

CITY OF BURLINGTON

ORDINANCE NO. 980

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF TITLE 6, CHAPTER 6.08, SECTION 06.08.010 “KEEPING OF ANIMALS PROHIBITED, REMOVING CHICKENS, TURKEYS, DUCKS, GEESE OR OTHER FOWL”; AND ADDING TITLE 6, CHAPTER 6.16 “KEEPING CHICKENS, TURKEYS, DUCKS, GEESE OR OTHER POULTRY, CARE AND REGULATIONS”.

WHEREAS, the Burlington Municipal Code makes no provision for the keeping of chickens, turkeys, ducks, geese or other poultry within the city boundaries; and

WHEREAS, many Burlington residents would like to keep chickens, ducks, geese, turkeys and other poultry, often referred to urban chickens or small backyard poultry, the benefit of which is the human-animal bond, and production of food items, primarily eggs; and

WHEREAS, many communities allow for small backyard flocks through a permitting process that establishes guidelines and regulations to address community concerns regarding the keeping of urban chickens or small backyard poultry, such as providing shelter for the poultry, the proximity of shelter to other properties, fencing, pest control, flock size, noise, and odor concerns; and

WHEREAS, after proper Public Hearing held on September 11, 2023, where testimony was presented both for and against amending Title 6, Chapter 6.08, Section 6.08.010 Keeping of Animals – Prohibited, removing the reference to Chickens, Turkeys, ducks, geese, or other fowl; and adding Chapter 6.16, Keeping Chickens, Turkeys, Ducks, Geese, or Other Poultry, Care and Regulations, and all Sections pertaining to Chapter 6.16; and

WHEREAS, the City Council has determined, with limitations and regulation, specific poultry may be allowed within the City of Burlington without significant injury to others.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON THAT:

SECTION 1. Title 6, Chapter 6.08, Section 6.08.010 Keeping of Animals – Prohibited is hereby amended to read: “It is declared to be a nuisance and is unlawful for any person to keep or maintain within the corporate limits of the city, except within the confines of a duly licensed livestock sales ring or sale barn, any cattle, horses, mules, sheep, goats, swine, rabbits, or other livestock.

SECTION 2. Title 6 is hereby amended with the addition of Chapter 6.16 “Keeping Chickens, Turkeys, Ducks, Geese Or Other Poultry, Care And Regulations”, with all accompanying sections including:

A. 6.16.010 Poultry – Definition.

Poultry are defined as domesticated birds kept by humans for the purpose of harvesting useful animal products including eggs, meat, feathers, and include chickens, quails, turkeys, and certain waterfowl such as ducks and geese.

B. 6.16.015 Permit – Required.

It is unlawful for any person who is the owner or custodian of any poultry to keep or permit the same to be in the city without obtaining a permit, therefore. A permit shall be issued, if and only if, there is on file in the office of the clerk a consent and agreement to the keeping of such poultry signed by seventy-five percent of the owners of all the frontage within three hundred feet of the premises whereon such poultry is to be kept, and not separated therefrom

by more than one street or alley; and after site inspection of premises to ensure compliance with regulations.

C. 6.16.020 Permit – Fee.

The permit fee shall be five dollars for each permitted poultry.

D. 6.16.025 Permit – Term

Permits are issued for one year only. Owners are eligible to renew permits annually, after site inspection of premises where poultry is kept ensuring compliance with regulations and after review of any regulation or nuisance violation received during previous permitted term. No permit will be issued where regulation or nuisance violations have not been resolved.

E. 6.16.030 Humane treatment required.

No owner, custodian, keeper, or harbinger of poultry shall fail to provide such fowl with wholesome food and water, shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall permit or cause to fight or other combat between animals or between animals and humans.

F. 6.16.035 The keeping of poultry - Regulations

1. It is unlawful for any person to keep, maintain, harbor, or possess on the premises of any one household, more than six adult poultry without prior written permission of Burlington City council. No roosters or male poultry are permitted.
2. Poultry shall be maintained in fenced back yards designed to keep poultry within the confines of the rear yard. Poultry shall be provided a coop, shed or like structure, designed as shelter from weather or predators, sited no less than five feet from property boundaries and not within a thirty-foot radius of any occupied structure. Poultry structures shall be properly maintained and cleaned to minimize odor. Composting of used poultry bedding dramatically reduces any risk of odor. Proper management of waste or manure shall be performed on a regular basis and is essential for controlling disease risk in the flock, controlling odor, and controlling insect pests. High bird density and poor manure management leads to environmental pollution. If manure is used in composting, it shall be dried and kept in sealed containers.
3. It is unlawful for any owner, possessor, or person who keeps any poultry to permit the poultry to run at large or to be off or away from the confines of the fenced backyard, unless under the strict control of the responsible person, or within a vehicle or other confinement. Any poultry found running at large may be taken up, impounded, and disposed of by the police department in the same manner as is provided for dogs running at large in Section 6.04.060 of this title. Provisions regarding impounding of dogs in Section 6.04.070, 6.04.080 and 6.04.090 of this title shall also apply to poultry impounded under this section.
4. It is unlawful for any person who is the owner or custodian of any poultry to allow any poultry to cause an unnecessary disturbance within any neighborhood in the city by loud, repeated, or habitual noises. Any poultry causing such disturbance may be impounded in the same manner as provided above.
5. Feed storage shall be in sealed containers to protect against moisture and pests, which will in turn protect against the spread of disease and other health risks.
6. Poultry will be closely monitored for sickness and disease and every owner, harbinger, or possessor of any poultry shall seek immediate veterinary care for sick or infected poultry.

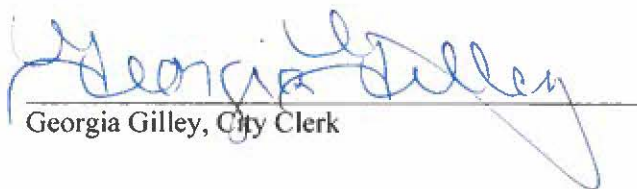
7. It is not permitted to slaughter poultry within the boundary of the city. It is unlawful for any person to allow to remain in the city any dead poultry, or decaying animal matter; any poultry dying within the city shall be removed by the owner or keeper thereof within twenty-four (24) hours after its death. The owner is responsible for the proper disposal of any dead fowl.
- G. 6.16.040 Enforcement. The provisions of this chapter shall be enforced by the city police or by an animal control officer appointed by the city manager.
- H. 6.16.050 Violation. Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor.

SECTION 3. This Ordinance, immediately upon its passage, shall be recorded in the Book of Ordinances of the City of Burlington, Colorado, authenticated by signature of the Mayor and attested by the Clerk under the corporate seal of the City and shall be published within the corporate limits of the City of Burlington and the County of Kit Carson and the State of Colorado and shall be in full force and effect thirty days after such publication.

PASSED, ADOPTED and ORDERED PUBLISHED this 25th day of September 2023.

[SEAL]

ATTEST:


Georgia Gilley, City Clerk

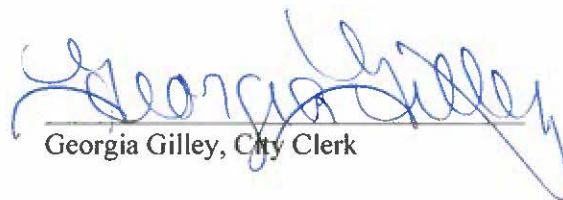

Greg Swiatkowski, Mayor

STATE OF COLORADO)
County of Kit Carson) ss.
City of Burlington)

CLERK'S CERTIFICATE

That I, Georgia Gilley, the official City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No. 980 was passed and adopted by the City Council of the City of Burlington on the 25th day of September 2023, and that the foregoing Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book 13 of the records of the City of Burlington, Burlington, Colorado.

Dated this 25th day of September 2023.

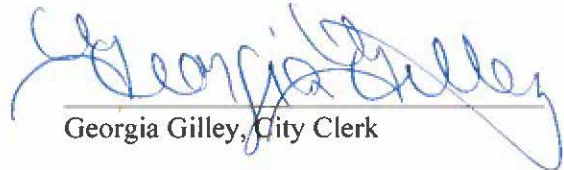

Georgia Gilley, City Clerk

STATE OF COLORADO)
County of Kit Carson)
City of Burlington)

CLERK'S CERTIFICATION OF PUBLICATION

That I, Georgia Gilley, the official City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No. 980 and Clerk's Certificate attached thereto was published in the *Burlington Record*, a weekly newspaper of general circulation in Burlington, Kit Carson County, Colorado, on October 05, 2023, and "Proof of Publication" is filed herewith.

Dated this 5th day of October 2023.


Georgia Gilley, City Clerk

Proof of Publication

STATE OF COLORADO)
County of Kit Carson) ss.

Courtney Cisneros, being duly sworn, deposes and says:

1. That she is co-publisher of The Burlington Record, a weekly newspaper printed and published in the town of Burlington, County of Kit Carson and State of Colorado.

2. That the said The Burlington Record is printed and published at regular intervals, one time each week on Thursday, and that it has a general circulation in the County of Kit Carson and elsewhere.

3. That the said The Burlington Record was established and has been printed and published in said County uninterruptedly and continuously during a period of at least fifty-two consecutive weeks next prior to the first issue thereof in which was published a legal notice entitled, Ordinance No. 980, a copy of which is hereto attached.

4. That the said The Burlington Record is a weekly newspaper of general circulation, and is printed and published in whole or in part in the said County of Kit Carson in which said notice is required by law to be published, a copy of which is hereunto attached.

5. That the said The Burlington Record is a weekly newspaper within the meaning of "An Act Concerning Legal Notices, Advertisements and Publications and Fees of Printers and Publishers Thereof and to Repeal all Acts and Parts of Acts in Conflict with the Provisions of this Act," being Chapter 139 of the Session Laws of Colorado of 1923 as amended by Chapter 113 of the Session Laws of Colorado of 1931. The act amended and repealed by Chapter 139 of the Session Laws of Colorado of 1923 is Chapter 169 of the Session Laws of the State of Colorado of 1921, the same being sections 5392 to 5400, both inclusive, of the Compiled Laws of the State of Colorado of 1921.

6. That the said annexed notice was published in the regular and entire edition of The Burlington Record, a duly qualified weekly newspaper for that purpose, within the terms and meanings of the above named Acts.

7. That the said annexed notice is a full, true and correct copy of the original which was regularly published in each of the regular and entire issues of said newspaper, a legally qualified paper for that purpose, once each week, on the same day of the week for one successive weeks by one insertions and that the first publication thereof was in the issue dated Oct 5, 2023 and that the publication was in the issue dated Oct. 5, 2023.


Publisher

Subscribed and sworn to before me this 24 day of

October 2023


Notary Public

My commission expires November 17, 2026

CHERYL WEBB
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224043915
MY COMMISSION EXPIRES 11/17/2026

CITY OF BURLINGTON
ORDINANCE NO. 980
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF TITLE 6, CHAPTER 6.08, SECTION 6.08.010 "KEEPING OF ANIMALS PROHIBITED, REMOVING CHICKENS, TURKEYS, DUCKS, GEESE OR OTHER FOWL"; AND ADDING TITLE 6, CHAPTER 6.16 "KEEPING CHICKENS, TURKEYS, DUCKS, GEESE OR OTHER POULTRY, CARE AND REGULATIONS".

WHEREAS, the Burlington Municipal Code makes no provision for the keeping of chickens, turkeys, ducks, geese or other poultry within the city boundaries; and

WHEREAS, many Burlington residents would like to keep chickens, ducks, geese, turkeys and other poultry, often referred to urban chickens or small backyard poultry, the benefit of which is the human-animal bond, and production of food items, primarily eggs; and

WHEREAS, many communities allow for small backyard flocks through a permitting process that establishes guidelines and regulations to address community concerns regarding the keeping of urban chickens or small backyard poultry, such as providing shelter for the poultry, the proximity of shelter to other properties, fencing, pest control, flock size, noise, and odor concerns; and

WHEREAS, after proper Public Hearing held on September 11, 2023, where testimony was presented both for and against amending Title 6, Chapter 6.08, Section 6.08.010 Keeping of Animals - Prohibited, removing the reference to Chickens, Turkeys, ducks, geese, or other fowl; and adding Chapter 6.16, Keeping Chickens, Turkeys, Ducks, Geese, or Other Poultry, Care and Regulations, and all Sections pertaining to Chapter 6.16; and

WHEREAS, the City Council has determined, with limitations and regulation, specific poultry may be allowed within the City of Burlington without significant injury to others.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON THAT:

SECTION 1. Title 6, Chapter 6.08, Section 6.08.010 Keeping of Animals - Prohibited is hereby amended to read: "It is declared to be unlawful for any person to permit the poultry to run at large or to be on or away from the confines of the fenced backyard, unless under the strict control of the responsible person, or within a vehicle or other confinement. Any poultry found running at large may be taken up, impounded, and disposed of by the police department in the same manner as is provided for dog running at large in Section 6.04.060 of this title. Provisions regarding impounding of dogs in Section 6.04.070, 6.04.080 and 6.04.090 of this title shall also apply to poultry impounded under this section.

4. It is unlawful for any person who is the owner or custodian of any poultry to allow any poultry to cause an unnecessary disturbance within any neighborhood in the city by loud, repeated, or habitual noises. Any poultry causing such disturbance may be impounded in the same manner as provided above.

5. Feed storage shall be in sealed containers to protect against moisture and pests, which will in turn protect against the spread of disease and other health risks.

6. Poultry will be closely monitored for sickness and disease and every owner, harbinger, or possessor of any poultry shall seek immediate veterinary care for sick or infected poultry.

7. It is not permitted to slaughter poultry within the boundary of the city. It is unlawful for any person to allow to remain in the city any dead poultry, or decaying animal matter; any poultry dying within the city shall be removed by the owner or keeper thereof within twenty-four (24) hours after its death. The owner is responsible for the proper disposal of any dead fowl.

G. 6.16.040 Enforcement. The provisions of this chapter shall be enforced by the city police or by an animal control officer appointed by the city manager.

H. 6.16.050 Violation. Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor.

SECTION 3. This Ordinance, immediately upon its passage, shall be recorded in the Book of Ordinances of the City of Burlington, Colorado, authenticated by signature of the Mayor and attested by the Clerk under the corporate seal of the City and shall be published within the corporate limits of the City of Burlington and the County of Kit Carson and the State of Colorado and shall be in full force and effect thirty days after such publication.

PASSED, ADOPTED and ORDERED PUBLISHED this 25th day of September 2023.

Greg Swiatkowski,
Mayor

[SEAL]

ATTEST:

Georgia Gilley,
City Clerk

STATE OF COLORADO
County of Kit Carson
City of Burlington

) ss. CLERK'S CERTIFICATE

That I, Georgia Gilley, the official City Clerk of the City of Burlington do by these presents, say that the foregoing Ordinance No. 980 was passed and adopted by the City Council of the City of Burlington on the 25th day of September 2023, and that the foregoing Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book 13 of the records of the City of Burlington, Burlington, Colorado Dated this 25th day of September 2023.

Georgia Gilley,
City Clerk

Published: Oct. 5, 2023

Title 6 ANIMALS

Sections:

Chapter 6.04 DOGS

Sections:

6.04.010 License—Required.

It is unlawful for any person who is the owner or custodian of any dog to keep or permit the same to be in the city without obtaining a license therefor.

(Prior code §17.6)

6.04.020 License—Fee.

The annual license fee shall be five dollars for each dog licensed in the City of Burlington.

(Prior code §17.6-1)

(Ord. No. 870, § 1, 5-24-2010)

6.04.030 License and tag issuance.

Upon application for a dog license and payment of the required fee, the city clerk shall issue a dog license which shall be numbered and also a metal tag bearing the same number as the license, which tag shall be securely attached to the collar to be worn at all times by the dog so licensed.

(Prior code §17.6-2)

6.04.040 Impoundment of unlicensed dogs.

The members of the police department, or other persons designated by the council, shall take up and impound in a suitable place provided therefor, any dog found within the city which does not have attached to its collar a tag showing that the dog is licensed for the current year.

(Prior code §17.7)

6.04.050 Running at large.

It is unlawful for any owner, possessor or person who keeps any dog to permit the dog to run at large or to be off or away from the premises of the owner, possessor or keeper thereof, unless on a leash under the control of some responsible person, or within a vehicle or other confinement; and a dog shall be deemed to be running at

large when off or away from the premises of the owner, possessor, or keeper thereof, and not under the control of such owner, possessor, or keeper or his agent or some other responsible person, either by leash, cord or chain.

(Prior code §17.8)

6.04.060 Impoundment of dogs running at large.

The members of the police department, or any other person designated by the city council, shall apprehend and take into custody any dog found running at large, and impound the same in a suitable place provided for that purpose, and such dog may be impounded without the necessity of filing a complaint.

(Prior code §17.9)

6.04.070 Record of dogs impounded—Notice.

The person impounding a dog shall make a record of all dogs impounded for lack of a license tag or for running at large, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. It shall be the duty of the poundmaster to keep all dogs so impounded for a period of six days. Not later than twenty-four hours after the impounding of any dog the owner thereof shall be notified, or if the owner is unknown, written notice shall be posted at two or more conspicuous places describing the dog and place and time of taking.

(Prior code §17.10)

6.04.080 Claiming of impounded dogs.

If the owner of an impounded dog appears within six days from the date his/her dog is impounded and pays the license fee (if unpaid), and all costs and charges incurred by the city for impounding and maintenance of such dog, the dog shall be returned to the owner unless the dog is rabid or infected as hereinafter stated; provided, however, that the claiming of any such dog shall be prima facie evidence of the violation by such owner and shall subject such owner to the penalties provided in this section, and to the penalty for not licensing the dog if it is unlicensed. The following costs and charges shall be paid to the city clerk: for impounding any dog, ten dollars; for keeping any dog, five dollars per day; for giving notice five dollars.

(Ord. 779 §1, 2001: Prior code §17.11)

6.04.090 Disposition of unclaimed dogs.

If at the expiration of six days from the date any such dog is impounded, such dog shall not have been redeemed, it shall be disposed of or destroyed. Any dog which appears to be suffering from rabies or affected with mange or any other infectious or dangerous disease shall not be released but shall be forthwith destroyed.

(Prior code §17.12)

Chapter 6.08 MISCELLANEOUS ANIMAL REGULATIONS

Sections:

6.08.010 Keeping of animals prohibited.

It is declared to be a nuisance and it is unlawful for any person to keep or maintain within the corporate limits of the city, except within the confines of a duly licensed livestock sales ring or sale barn, any cattle, horses, mules, sheep, goats, swine, rabbits, or other livestock.

(Ord. 382 §1, 1964: prior code §17.1)

6.08.015 Noisy animals prohibited.

It is unlawful for any person who is the owner or custodian of any animal, including dogs and cats, to allow any animal to cause an unnecessary disturbance within any neighborhood in the city by loud, repeated or habitual barking, howling, yelping, baying, mewing, roaring, braying or screeching. Any animal causing such disturbance may be impounded in the same manner as is provided for dogs running at large in Section 6.04.060 of this title. Provisions regarding impounded dogs in Sections 6.04.070, 6.04.080 and 6.04.090 of this title shall also apply to any animal impounded under this section.

(Ord. 832 §1, 2005)

6.08.020 Animals not to run at large.

It is unlawful for any person who is the owner or custodian of any cattle, horses, mules, sheep, hogs or goats, to suffer or permit the same to run at large within the city. Any such animals found running at large may be taken up, impounded and disposed of by the police department in the manner provided by state law.

(Prior code §17.3)

6.08.030 Cruelty to animals.

It is unlawful for any person having charge or custody of any animal to overwork, torture, fail to provide it with proper food, drink and protection from the weather, cruelly beat, mutilate or kill needlessly, or to transport in a cruel or inhuman manner, the animal, or to cause any of these acts to be done.

(Prior code §17.5)

6.08.040 Dead animals.

It is unlawful for any person to bring into or carry through or allow to remain in the city any dead animal or decaying animal matter; and any animal dying within the city shall be removed by the owner or keeper thereof within twenty-four (24) hours after its death.

(Ord. 497 §8.4, 1973)

6.08.050 Prohibition for the feeding of feral animals.

- A. Prohibited. It shall be unlawful for any person to regularly, indiscriminately, and or intentionally place food, water or other forms of sustenance and or shelter for the access of any feral animal(s).
- B. Definitions.
 - 1. Enforcement authority means the City Manager, Chief of Police, Animal Control officer and their respective designees.

-
2. "Feral Animal" means an animal that is wild or was once domesticated that has escaped from a domestic or captive status and is living more or less as a wild animal. A feral animal can be but is not limited to a feline, canine, swine, goat or any other previously domesticated animal.
- C. [Prohibitions.] It shall be unlawful for any person to regularly, indiscriminately, and or intentionally place food, water or other forms of sustenance and/or shelter for the access of any feral animal(s).
- The prohibition for feeding feral animals shall include all City of Burlington property and public properties inside the city limits of Burlington.
- D. [Permits.] At the discretion of the City Manager, the City may grant a 30 day permit and may collect a fee for the feeding of feral animals.
1. The permit may be issued for, but not limited to, the capture, relocation, spaying, neutering or rendering aid to feral animals.
 2. That the location of the feeding is identified for the permit and the permit is posted in the immediate area.
 3. That food is not left directly on the ground during the use of the permit and that all food and material is removed after the permit expires.
- E. Fines and Penalties. Any person who is found to have committed a violation of any of the provisions of this chapter and who has no prior offenses within a year may be assessed a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). No more than fifty dollars (\$50.00) of the fine may be waived, reduced, suspended or deferred.
- (Ord. No. 889, §§ 1—6, 9-30-2013)

Chapter 6.12 DOG AND CAT CARE AND POSSESSION REGULATIONS

Sections:

6.12.010 Humane treatment required.

No owner, keeper or harbinger of cat(s) and/or dog(s) shall fail to provide such animal with wholesome food and water, shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall permit or cause any fight or other combat between animals or between animals and humans.

(Ord. 702 §1, 1995)

6.12.020 Dog kennels—Definition—Prohibition.

It is unlawful for any person, firm or corporation to keep, maintain, harbor or possess on the premises of any one household or on the premises of any business establishment, except upon the premises of a licensed veterinary hospital, more than three dogs over three months old, and one litter of pups under three months old, except without the prior written permission of the Burlington city council. Except as provided herein, any person, firm or corporation who shall keep, maintain, harbor or possess on its premises more than three dogs over three months old, and more than one litter of pups under three months old, shall be classified as owning or operating a dog kennel. It is unlawful for any person, firm or corporation to own, operate or maintain a dog kennel within the corporate limits of the city.

(Ord. 702 §2, 1995)

6.12.030 Catteries—Definition—Prohibition.

It is unlawful for any person, firm or corporation to keep, maintain, harbor or possess on the premises of any one household or on the premises of any business establishment, except on the premises of a licensed veterinary hospital, more than three cats over three months old, and one litter of kittens under three months old, except without the prior written permission of the Burlington city council. Except as provided herein, any person, firm or corporation who shall keep, maintain, harbor or possess on its premises more than three cats over three months old, and more than one litter of kittens under three months old, shall be classified as owning or operating a cattery. It is unlawful for any person, firm or corporation to own, operate or maintain a cattery within the corporate limits of the city.

(Ord. 702 §3, 1995)

6.12.035 Impoundment of cats.

- A. If any person violates Section 6.12.030 of this chapter by keeping, maintaining, harboring or possessing on the premises of one household or any business establishment other than a licensed veterinary hospital of more than three cats over three months old and one litter of kittens under three months old with the written permission of the Burlington city council, those cats in excess of the number permitted by the Burlington city council may be taken by members of the police department or other persons designated by the Burlington city council and impounded in a suitable place provided therefor.
- B. Any cat impounded as a result of the violation of Section 6.12.030 of this chapter shall be impounded for a period of seventy-two hours. If the owner of the cat is known after any such impounding, the owner shall be notified of the impoundment, and if the owner is unknown, the impoundment shall be posted in two or more conspicuous places describing the cat and the place and time of taking.
- C. If within seventy-two hours from the date any such cat is impounded, the owner of such cat shall appear and claim the cat, the owner shall pay to the city clerk any and all costs and charges incurred by the city for the impounding and maintenance of such cat, including any and all costs of transportation incurred in transporting the cat to its place of shelter. Upon such payment, but only so long as restoring the cat to the owner does not result in the owner's violation of Section 6.12.030 of this chapter and so long as the cat is not suffering from rabies or any other infectious or dangerous disease, the cat shall be returned to the owner.
- D. If at the expiration of seventy-two hours from the date any cat is impounded, such cat shall not have been claimed by the owner, or the owner has claimed the cat but such claim would result in the owner's violation of Section 6.12.030 of this chapter, or the cat is suffering from rabies or any other infectious or dangerous disease, the cat shall be disposed of or destroyed.

(Ord. 755 §§1-4, 1998)

6.12.040 Enforcement.

The provisions of this chapter shall be enforced by the city police or by an animal control officer appointed by the city manager.

(Ord. 702 §4, 1995)

6.12.050 Violation.

Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor.

Chapter 6.16 KEEPING CHICKENS, TURKEYS, DUCKS, GEESE OR OTHER POULTRY, CARE AND REGULATIONS

Sections:

6.16.010 Poultry-Definition

Poultry are defined as domesticated birds kept by humans for the purpose of harvesting useful animal products including eggs, meat, feathers, and include chickens, quails, turkeys, and certain waterfowl such as ducks and geese.

6.16.015 Permit – Required

It is unlawful for any person who is the owner or custodian of any poultry to keep or permit the same to be in the city without obtaining a permit, therefore. A permit shall be issued, if and only if, there is on file in the office of the clerk a consent and agreement to the keeping of such poultry signed by seventy-five percent of the owners of all the frontage within three hundred feet of the premises whereon such poultry is to be kept, and not separated therefrom by more than one street or alley; and after site inspection of premises to ensure compliance with regulations.

6.16.20 Permit – Fee.

The permit fee shall be five dollars for each permitted poultry.

6.16.025 Permit – Term.

Permits are issued for one year only. Owners are eligible to renew permits annually, after site inspection of premises where poultry is kept ensuring compliance with regulations and after review of any regulation or nuisance violation received during previous permitted term. No permit will be issued where regulation or nuisance violations have not been resolved.

6.16.030 Humane treatment required.

No owner, custodian, keeper, or harbinger of poultry shall fail to provide such fowl with wholesome food and water, shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall permit or cause to fight or other combat between animals or between animals and humans.

6.16.035 The Keeping of Poultry – Regulations

- A. It is unlawful for any person to keep, maintain, harbor, or possess on the premises of any one household, more than six adult poultry without prior written permission of Burlington City council. No roosters or male poultry are permitted.
- B. Poultry shall be maintained in fenced back yards designed to keep poultry within the confines of the rear yard. Poultry shall be provided with a coop, shed or like structure, designed as shelter from weather or

predators, sited no less than five feet from property boundaries and not within a thirty-foot radius of any occupied structure. Poultry structures shall be properly maintained and cleaned to minimize odor. Composting of used poultry bedding dramatically reduces any risk of odor. Proper management of waste or manure shall be performed on a regular basis and is essential for controlling disease risk in the flock, controlling odor, and controlling insect pests. High bird density and poor manure management leads to environmental pollution. If manure is used in composting, it shall be dried and kept in sealed containers.

- C. It is unlawful for any owner, possessor, or person who keeps any poultry to permit the poultry to run at large or to be off or away from the confines of the fenced backyard, unless under the strict control of the responsible person, or within a vehicle or other confinement. Any poultry found running at large may be taken up, impounded and disposed of by the police department in the same manner as is provided for dogs running at large in Section 6.04.060 of this title. Provisions regarding impounding of dogs in Section 6.04.070, 6.04.080 and 6.04.090 of this title shall also apply to poultry impounded under this section.
- D. It is unlawful for any person who is the owner or custodian of any poultry to allow any poultry to cause an unnecessary disturbance within any neighborhood in the city by loud, repeated, or habitual noises. Any poultry causing such disturbance may be impounded in the same manner as provided above.
- E. Feed storage shall be in sealed containers to protect against moisture and pests, which will in turn protect against the spread of disease and other health risks.
- F. Poultry will be closely monitored for sickness and disease and every owner, harborer, or possessor of any poultry shall seek immediate veterinary care for sick or infected poultry.
- G. It is not permitted to slaughter poultry within the boundary of the city. It is unlawful for any person to allow to remain in the city any dead poultry, or decaying animal matter; any poultry dying within the city shall be removed by the owner or keeper thereof within twenty-four (24) hours after its death. The owner is responsible for the proper disposal of any dead fowl.

6.16.040 Enforcement.

The provisions of this chapter shall be enforced by the city police or by an animal control officer appointed by the city manager.

6.16.050 Violation.

Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor.