

**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.

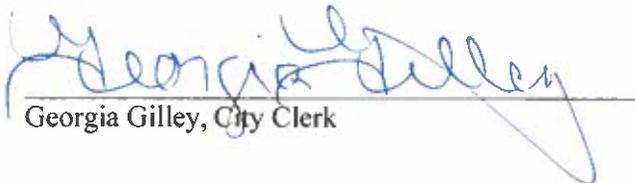
**SECTION 3.** This Ordinance, immediately upon its passage, shall be recorded in the Book of Ordinances of the City of Burlington, Colorado, authenticated by signature of the Mayor and attested by the Clerk under the corporate seal of the City and shall be published within the corporate limits of the 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.

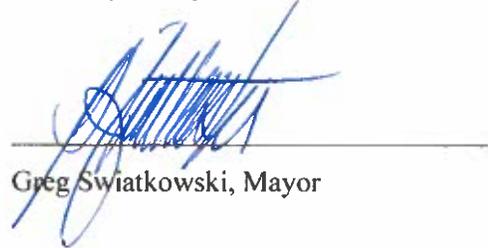
PASSED, ADOPTED and ORDERED PUBLISHED this 25th day of September 2023.

[SEAL]



ATTEST:

  
Georgia Gilley, City Clerk

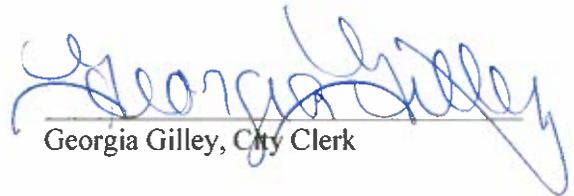
  
Greg Swiatkowski, Mayor

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.

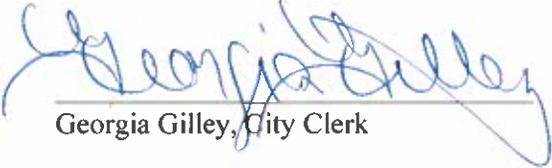
Dated this 25th day of September 2023.

  
\_\_\_\_\_  
Georgia Gilley, City Clerk

STATE OF COLORADO            )  
County of Kit Carson            ) ss.   **CLERK'S CERTIFICATION OF PUBLICATION**  
City of Burlington                )

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.

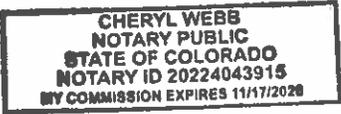
7. That the said annexed notice is a full, true and correct copy of the original which was regularly published in each of the regular and entire issues of said newspaper, a legally qualified paper for that purpose, once each week, on the same day of the week for one successive weeks by one insertions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

[Signature]  
Publisher

Subscribed and sworn to before me this 24 day of October, 2023

[Signature]  
Notary Public

My commission expires November 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 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.

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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.

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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