

(Ordinance published at www.andoverks.gov on February 15, 2025)

ORDINANCE NO. 1948

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS AMENDING CHAPTER II, ARTICLE 1, SECTION 2-104; CHAPTER II, ARTICLE 2, SECTION 2-202; AND CHAPTER II, ARTICLE 6, SECTION 2-603 OF THE CODE OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the City of Andover, Kansas (the "City") has previously adopted Chapter II, Article 1, Chapter II, Article 2, and Chapter II, Article 6 of the Code of the City of Andover, Kansas (the "Code") containing provisions relating to the keeping of animals; and

WHEREAS, the governing body of the City desires, and finds it necessary and advisable to amend Section 2-104 of Chapter II, Article 1; Section 2-202 of Chapter II, Article 2; and Section 2-603 of Chapter II, Article 6 of the Code to make additional allowances for the keeping of animals in the A-1 Agricultural Transition Zoning District.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Chapter II, Article 1, Section 2-104 of the Code shall be repealed and replaced and shall read as follows:

2-104. Keeping farm animals.

(a) It shall be unlawful for any person, who as owner, lessee, or occupant to maintain any stable, shed, pen, or other places where horses, cattle, goats, hogs, or sheep, are kept within the city limits, unless hereinafter allowed.

(b) The keeping of farm animals not to be considered "exotic animals" as defined in Article 2 Section 2-604 in the A-1 Agricultural Zoning District is permissible if the following conditions are met:

(1) For the purposes of this section, "large farm animal" is any animal over 250 pounds (examples: horses, cows, pigs, hogs, donkeys, mules, ostriches, and the like) and "small farm animal" is any animal 250 pounds or less (examples: rabbits, goats, lamb, and the like). The following limits for the keeping of "large farm animals" and "small farm animals" apply;

(2) The keeping of "large farm animals" and "small farm animals" is allowed in compliance with the lot area, zoning district, and number of animals permitted in Table 1.

Table 1

A-1				
Lot Area	<1 acre	1-3 acres	>3 acres	>10 acres
Animal Type				
"Large Farm Animal" 250 pounds or greater	Not permitted	1 maximum	1 per every three acres	1 per acre
"Small Farm Animal" Less than 250 pounds	4 maximum	5 per acre, not to exceed 10	5 per acre, not to exceed 15	5 per acre, not to exceed 60
Maximum Capacity	4 Small Farm Animals	10 Small Farm Animals	15 Small Farm Animals	60 Small Farm Animals

(3) The maximum values for a subject property as listed in Table 1 are subject to a cumulative effect when keeping a combination of "large farm animals" and "small farm animals." One (1) large farm animal is the equivalent of five (5) small farm animals and contributes to the Maximum Allowance as such. The following formula is used to determine a property's maximum capacity where M is the Maximum Allowance, l is the number of "large farm animals," and s is the number of "small farm animals":

$$M \geq 5l + s$$

(4) Animals must be kept in an enclosed structure or area and are not permitted to run at large as defined in Article 2 Section 2-102 unsupervised outside of the enclosure.

(5) Animal Permit Process

5.1 A permit to keep "large farm animals" and "small farm animals" may be issued if an applicant is in compliance with all requirements of the municipal code.

5.2 Permits are valid for a period of five (5) years unless otherwise specified on the permit by the issuing authority.

5.3 The Planning and Zoning department may revoke a permit to keep "large farm animals" and "small farm animals" if the permittee has violated any condition of the permit or any other applicable Andover Municipal Code.

5.4 The Planning and Zoning department will give notice in writing delivered by certified mail or by posting on the premises of the intent to revoke to the permittee identifying the violation(s) and give the permittee 30 days to bring the premises into compliance.

5.5 A permittee will have thirty (30) days from the date of notice to require reconsideration by the Planning and Zoning Department.

5.6 The Planning and Zoning department will inform the permittee within ten (10) days of receipt of the permittee's request for reconsideration whether the animal permit was revoked. If revoked, the date of revocation will be provided.

5.7 If the permittee does not request reconsideration within the thirty (30) days of receipt of the notice of intent to revoke, the permit will be revoked effective thirty-one (31) days after the notice of intent to revoke was sent.

5.8 A permittee who has a special animal permit revoked must wait six (6) months from the date of revocation before submitting a new animal permit application.

SECTION 2. Chapter II, Article 2, Section 2-202 of the Code shall be repealed and replaced and shall read as follows:

2-202. Keeping fowl.

The Board of Health is authorized to adopt rules and regulations relating to the keeping of any chickens or other domestic fowl (defined as chickens, ducks, geese, quail, or other fowl that are not greater than 25 pounds) in the city which may pertain to the sanitation of the pens or buildings in which said fowl are kept, the number kept and the location of all such places where the same may be authorized to be kept. It shall be the duty of the owner or the keeper of any domestic fowl to comply with the rules and regulations pertaining to the keeping of domestic fowl. All chickens or other domestic fowl will be kept in a secure fully enclosed building or structure constructed in a manner that prevents noxious odors and sounds from emanating off the property. Fowl are permitted with the following limitations depicted in Table 2:

Table 2

Lot Area	<1 acre	1-3 acres	>3 acres	>10 acres
Domestic Fowl	10 maximum	20 maximum	45 maximum	60 maximum

Fowl are permitted to run at large, but confined to the premises, on parcels greater than 3-acres.

SECTION 3. Chapter II, Article 6, Section 2-603 of the Code shall be repealed and replaced and shall read as follows:

2-603. Exotic animals

(a) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) Antelopes

- (2) Apes, chimpanzees, gibbons, gorillas and orangutans, and simians
- (3) Baboons
- (4) Bison
- (5) Crocodilians
- (6) Deer, includes all members of the deer family (e.g. white tailed deer, elk, antelope, and moose)
- (7) Elephants
- (8) Game cocks and other fighting birds
- (9) Hippopotami
- (10) Hyenas
- (11) Monkeys
- (12) Raccoons
- (13) Rhinoceroses
- (14) Snakes over six feet in length
- (15) Skunks
- (16) The offspring born to any animal permitted to be kept in the City, which is bred to any other permitted animal of a different species. Offspring born to wild animals bred with domestic dogs or cats shall be considered to be exotic animals.

(b) The prohibitions of this section shall not apply to bona fide zoos, circuses, carnivals, educational or medical institutions, if:

- (1) Their location conforms to the provisions of the zoning ordinance of the city;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

(c) The municipal court judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.

SECTION 3. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor, and publication once in the official newspaper of the City.


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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover,
Kansas this 11th day of February, 2025.

CITY OF ANDOVER, KANSAS

[seal]



By 
Ronnie Price, Mayor

ATTEST:

By 
Dana Engstrom, City Clerk