallus domesticus*.
- (5) Chicken coop or Coop means an enclosed and roofed structure for housing chickens that provides shelter from the elements.
- (6) Chicken run or Run means an enclosed outside yard or area for keeping chickens.
- (7) Chicken tractor or Tractor means a movable chicken coop lacking a floor.

(b) Number and Type of Chickens. It shall be lawful for residents of Medicine Lodge to keep chickens within the city limits subject to the following provisions:

- (1) The maximum number of chickens (hens) permitted per residential property shall be ~~five~~ (5) eight (8).
- (2) No roosters shall be allowed within the city limits.
- (3) All other types of fowl, including but not limited to guineas, turkeys, ducks, geese, and game fowl, are strictly prohibited within the city limits.

(c) Enclosure and Housing Requirements. The following enclosure and housing requirements shall apply to the keeping of chickens within the city limits:

(1) Chickens must be provided a secure and well-ventilated chicken coop. Mobile pens or chicken tractors must not be used as the primary chicken coop.

(2) The floor area of the chicken coop or a combination of the floor area and enclosed pen area must equal at least 10 square feet of area per chicken.

(3) Chicken coops and runs must be located in a fenced-in rear yard.

(4) Chickens must be housed in a chicken coop or other roofed structure whenever they are unattended by the keeper. During daylight hours, when attended by the keeper, the chickens are allowed in a completely fenced-in yard.

(5) Chicken coops and enclosures shall be securely constructed to prevent escape and protect the chickens from wild birds and predators. Chickens may not be allowed to range freely.

(6) Coops and enclosures shall be located only in the rear yard of the property and shall be maintained in a clean and sanitary condition.

(7) Chicken coops and enclosures shall comply with all applicable setback requirements and shall not be located within ten (10) feet of any property line.

(8) The owner shall provide suitable bedding material within the coop to maintain cleanliness and minimize odor.

(d) All grain and food stored for the use of chickens shall be kept in a rodent-proof container.

(e) Chickens shall only be kept upon property which is the principal residence of the owner of the chickens. Tenants and renters of property may keep chickens with the written permission of the property owner. Chickens may not be kept in vacant lots.

(f) Noise Regulations. Owners of chickens shall take reasonable measures to prevent excessive noise caused by their chickens. Excessive noise is defined as noise that unreasonably disturbs or interferes with the peace, comfort, and well-being of neighboring residents.

(g) Compliance and Enforcement. It shall be the responsibility of chicken owners to comply with the provisions of this section. Violations of this section may result in penalties as provided herein.

(1) Individuals desiring to keep chickens within the city limits shall register with the City of Medicine Lodge by providing their name, name of property owner (if different), address or legal description where the chickens are to be kept, telephone number, and written permission of the property owner (in required) prior to placing chickens on their property.

- (2) As provided in Section 2-104 of this code, the animal control officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots of lands for the purposes of determining compliance with this code. It shall be unlawful for any person to interfere with the animal control officer or law enforcement officer in the exercise of his or her duties.
- (3) Deaths of chickens caused by viral or communicable disease must reported to the City of Medicine Lodge within three (3) days of the chicken's death.

(h) Complaints; inquiry and inspection. The enforcing officer shall make inquiry and conduct inspections of property or premises:

- (1) upon receiving a written complaint or complaints signed by an individual stating that a chicken owner is not in compliance with this Article and describing the same and its location;
 - (2) upon receiving information that such noncompliance may exist from any governmental entity, officer, or employee; or
 - (3) when it appears to the enforcing officer that such noncompliance exists.
- (i) Administrative action, notice to abate; proof of compliance.
- (1) The enforcing officer shall provide written notice to the owner or lawful agent in charge of any premises in the city upon which keeping of chickens exists in violation of this article. If the property is occupied by a non-owner, such occupant shall also receive notice of the violation. Such notice shall be served upon such owner, occupant or agent in charge by certified mail, return receipt requested, or by personal service, door hangers, conspicuously posting notice of such order on the property, personal notification, communication by telephone, or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail, and shall include the following information:
 - a. Specific notice in the form of an administrative order that chickens are being kept in violation of this article.
 - b. An administrative order directing the owner or lawful agent in charge of the property to abate the violation within seven (7) days of the date of the notice, such compliance date to be stated on the face of the notice.
 - c. Notice within the administrative order that the owner, or lawful agent of the owner may appeal the notice by requesting, before the compliance date in a written notice of appeal directed to the city clerk, an administrative hearing as provided for within this Article. A lawful agent may be identified by a valid power of attorney, or other similar legal designation. If the described violation has been determined by the compliance officer to represent a menace or immediate danger to the community, such condition shall be made safe pending the outcome of the administrative hearing. The Code Enforcement Officer shall either approve the temporary safety

measures undertaken by the property owner, occupant, or agent in charge, or shall cause the violation to be made safe.

- d. Notice within the administrative order that if the violation is not corrected, the city may proceed to abate such violation and assess the cost of the abatement, including any reasonable administrative fee.
 - e. Notice within the administrative order that an opportunity will be provided for payment of the assessment and, if the assessment is not paid, the city shall cause an amount equal to such assessment to be assessed against the property as a special assessment.
 - f. Notice within the administrative order that no further notice shall be given prior to removal of a violation upon such property after the seven (7) day period provided herein. And,
 - g. Notice within the administrative order that the enforcing officer should be contacted immediately if there are any questions regarding compliance with the administrative order.
- (2) The owner, occupant, or agent in charge of the property shall provide proof to the enforcement officer of the completion of the abatement of the violation described within the notice provided pursuant to subsection (a).

(j) Uniform complaint and notice to appear; right to proceed; fines and costs.

- (1) In addition to, or in lieu of the administrative process described herein, the enforcing officer is hereby authorized to issue to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear in municipal court charging a violation of the applicable section of this article. Should such owner, occupant or agent in charge of such property contest the charge, the city shall not be precluded from otherwise abating the nuisance created thereby during the pendency of the case through administrative or civil action.
- (2) Any person found guilty, or entering a plea of guilty or nolo contendere to violating any section of this article shall be guilty of a misdemeanor. Each day that any violation of this article continues shall constitute a separate offense and is punishable under this chapter as a separate violation.
- (3) Any person convicted pursuant to this article shall also be assessed court costs and upon conviction of any violation of provisions of section 2-302, be fined in accordance with the fine schedule authorized by K.S.A. 12-4305 in an amount not to exceed \$500 and not less than \$50. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. Upon a third conviction the municipal court judge may order that the person convicted shall be prohibited from owning or keeping chickens within the City limits.

- (4) In addition to any fines, costs and cleanup fees; any owner who fails to comply with the order of the public officer shall have assessed against him or her an administrative fee of \$100, for each order issued.

(Ord. 930)

This ordinance shall take effect from and after its passage and publication in the official city newspaper as approved by law.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF MEDICINE LODGE, KANSAS, THIS 21st DAY OF JULY, 2025.

CITY OF MEDICINE LODGE, KANSAS

/s/ Tom Lee
Tom Lee, Mayor

ATTEST

/s/ Kandi Williams
Kandi Williams, City Clerk

(Seal)