

*Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication*

### **Ordinance No. 2429 Summary**

On October 19, 2017, the City of De Soto, Kansas, adopted Ordinance No. 2429, amending the City Code to allow Nigerian Pygmy goats to be kept in the City, subject to certain limits and regulations. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

### **ORDINANCE NO. 2429**

#### **AN ORDINANCE AMENDING THE CITY CODE TO ALLOW NIGERIAN PYGMY GOATS TO BE KEPT WITHIN THE CITY**

WHEREAS, the Governing Body has been presented information on the breed of goats known as “Nigerian Pygmy” goats, which generally weigh less than 75 pounds and are no taller than 23 inches at the withers; and

WHEREAS, the Governing Body believes it is appropriate that the City Code be amended to allow such Nigerian Pygmy goats, subject to certain restrictions; and

WHEREAS, given that there is no annual permitting requirement in the City for most livestock type animals, the Governing Body does not believe it is necessary to impose a permitting requirement for the keeping of Nigerian Pygmy goats within the City; and

WHEREAS, to maintain consistency in the City Code as to permitting requirements, the Governing Body believes it is appropriate to amend the City Code to do away with the permitting requirement that currently is in place for Juliana Breed pigs.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of De Soto:

**Section 1.** The Governing Body hereby amends Section 2-115 of Article 1 of Chapter II of the De Soto City Code to read as follows:

#### **2-115. Animals restricted.**

It is unlawful for any person to own, keep or harbor any livestock, domestic animals, exotic animals, or large animals in any area of the city that is zoned for residential use except as provided herein:

(a) One horse or pony shall be permitted for every two acres or more on land zoned R-O within the city.

(b) One cow, steer or bull shall be permitted for every two acres or more on land zoned R-O within the city provided that the land is more than five acres in total size.

(c) It is unlawful for any person to house more than three dogs or three cats or combination of dogs and cats which total more than three on any real property located within the city limits.

(d) It is lawful for any person to own, keep or harbor within the city limits any exotic animals commonly sold in pet stores and which can be wholly contained in a household aquarium or terrarium such as laboratory rodents, common cage birds, captive bred species of ferrets, insects, and aquatic animals and reptiles or amphibians.

(e) Animals classified in this code as domestic animals, large animals or livestock, fowl or fish that are commonly raised in an agricultural or farm-like setting for subsistence or commercial purposes on property within the City that is zoned as R-A Rural Agriculture and greater than 10 acres in size.

(f) Fowl, as defined in this Chapter, may be kept on any tract of land in the City that is at least one acre in size. Twelve fowl per acre are allowed up to a maximum of 25 fowl. No more than one rooster may be kept per lot or household. Fowl must be kept in a confined area and not allowed to range freely. Such confined space must be setback at least twenty-five (25') feet from the property line in a rear yard. No fowl may be kept inside a residence.

(g) One Juliana Breed pig shall be permitted on any real property within the city that is used as a residence but such permission is conditioned on the following requirements:

1. It weighs less than 65 pounds;

2. It is not used for breeding purposes;

3. It is tested free of Pseudorabies;

4. It is not for a food source;

5. It will not be allowed to make disturbing noises or utterances causing unreasonable annoyance, disturbances or discomfort to neighbors and others in close proximity to the premises where the pig is kept, or otherwise be offensive or dangerous to the public health, safety or welfare by virtue of its behavior, type or manner of keeping;

6. That the keeping of the pig will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the pig is kept or harbored;

7. Sections 2-107, and 2-110 through 2-113 of Article 1 of Chapter II of the City Code, all of which apply to dogs, shall be construed as also applying to any Juliana Breed pigs kept within the city pursuant to this Section.

(h) Goats -- but only the breed known as “Nigerian Pygmy” (sometimes also referred to as “miniature”, “pygmy”, or “dwarf”) -- shall be permitted on any parcel of land within the city that is two acres or more, zoned R-A, R-O, or R-1, used as a residence, and the following additional requirements are met:

1. A minimum of two goats are kept;
2. For any goats beyond two, there must be an additional acre of land (over and above the two acre minimum) for each additional goat, and in no event can there be more than six goats on any one parcel of land;
3. Each goat must weigh less than 75 pounds and be no taller than 23 inches at the withers;
4. Goats may only be kept in an established back or side yard;
5. All goats must be dehorned, and males neutered;
6. A goat shed, meeting all required setback requirements, must be provided for the goats, it shall be no less than 10 square feet per goat, must be predator proof, vented, waterproof, and easily accessed for cleaning; and the shed must provide direct access to an outdoor, secured enclosure that is a minimum of 800 square feet, surrounded by a fence (at least 5 feet in height), and is free of objects allowing the goats to climb out of the enclosure;
7. Items 2-6 of Subsection (g) of Section 2-115 of Article 1 of Chapter II of the De Soto City Code (applicable to Juliana Pigs) shall also apply to the keeping of goats within the city. Additionally, Sections 2-107, and 2-110 through 2-113 of Article 1 of Chapter II of the City Code, all of which apply to dogs, shall be construed as also applying to any goats kept within the city.

**Section 2.** This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City’s official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS  
AND APPROVED BY THE MAYOR ON THE 19<sup>th</sup> DAY OF OCTOBER, 2017.

(seal)

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TIMOTHY J. MANIEZ, Mayor

ATTEST:

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LANA R. McPHERSON, MMC  
City Clerk

APPROVED AS TO FORM:

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PATRICK G. REAVEY  
City Attorney