

ORDINANCE NO. 1333

AN ORDINANCE REGARDING THE KEEPING OF **MISCELLANEOUS ANIMALS AND FOWL** IN THE CITY OF ULYSSES, KANSAS AND **REPEALING ORDINANCE 992** OF THE CODE OF ULYSSES AND ANY ORDINANCE IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ULYSSES:

SECTION 1. MISCELLANEOUS ANIMALS AND FOWL

A. DEFINITION

For the purpose of this regulation, miscellaneous animals and fowl shall be considered to be any animal(s), livestock, or fowl of any kind that are normally kept, corralled, or maintained outside a residential dwelling. Miscellaneous animals and fowl shall include, but are not limited to: horses, cows, pigs, sheep, ducks, ostriches, non-human primates, raccoons, skunks, foxes, wild or exotic cats, and turkeys. Household pets such as cats, dogs, small birds, hamsters, rabbits, and other miscellaneous animals and fowl which are typically kept within a residential dwelling shall be exempt from this regulation; permitted fowl kept for the production of meat and eggs, as defined in Section 2, shall be exempt from this regulation. Zoning regulations shall apply to all animals and fowl.

B. KEEPING OF MISCELLANEOUS ANIMALS AND FOWL

It shall be unlawful for any person to keep, corral, pasture, or maintain any miscellaneous animals or fowl, as defined in herein, within the corporate limits of the city unless specifically permitted by zoning regulations of the City of Ulysses.

C. MISCELLANEOUS ANIMALS AND FOWL AT LARGE

It shall be unlawful for any person to allow, permit, or cause miscellaneous animals and fowl to be at large at any time within the corporate limits of the City of Ulysses. At large shall mean any time the miscellaneous animals and fowl are not in the immediate control of the owner or keeper, or roaming at will within the city limits.

D. MISCELLANEOUS ANIMALS AND FOWL AT LARGE; IMPOUNDMENT

Any miscellaneous animals or fowl found to be at large by any law enforcement officer shall be impounded and taken to the city impoundment facility or an appropriate commercial facility.

E. MISCELLANEOUS ANIMALS AND FOWL; IMPOUNDMENT FEES

Fees for the impoundment of any miscellaneous animals or fowl shall be a fine of \$50 plus \$15 per day for the care and feeding of the animal or fowl if the animal is impounded in the city

impoundment facility. The fine of \$50, plus any fees for the impoundment of an animal or fowl in a commercial facility, shall be the responsibility of the owner or keeper of the animal.

F. MISCELLANEOUS ANIMALS AND FOWL; RECORD AND NOTIFICATION

The law enforcement officer shall keep a record of any impounded miscellaneous animals and fowl and shall attempt to contact the owner or keeper of any miscellaneous animals or fowl in a timely manner.

SECTION 2. KEEPING OF PERMITTED FOWL

A. DEFINITION

Keeping of common fowl for the production of meat and eggs shall be permitted in the City Limits of Ulysses on any lot other than those zoned R-2 or R-3, as further provided herein. Permitted fowl shall be limited to doves, quail, and female chickens. Roosters shall not be permitted. No other fowl shall be permitted for this purpose.

B. PERMIT TO KEEP FOWL

Residents of Ulysses who wish to keep permitted fowl for the production of meat and eggs shall request a permit at City Hall for a yearly fee of \$30 for the calendar year. It shall be unlawful to keep fowl for this purpose without a Permit to Keep Fowl. Granting of a permit shall be contingent upon the facilities provided for the fowl meeting all regulations provided herein. The term "facilities", as used in this subsection, shall mean any structure that is used for the housing, raising, feeding, or sheltering of such fowl. Facilities provided for fowl shall be inspected by a City Code Enforcement Official or a City Animal Control Officer. Inspections will be scheduled by contacting City Hall. Permits to Keep Fowl shall expire one calendar year after the date of issuance. Yearly renewal of the permit shall be subject to the same fee and inspection. Permits are not transferrable to any other person. Non-owner residents shall provide written consent from and contact information for the owners of the property where the fowl will be kept.

The City of Ulysses shall revoke, for a period of one year, any Permit to Keep Fowl from any person who has received three or more convictions under this section. The City shall not issue a Permit to Keep Fowl to any persons sharing a residence with such convicted person. The one-year suspension shall run from the date of the last conviction. At the conclusion of the suspension, reinstatement of the permit shall be subject to the same fee and inspection required for a new permit.

C. KEEPING REQUIREMENTS

1. It shall be unlawful to keep any permitted fowl in any coop, fenced area, or similar structure located within 35 feet of the dwelling of any person other than the keeper of such fowl.
2. The total quantity of birds maintained on any one residence shall not exceed six.
3. It shall be unlawful for any person to dispose of any feathers, organs, bones, bedding, or any other waste related to fowl inside dumpsters without being bagged.
4. No permitted fowl shall be kept in the front yard or be visible from the street.
5. Permitted fowl shall be kept within a fenced area and provided with appropriate shelter. Fowl 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.
6. Any coop, outdoor run, or structure related to the keeping of permitted fowl shall be kept in a clean and sanitary condition to prevent the presence of vermin and to prevent the unreasonable accumulation of any waste, noxious substances, and noxious odors. Coops and related structures shall be screened or walled in a manner that reasonably protects fowl from predators and weather elements. Fowl shall be provided with adequate food and clean water.
7. Any enclosed structures related to the keeping of fowl which exceed 120 square feet shall be subject to all permitting and construction regulations established by City Code.
8. Permitted fowl shall not be kept within a residence.
9. The keeping of any permitted fowl shall be subject to applicable nuisance ordinance.
10. Animal Control Officers and Code Enforcement Officers shall have the authority to render interpretations of this ordinance and adopt policies and procedures in order to clarify the application of its provisions, subject to approval from the City Administrator. Such officers shall have the authority to determine whether structures and facilities built for permitted fowl meet the criteria stated herein and may deny any request for a Permit to Keep Fowl until such criteria have been met.
11. It shall be unlawful to slaughter or butcher fowl within the City Limits. This regulation shall not apply to game birds legally harvested pursuant to state law.

D. PERMITTED FOWL AT LARGE

It shall be unlawful for any person to permit any fowl owned by such person to be at large within the limits of the city upon the public streets, ways, or grounds of the city or upon the premises of other persons. When any permitted fowl shall be found by any law enforcement

officer to be at large within the city, such officer shall make reasonable effort to return the fowl to its owner. If, after reasonable inquiry, the owner of the fowl cannot be found, the fowl shall be disposed of according to the discretion of such officer.

E. PENALTY

Any person found to be keeping non-permitted fowl, including but not limited to: ducks, turkeys, pigeons, guineafowl, or roosters shall, upon conviction thereof, be fined not more than \$100, or be imprisoned for not more than 30 days, or be both so fined and imprisoned. Any person found to be in violation of any provision of this section shall be subject to the same penalties. Any person found to be in violation of any provision of this section during a period of suspension of their Permit to Keep Fowl shall be ineligible to reapply for such permit, and no persons sharing a residence with such convicted person shall be eligible to receive a Permit to Keep Fowl. Any conviction related to animal cruelty shall make a person ineligible to receive a Permit to Keep Fowl.