

**ORDINANCE NUMBER 566**

**AN ORDINANCE AMENDING AND REVISING THE "ZONING REGULATIONS & SUBDIVISION REGULATIONS & PROCEDURES MANUAL FOR CITY OF HIGHLAND, KANSAS", AS INCORPORATED BY ORDINANCE NUMBER 513 OF THE CITY OF HIGHLAND, KANSAS, BY PROHIBITING LIVESTOCK AND OTHER ANIMALS IN CERTAIN ZONING DISTRICTS AND PROHIBITING NUISANCE ANIMALS.**

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

**SECTION ONE: Prior Ordinance.** The City of Highland, Kansas has heretofore enacted a comprehensive zoning ordinance, known as the "ZONING REGULATIONS & SUBDIVISION REGULATIONS & PROCEDURES MANUAL for CITY OF HIGHLAND, KANSAS", and also referred to as the "CITY OF HIGHLAND LAND DEVELOPMENT ORDINANCE", as adopted by, and incorporated into, ORDINANCE NUMBER 513 of said City. Said ordinance also incorporates the "OFFICIAL MAP OF ZONING DISTRICTS", which is amended from time to time by specific zoning changes.

**SECTION TWO: Livestock and Other Animal Prohibition. ARTICLE 5 – SUPPLEMENTARY DISTRICT REGULATIONS Section 12. Livestock and Animals** thereof is deleted and the following section is inserted in replacement thereof:

12. Livestock and Other Animals: Keeping, possessing or harboring livestock and other animals within the City may be regulated and restricted by other ordinances of the City and by the appropriate state or county health officer. No accessory structure within the city utilized for housing animals shall be located within any required setback line, whether or not placed upon a permanent foundation.

A. Livestock. In addition to any other ordinance or regulation, it shall be a violation of this ordinance for anyone to keep, possess or harbor any livestock, as defined herein (any horse, cow, sheep, goat, pig or domestic fowl), including prohibiting the keeping, possessing or harboring any other animal that would be included in the most common definition of livestock, and any other wild animal (not including domesticated pets), in any of the following zoning districts of the City:

- "R-1" Residential – Low Density District
- "R-2" Residential – Medium Density District
- "R-3" Residential – High Density District
- "R-4" Manufactured Home Park Residential District
- "MH" Manufactured Home Park District
- "C-B" Central Business District
- "B-2" General Business District
- "I-2" Industrial District
- "POD" Planned Overlay District

Domestic chickens shall be an exception to this prohibition, and shall be allowed in R-1 and R-2 Residential Districts, subject to the following restrictions:

- (1) Any such chickens shall be kept for the sole purpose of producing eggs for consumption by the persons residing at such location.
- (2) Any such chickens shall be confined to the premises by an appropriate fence, shed or other enclosure.
- (3) Any such chickens shall not be allowed to constitute a nuisance as defined in this section.

B. Other Animals. In addition to any other ordinance or regulation, it shall be a violation of this ordinance for anyone to keep, possess or harbor any animal other than chickens, as restricted herein, and domesticated pets, as defined herein, in any zoning district of the city. Exceptions to this prohibition include any pet store or shop selling such animals at retail to the public, and any veterinary clinic or operation, both of which must be located in a zone permitting such activity, and any qualified and documented service or support animal.

C. Domesticated Pets. Domesticated pets, as defined herein, shall be allowed in R-1 and R-2 Residential Districts, and within an occupied residential structure located in R-3 and other districts within the city, subject to the following restrictions:

- (1) Any such pet shall be properly registered in compliance with any requirement of the city.
- (2) Any such pet shall be vaccinated as required by the city or any other applicable public health authority and shall receive appropriate nourishment, grooming and health care.
- (3) Any such pet shall be confined to the premises of the owner; provided, however, dogs and cats can be located on the public sidewalks, streets and highways within the city as long as they are leashed or otherwise under the immediate control of the owner or possessor.
- (4) Any such pet shall not be allowed to constitute a nuisance, as defined in this section.
- (5) Domesticated pets are defined herein to include the following listed animals: dogs, cats, pot-bellied pigs, pygmy goats, rabbits, along with a variety of other animals that can be documented to qualify as what would normally be considered as a domesticated pet and which can be properly confined and maintained exclusively either on the premises, without constituting a nuisance, as defined herein, and without resulting in any diminution in property values to adjoining properties, or inside the residential structure within an appropriate cage, aquarium or other enclosure.

D. Nuisance. Nuisance, as defined herein, means an animal that meets any one or more of the following criteria:

- (1) Threatens, attacks, injures, harasses or interferes with persons in the public right of way or on any private property within the city.
- (2) Threatens, attacks, injures, harasses or interferes with other domestic animals in the public right of way or on any private property within the city.
- (3) Damages public or private property, other than that of its owner or harborer.
- (4) Interferes with the storage of refuse or otherwise scatters the same.
- (5) Causes any condition which threatens or endangers the health or well-being of persons or other animals.
- (6) Causes noises by loud, frequent and/or habitual barking, howling, yelling, mewing, roaring or screeching that disturbs the peace of any neighborhood or adjoining property owner or possessor.

**SECTION THREE: AMENDMENT OF PRIOR ORDINANCE.** Ordinance No. 513 of the City of Highland, Kansas, which incorporates *ZONING REGULATIONS & PROCEDURES MANUAL for CITY OF HIGHLAND, KANSAS*, is amended as set forth herein in accordance with ARTICLE 13 of said ordinance.

**SECTION FOUR: EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication, in summary format, in the official city newspaper.

Passed by the governing body and approved by the Mayor of the City of Highland, Kansas, this 9th day of September, 2020.

  
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CHARLES N. BATCHELDER, Mayor

ATTEST:

  
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JOANN KARN, City Clerk

(SEAL)