

CITY OF WHITEWATER, KANSAS



ORDINANCE NO. 648

AN ORDINANCE AMENDING SECTION 2-101, DEFINITIONS, AND SECTION 2-109A, CHICKENS, OF THE CODE OF THE CITY OF WHITEWATER, KANSAS, TO DEFINE "DWELLING," ESTABLISH CHICKEN COOP SETBACK REQUIREMENTS, ESTABLISH AN ANNUAL CHICKEN REGISTRATION DEADLINE, PROVIDE FOR INSPECTIONS AND SANITATION REQUIREMENTS, ESTABLISH PROCEDURES FOR CORRECTING VIOLATIONS AND SUSPENDING OR REVOKING PERMITS, PROVIDE A RIGHT OF APPEAL TO THE CITY COUNCIL, AND ESTABLISH PENALTIES FOR UNREGISTERED CHICKEN COOPS AND CHICKENS RUNNING AT LARGE.

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

SECTION 1. AMENDMENT TO SECTION 2-101. DEFINITIONS.

Section 2-101 of the Code of the City of Whitewater, Kansas, is hereby amended by adding the following definition:

(v) Dwelling. "Dwelling" means any building or portion thereof designed, used, or intended to be used for human habitation or residential occupancy. The term includes, but is not limited to, a single-family home, apartment, duplex, manufactured home, mobile home, or other residential living unit.

All other definitions contained in Section 2-101 shall remain unchanged and in full force and effect.

SECTION 2. AMENDMENT TO SECTION 2-109A. CHICKENS.

Section 2-109A of the Code of the City of Whitewater, Kansas, is hereby amended to read as follows:

2-109A. CHICKENS.

(a) General Prohibition. It shall be unlawful for any person to keep or harbor chickens for any purpose except under the conditions set forth in this section.

(b) Number of Chickens. Up to six (6) laying hens may be kept on any one residential lot or tract by permit only. This restriction applies even if a residence includes more than one lot.

(c) Permit and Fee. An annual permit fee of twenty dollars (\$20.00) shall be charged for each residential lot or tract on which chickens are kept. A permit application shall be obtained from the City Clerk before a permit is issued. The Animal Control Officer shall inspect the chicken coop and enclosure for appropriateness and compliance with the requirements of this section before permit approval.

(d) Annual Registration. All chicken permits shall be registered and renewed annually on or before June 1. Any person keeping chickens within the City shall maintain a current registration

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and required permit for the chicken coop and residential lot or tract on which the chickens are kept. Any person beginning to keep chickens after June 1 shall obtain the required permit and register the chicken coop before keeping chickens on the premises.

(e) Prohibition of Roosters. Roosters are prohibited. Only laying hens are permitted.

(f) Setback Requirements. Chicken coops are required. Structures housing chickens shall be located at least fifteen (15) feet from any dwelling located on the same lot or tract and at least twenty-five (25) feet from any dwelling located on an adjacent lot. For purposes of this subsection, "dwelling" shall have the meaning established in Section 2-101(v) of this Code. The required setback shall be measured from the nearest exterior wall of the chicken coop or structure housing the chickens to the nearest exterior wall of the applicable dwelling.

(g) Confinement; Chickens Running at Large. It shall be unlawful for any person to allow chickens owned by or under the control of such person to run at large within the City. Chickens shall be confined within a secure, outdoor, enclosed area. The enclosed area shall include a chicken coop.

Any person who permits chickens to run at large within the City shall be subject to a fine of twenty-five dollars (\$25.00) per violation, regardless of the number of chickens involved in the incident. Each separate incident may be treated as a separate violation in accordance with applicable law and the City's established enforcement procedures.

(h) Sanitation and Maintenance. All chicken coops and enclosures shall be maintained in a clean and sanitary condition. Manure, waste, and other materials shall not be allowed to accumulate in a manner that creates offensive odors, attracts rodents or flies, or creates a public-health nuisance. Chicken feed shall be stored and managed in a manner that minimizes the attraction of rodents and other pests.

(i) Inspection and Compliance. The Animal Control Officer or other authorized City representative shall have authority to inspect permitted chicken coops, enclosures, and related facilities to determine compliance with this section. Inspections may be conducted at the time of initial permit application, during annual renewal, in response to a complaint, or when there is reasonable cause to believe a violation exists. Inspections shall be conducted at reasonable times and in accordance with applicable law. Nothing in this subsection authorizes entry into a dwelling or other private property without consent or other legal authority when such authorization is required by law.

(j) Notice, Correction, Suspension, Revocation, and Appeal.

(1) Notice of Violation. If the Animal Control Officer or other authorized City representative determines that a chicken coop, enclosure, or the keeping of chickens violates this section or creates an unsanitary condition or public-health nuisance, the City shall provide the permit holder or responsible owner with written notice identifying the violation and the corrective action required.

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(2) **Correction Period.** The owner or permit holder shall have ten (10) calendar days from the date the written notice is delivered or served to correct the identified violation, unless a different period is required by applicable law or an immediate threat to public health or safety requires more urgent action.

(3) **Suspension or Revocation.** If the violation is not corrected within the specified period, the City may suspend or revoke the chicken permit in accordance with applicable law. If a condition presents an immediate threat to public health or safety, the City may take appropriate interim action as authorized by law. Except where immediate action is legally justified, the permit holder shall receive notice and an opportunity to respond before the permit is revoked.

(4) **Right of Appeal to the City Council.** A person aggrieved by a written determination to deny, suspend, or revoke a chicken permit, or by a determination that a violation of this section exists, may appeal the determination to the City Council by submitting a written notice of appeal to the City Clerk within ten (10) calendar days after the determination is served or delivered. The notice of appeal shall identify the determination being appealed and briefly state the grounds for the appeal. The City Council shall provide the appellant an opportunity to be heard and shall issue a decision affirming, modifying, or reversing the determination. The City Clerk shall provide written notice of the Council's decision to the appellant. The appeal shall be handled in accordance with applicable law and any procedures established by the City Council.

(5) **Continuing Obligation to Comply.** Suspension or revocation of a permit, or the filing of an appeal, shall not relieve the owner or permit holder of the obligation to comply with applicable law or correct the violation. The effect of an appeal on any suspension, revocation, or corrective order shall be determined in accordance with applicable law and any applicable City procedure.

(k) **Penalty for Failure to Register.** Any person who keeps or harbors chickens within the City without a current, registered chicken coop and the required permit shall be subject to a fine of fifty dollars (\$50.00) per violation at the residential lot or tract. The fine shall not be multiplied by the number of chickens kept on that lot or tract. Payment of a fine shall not relieve the owner of the obligation to obtain the required permit and bring the premises into compliance with this section. Any citation or penalty shall be imposed in accordance with applicable law and the City's established enforcement procedures.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS.

Any provisions of the Code of the City of Whitewater, Kansas, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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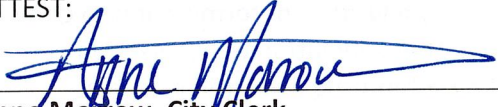
SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Whitewater, Kansas, this 26th day of October, 2026.



Timothy Eldredge, Mayor

ATTEST:


Anne Morrow, City Clerk



(SEAL)