

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2487 Summary

On March 5, 2020, the City of De Soto, Kansas, adopted Ordinance No. 2487, amending the City Code to allow the keeping of Poultry and Fowl on City lots that are less than one acre if certain requirements are met and a permit is issued. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2487

AN ORDINANCE AMENDING THE CITY CODE TO ALLOW THE KEEPING OF POULTRY AND FOWL ON LOTS THAT ARE LESS THAN ONE ACRE IF CERTAIN REQUIREMENTS ARE MET AND A PERMIT ISSUED

WHEREAS, under existing city regulations, Poultry and Fowl are only allowed to be kept within the City on land that exceeds one acre; and

WHEREAS, the Governing Body was approached by two City residents who made the case for Poultry and Fowl to be allowed on lots within the City that are less than one acre if certain requirements are met; and

WHEREAS, based on the information presented by the residents, and input from the City Planning Commission, the Governing Body believes it is appropriate to amend the City Code to expand the City's regulations to provide for the keeping of Poultry and Fowl on lots less than one acre if certain requirements are met and a City permit issued.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of De Soto:

Section 1. The Governing Body hereby amends Section 2-101 of Article 1 of Chapter II of the De Soto City Code to include the following definition:

(w) Poultry and Fowl -- Any domesticated birds which are bred or kept for the primary purpose of producing eggs or meat or of being exhibited--including chickens, turkeys, waterfowl and game birds.

Section 2. The Governing Body hereby amends Section 2-115 of Article 1 of Chapter II of the De Soto City Code to read as follows, and includes new provisions for the keeping of Poultry and Fowl:

2-115. Animals restricted.

It is unlawful for any person to own, keep or harbor any livestock, domestic animals, exotic animals, or large animals in any area of the city that is zoned for residential use except as provided herein:

(a) One horse or pony shall be permitted for every two acres or more on land zoned R-O within the city.

(b) One cow, steer or bull shall be permitted for every two acres or more on land zoned R-O within the city provided that the land is more than five acres in total size.

(c) It is unlawful for any person to house more than three dogs or three cats or combination of dogs and cats which total more than three on any real property located within the city limits.

(d) It is lawful for any person to own, keep or harbor within the city limits any exotic animals commonly sold in pet stores and which can be wholly contained in a household aquarium or terrarium such as laboratory rodents, common cage birds, captive bred species of ferrets, insects, and aquatic animals and reptiles or amphibians.

(e) Animals classified in this code as domestic animals, large animals or livestock, fowl, or fish that are commonly raised in an agricultural or farm-like setting for subsistence or commercial purposes on property within the City that is zoned as R-A Rural Agriculture and greater than 10 acres in size.

(f) The keeping of Poultry and Fowl, as defined in this Chapter, is subject to the following restrictions:

- (1) **Lots less than one acre:** Requires application for a permit (via city approved form), limited to a maximum of five hens, no roosters, and must be kept outside of the residence in a confined area and not allowed to range freely. The confined space must be set back at least twenty (20') feet from the side and rear property lines in the back yard. An approved permit may be revoked when any of the above requirements are not being met and/or presence of the Poultry or Fowl create offensive odors or unreasonable annoyance, including noise, to neighbors or others in close proximity to the premise where the Poultry or Fowl are kept. If a complaint is received, the code officer will complete a written report of his investigation and submit it to the applicant/owner stating the factual basis for recommending to revoke the permit or dismiss the complaint. Such investigation will consider comments of neighbors, past violations by the applicant, the size, condition and location of the area where the Poultry or Fowl are being kept, and/or any other factors relevant to the keeping of Poultry or Fowl on a Lot less than one acre.
- (2) **Lots at least one acre:** Twelve Poultry or Fowl per acre are allowed, up to a maximum of twenty-five. No more than one rooster may be kept per lot or household. Poultry and Fowl must be kept in a confined area and not allowed to range freely. Such confined space must be set back at least twenty-five (25') feet from the from the side and rear property lines in the back yard. No Poultry or Fowl may be kept inside a residence.

(g) One Juliana Breed pig shall be permitted on any real property within the city that is used as a residence but such permission is conditioned on the following requirements:

- (1) It weighs less than 65 pounds;
- (2) It is not used for breeding purposes;
- (3) It is tested free of Pseudorabies;
- (4) It is not for a food source;
- (5) It will not be allowed to make disturbing noises or utterances causing unreasonable annoyance, disturbances or discomfort to neighbors and others in close proximity to the premises where the pig is kept, or otherwise be offensive or dangerous to the public health, safety or welfare by virtue of its behavior, type or manner of keeping;
- (6) That the keeping of the pig will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the pig is kept or harbored;
- (7) Sections 2-107, and 2-110 through 2-113 of Article 1 of Chapter II of the City Code, all of which apply to dogs, shall be construed as also applying to any Juliana Breed pigs kept within the city pursuant to this Section.

(h) Goats -- but only the breed known as "Nigerian Pygmy" (sometimes also referred to as "miniature", "pygmy", or "dwarf") -- shall be permitted on any parcel of land within the city that is two acres or more, zoned R-A, R-O, or R-1, used as a residence, and the following additional requirements are met:

- (1) A minimum of two goats are kept;
- (2) For any goats beyond two, there must be an additional acre of land (over and above the two acre minimum) for each additional goat, and in no event can there be more than six goats on any one parcel of land;
- (3) Each goat must weigh less than 75 pounds and be no taller than 23 inches at the withers;
- (4) Goats may only be kept in an established back or side yard;
- (5) All goats must be dehorned, and males neutered;
- (6) A goat shed, meeting all required setback requirements, must be provided for the goats, it shall be no less than 10 square feet per goat, must be predator proof, vented, waterproof, and easily accessed for cleaning; and the shed must provide direct access to an outdoor, secured enclosure that is a minimum of 800 square feet, surrounded by a fence (at least 5 feet in height), and is free of objects allowing the goats to climb out of the enclosure;

- (7) Items (2) – (6) of Subsection (g) of Section 2-115 of Article 1 of Chapter II of the De Soto City Code (applicable to Juliana Pigs) shall also apply to the keeping of goats within the city. Additionally, Sections 2-107, and 2-110 through 2-113 of Article 1 of Chapter II of the City Code, all of which apply to dogs, shall be construed as also applying to any goats kept within the city.

Section 2. This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City’s official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS
AND APPROVED BY THE MAYOR ON THE 5th DAY OF MARCH 2020.

(seal)

RICK WALKER, Mayor

ATTEST:

LANA R. McPHERSON, MMC
City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney