

ORDINANCE NO. 1423

AN ORDINANCE AMENDING ORDINANCE 1404 CREATING SECTION 2- 124 OF THE CITY CODE PERTAINING TO THE KEEPING OF DOMESTIC FOWL WITHIN THE CITY OF MARION

Be it ordained by the Governing Body of the City of Marion that Ordinance 1404 shall be amended as follows:

Section 1. (a) It shall be unlawful to keep any kind of domestic fowl, except chickens *and/or ducks* within the city. The keeping of chickens *and/or ducks* shall be prohibited, except as provided in this Section.

(b) *No more than 20 total domestic fowl may be kept at any residence within the city. A combination of chickens and ducks may be kept together. Keeping 1 duck shall be the equivalent of keeping 3 female chickens.* They must be kept in accordance with the provisions of this Section and applicable zoning regulations.

(c) No male chickens shall be kept within the City.

(d) *Chickens and/or ducks must be kept in a clean, safe and healthy environment. Chicken coops, runs, chicken tractors and shelters for ducks must be located in the rear yard of the premises, located no closer than 10 feet from the property line, and at least 50 feet from any adjacent dwelling, church, school, or place of business, except from the dwelling located on the property. Further, they shall be screened or walled in a manner that allows the permitted domestic fowl to be reasonably protected from predators. They shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.*

(e) Odor from the maintaining of chickens *and/or ducks* shall not be perceptible at or beyond the property boundaries; perceptible noise from chickens *and/or ducks* shall not be loud enough at the property boundaries to disturb persons of reasonable sensibilities.

(f) Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general abatement provisions of this code. In addition, any violation of this article may be cited as a code violation in municipal court punishable by a fine and court costs; and each day such violation continues shall be a separate offense.

(g) Chicken waste *and duck waste are the responsibility* of the owner and shall be removed at least once each week or more often if necessary to prevent or control odors, fly breeding or rodent infestation. The coop and surrounding area must be kept free from trash and accumulated droppings.

(h) Chickens shall be provided with access to feed and clean water at all times. *Ducks shall be provided access to feed and clean water at all times. Ducks shall have a water source that is at least 3 inches deep to allow them to submerge their bills.* All feed and other items associated with the keeping of chickens *and/or ducks* shall be protected from or to prevent rats, mice, or other rodents from gaining access to or coming into contact with the feed.

(i) The chicken *and/or duck* owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

(j) Chickens *and/or ducks* are not to be kept for profit. Commercial chicken *and/or duck* operations are prohibited.

Section 2. All prior ordinances or parts thereof in conflict hereunder are hereby repealed as to the conflicting Sections only.

Section 3. Violations of any provisions of this Section shall constitutes a health hazard or that interferes with the use of enjoyment of neighboring property is a nuisance and may be abated under the general nuisance provisions of this Code. Each day such violation continues shall be a separate offense.

Section 4. This ordinance shall be effective upon its publication once in the official City newspaper.

Passed and Approved by the Governing Body this 11th day of September, 2017.

Todd Heitschmidt, Mayor

ATTEST: _____

Tiffany Jeffrey, City Clerk

RESOLUTION NO. 17-10

The Governing Body of the City of Marion, Kansas does hereby establish the following schedule of fees:

WHEREAS, The City of Marion must assess fees for certain services that it provides as authorized by the Governing Body of the City of Marion, Kansas; and

WHEREAS, The City of Marion needs to review as necessary and adjust said fees in order to cover the expense of providing the services; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Marion, that this fee schedule be set as published in the City of Marion Comprehensive Fee Schedule booklet. The said booklet will be available at City Hall upon request or on the City of Marion website.

BE IT FURTHER RESOLVED, that this fee schedule will take effect on the 12th day of September, 2017.

Dated this 11th day of September, 2017.

Todd Heitschmidt, Mayor

ATTEST:

Tiffany Jeffrey, City Clerk

RESOLUTION NO. 17-11

A RESOLUTION APPROVING THE FORMS PRESENTED IN RELATION TO THE KANSAS HOUSING RESOURCES CORPORATION APPLICATION FOR GRANT FUNDS AND AUTHORIZING THE ECONOMIC DEVELOPMENT DIRECTOR AND CITY CLERK TO EXECUTE ALL NECESSARY DOCUMENTATION FOR PROCESSING OF THIS APPLICATION.

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, MARION COUNTY, KANSAS THAT, the City of Marion, has reviewed and hereby approves the forms presented in relation to the Kansas Housing Resources Corporation's Moderate Income Housing Request for Proposal (RFP) for 2017. The Council hereby authorizes the Economic Development Director and City Clerk to sign all documents related to the RFP application and Letter of Conditions for the project.

The following forms are adopted and executed per Kansas Housing Resources Corporation RFP requirements:

- a. Moderate Income Housing Application
- b. Executive Summary
- c. Copy of 2016 Marion Housing Assessment Tool
- d. Capacity Statement for administration of funds
- e. Letters of Community Support
- f. Certifications of compliance with K.S.A. 58-1401, et seq; and minimum standards of the 2012 International Energy Conservation code or Energy Star Program

ADOPTED AND PASSED by the Governing Body of the City of Marion, Kansas, this 11th day of September, 2017.

Approved as to form and legality.

Mayor Todd Heitschmidt

ATTEST:

City Clerk, Tiffany Jeffrey