

ORDINANCE NO. 622

AN ORDINANCE amending Chapter III of the Code of the City of Buhler, Kansas, by adding thereto new sections prohibiting certain animals and fowl within the city limits, providing exceptions thereto, providing penalties for violation of any act prohibited by Chapter III and repealing Ordinance 475.

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

Section 1. That Section III-1-N of Chapter III of the Code of the City of Buhler, Kansas, is hereby repealed.

Section 2. That Chapter III of the Code of the City of Buhler, Kansas, is hereby amended by adding the following:

Section III-2. KEEPING OF CERTAIN FARM ANIMALS AND FOWL.

It shall be unlawful for any person to keep, harbor or permit upon property under his control within the City any cattle, horses, sheep, goats, pigs, swine, donkeys, mules, camels, zebras, peacocks, game cocks, ostriches, emus, ducks, geese, except as follows:

A. The keeping of chickens shall be allowed under the following requirements:

- i. Maximum of twelve (12) chickens allowed to be kept on a single property.
- ii. No roosters (male chickens) above the age of 2 months are allowed within the city limits of Buhler, KS.
- iii. No free range, must be contained in a coop, shelter and/or pen, with a setback of at least 15 feet distance from any adjoining residential or commercial property line.

B. Wild or domestic ducks or geese on the city park lake for decorative purposes.

C. The keeping or harboring of prohibited animals, except pigs and swine, shall be allowed if:

- i. There is at least one acre, 43,560 sq. ft, of open and available land upon which the animal is to be kept. If the animal weighs more than 300 pounds, there shall be no more than one acre of land. If the animal weighs 300 pounds or less, there shall be no more than five animals per acre of open and available land.

- ii. All animals are contained in an appropriate pen, cage or corral. Grazing or range animals will not be allowed to roam freely unless there is an additional one acre of fenced open and available land per animal. No pen, cage or corral will be located within 50 feet of a dwelling located on an adjacent tract of land, which tract of land is not owned by the owner and keeper of the animal(s).

Section III-3. KEEPING ANIMALS OR FOWL IN AN OFFENSIVE MANNER.

It shall be unlawful for any person to keep, harbor or permit upon property under his control and within the City, any animal, fowl or bird in such a manner as to become offensive to any person residing in that vicinity or annoying to the public.

For the purposes of this Section, the word "offensive" shall include any condition which offends the sense of sight, smell or hearing, as well as those which might be injurious to public health, safety or welfare.

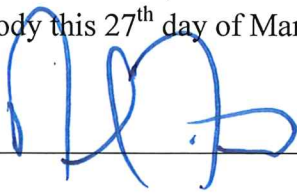
For the purposes of this Section III-3, animals, fowl or birds shall include, but not be limited to, the following: cattle, horses, sheep, goats, donkeys, mules, camels, zebras, peacocks, game cocks, ostriches, emus, ducks, geese, or chickens.

Section III-4. Any person found guilty of violating any provisions of this Chapter shall be guilty of a misdemeanor upon conviction thereof, shall be punished by a fine of not less than \$25.00 and not more than \$100.00 for each such offense.

Section 3. Ordinance No. 435 as passed and approved on February 28, 1989, shall be and is hereby repealed. Ordinance No. 475 as passed and approved May 30, 1995 shall be and is hereby repealed.

Section 4. This Ordinance shall take effect and shall be enforced from and after its passage and publication in the official city newspaper.

PASSED AND APPROVED by the governing body this 27<sup>th</sup> day of March, 2018.

  
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Mayor

ATTEST:

  
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City Clerk