

ORDINANCE NO. 2356

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 Chapter 11, Animal Control And Regulation Section 2-109 which reads as follows:

(h) The use as of any premises within the City for the harboring or maintenance of any animal or livestock provided the number and type of animal or livestock shall not be changed in type nor exceed at any time the number on the premises on 11/28/1992, and as stated in subparagraph (e). In the event any such animal or livestock is removed from the premises and all of such animals or livestock are absent for a period of six months or more then the use of the premises for harboring such animal or livestock shall cease and terminate. This amendment shall be clarification of the previous Code provisions, to designate the applicability of this subsection to premises.

In addition to the penalties provided in Section 1-116 of this Code the municipal court judge may order a person convicted of a violation of this Section 2-109 to remove the animals or livestock from the City and each day the violation of this section continues shall be deemed a separate offense.

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.

(h) The use of any premises within the City for the harboring or maintenance of any animal or livestock provided the number and type of animal or livestock shall not be changed in type nor exceed at any time the number on the premises at the time of on 1997, and as stated in subparagraph (e). In the event any such animal or livestock is removed from the premises and all of such animals or livestock are absent for a period of six months or more then the use of the premises for harboring such animal or livestock shall cease and terminate. This amendment is intended as clarification of the previous Code provisions to designate the applicability of this subsection to premises.

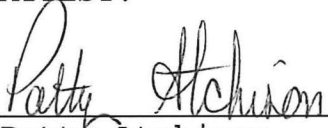
In addition to the penalties provided in Section 1-116 of this Code the municipal court judge may order a person convicted of a violation of this Section 2-109 to remove the animals or livestock from the City and each day the violation of this section continues shall be deemed a separate offense.

PASSED AND APPROVED this 19 day of June, 2017.



Vikki DeMars
Mayor

ATTEST:



Patty Atchison
City Clerk

AFFIDAVIT OF PUBLICATION
The Osage County Herald-Chronicle
Osage City, Kansas
STATE OF KANSAS
OSAGE COUNTY, ss.

Catherine R. Faimon

of lawful age, being first duly sworn, depose and says that she is the publisher of THE OSAGE COUNTY HERALD-CHRONICLE a biweekly newspaper printed in the State of Kansas, published in the city of Osage City, County of Osage, State of Kansas, and of general circulation in Osage County, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper has been continuously and uninterruptedly published in said county, at least 50 times each year during the period of more than five years immediately prior to the first publication of the notice hereinafter mentioned, and has been duly admitted to the mails as Second Class matter in Osage County, Kansas, and that notice of which a true copy is hereto attached, was published in the regular and entire issue of

The Osage County Herald-Chronicle

for 1 consecutive week(s).

The first publication thereof being made as aforesaid on

June 29, 2017

with subsequent publications made on the following dates:

_____, 20_____
_____, 20_____
_____, 20_____
_____, 20_____

and affiant further says she has personal knowledge of the statements set forth and that they are true.

Catherine R. Faimon

Catherine R. Faimon

Subscribed and sworn to before me this 29 day
of June, 2017.



Rosanne Blacketer
Rosanne Blacketer

Notary Public

My commission expires Feb. 4, 2021

AFFIDAVIT OF PUBLICATION -

The Osage County Herald-Chronicle, Osage City, Kansas
Affidavit and proof of publication examined, approved
and filed this _____ of _____, 20_____.

Recorded in _____.

Judge-Clerk of District Court

(Published in The Osage County
Herald-Chronicle Thursday, June
29, 2017.)

Ordinance No. 2356 Summary

On June 19, 2017, the City of Burlingame, Kansas adopted Ordinance No. 2356 amending Chapter II, Section 2-109 of Article I, Animal Control and Regulation of the Code of the City of Burlingame. A complete copy of this ordinance is available free at City Hall, 101 W. Santa Fe Ave., Burlingame, Kansas, or may be viewed at the City's website at www.burlingameks.com and a reproduction may be made. This summary certified by Frederick W. Godderz, City Attorney.