

ORDINANCE NO. 2342

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER II ANIMAL CONTROL AND REGULATION, ARTICLE I, SECTION 2-109, OF THE CODE OF THE CITY OF BURLINGAME, KANSAS.

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

**SECTION 1:**

The Code of the City of Burlingame, Kansas is hereby amended by adding a sub-section to Section 2-109 which reads as follows:

(g)The keeping and maintaining of not to exceed eight (8) chickens per household excluding the keeping of any roosters. No roosters shall be allowed. The chickens must be maintained in a sanitary manner and contained in an enclosure approved by the building inspector. Before being used to contain any chickens the enclosure must be inspected and approved by the building inspector and an inspection fee of \$35.00 paid to the City. Thereafter annual inspections shall be conducted and a fee of \$10.00 paid. It shall be unlawful and a violation of this Code for any chicken to be outside of its enclosure and upon a first conviction of a violation of this Section a fine of \$20.00 shall be imposed and on a second or subsequent conviction a fine of \$40.00 with removal of the chickens on conviction of a third violation of this section. Failure to obtain an inspection of the enclosure prior to obtaining any chickens shall result in a fine of \$25.00 and removal of the chickens from the City.

**SECTION 2:**

Section 2-109 of Article 1, General Provisions of Chapter II Animal Control of the Code of the City of Burlingame, Kansas is hereby amended to read as follows:

**2-109. KEEPING ANIMALS.** It shall be unlawful for the owner, lessee, occupant or person in charge of any premises

in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-113 of this chapter;

(d) The transporting of animals through the city by ordinary and customary means;

(e) The possession of any animal, livestock or fowl may temporarily be absent from the property of the owner for a period not to exceed six months. The number and type of animals or fowl exempted under this provision shall not be changed in type nor exceed the original number of animals or fowl.

(f) The keeping and maintaining of not to exceed three (3) horses within an enclosed area of not less than 10 acres.

(g) The keeping and maintaining of not to exceed eight (8) chickens per household excluding the keeping of any roosters. No roosters shall be allowed. The chickens must be maintained in a sanitary manner and contained in an enclosure approved by the building inspector. Before being used to contain any chickens the enclosure must be inspected and approved by the building inspector and an inspection fee of \$35.00 paid to the City. Thereafter annual inspections shall be conducted and a fee of \$10.00 paid. It shall be unlawful and a violation of this Code for any chicken to be outside of its enclosure and upon a first conviction of a violation of this Section a fine of \$20.00 shall be imposed and on a second or subsequent conviction a fine of \$40.00 with removal of the chickens on conviction of a third violation of this section. Failure to obtain an inspection of the enclosure prior to

obtaining any chickens shall result in a fine of \$25.00  
and removal of the chickens from the City.

**PASSED AND APPROVED** this 5th day of December, 2016.

ATTEST:

Vikki DeMars  
Mayor

Patty Atchison  
City Clerk