

CITY OF LEADVILLE, COLORADO
Ordinance No. 4
Series of 2009

AN ORDINANCE AMENDING CHAPTER 6.04 OF THE CITY OF LEADVILLE MUNICIPAL CODE CONCERNING THE HARBORING OF CHICKENS.

WHEREAS, the City Council has the authority pursuant to C.R.S. § 31-15-401(1)(m) and its general police powers to regulate and control the keeping of animals within its municipal boundaries; and

WHEREAS, Chapter 6.04 of the Leadville Municipal Code addresses the regulation and control of animals within the city limits; and

WHEREAS, the City Council finds that it is appropriate to regulate the keeping of chickens within the City to avoid attracting wildlife that may be dangerous to other animals and inhabitants of the city; and

WHEREAS, the City Council wishes to amend provisions within Chapter 6.04 of the Leadville Municipal Code to address the harboring of chickens within the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:

Section 1. The definitions in Section 6.04.010 of Chapter 6.04 of the Leadville Municipal Code are hereby amended to add a definition for the term “bear incident” as follows:

“Bear incident” means an occurrence within the City involving maiming or death of one or more chickens or significant damage to a chicken coop or enclosure by a bear.

Section 2. The definition of “Livestock” in Section 6.04.010 of Chapter 6.04 of the Leadville Municipal Code is hereby amended to delete the word “chickens.”

Section 3. The definition of “Fowl” in Section 6.04.010 of Chapter 6.04 of the Leadville Municipal Code is hereby amended to read as follows:

“Fowl” means any birds other than chickens and domesticated birds such as parakeets and parrots, including, but not limited to ducks, geese, turkeys, pheasant and pigeons.

Section 4. Section 6.04.020 of Chapter 6.04 of the Leadville Municipal Code is hereby amended to read as follows in its entirety:

- A. It is unlawful for any person, owner, or keeper to harbor livestock or fowl within the city without approval and written authorization of the city council.
- B. It is unlawful for any person, owner, or keeper to harbor chickens within the city without an approved conditional use permit issued by city council in accordance with Chapter 17.52 of this Code.
- C. Any conditional use permit to allow the keeping or harboring of chickens shall be issued only upon compliance with the following criteria and restrictions:
 - Application for a conditional use permit hereunder must be made by or approved by the owner of the real property upon which the chickens will be kept or harbored.
 - The conditional use permit shall be revoked after three (3) substantiated complaints are received by the City.
 - The permittee must adhere to all federal and state laws and regulations concerning all avian diseases.

Section 5. Subsection (A) of Section 6.04.030 of the Leadville Municipal Code is hereby amended to read as follows:

- A. Unless authority has been granted in accordance with section 6.04.020, it is unlawful for any person to house or maintain any cattle, horses, mules, burros, sheep, goats, hogs, rabbits,

chickens, or other livestock or fowl within the city, and the housing thereof is also declared to be a nuisance; provided, however, that burros may be housed within the city during the three weeks before and one week after the annual burro race.

Section 6. Prior Ordinances Remain in Effect. Except as specifically amended hereby, the Leadville Municipal Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 7. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Leadville and the inhabitants thereof.

Section 8. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 9. Effective Date. This Ordinance shall take effect and be in full force thirty (30) days following final adoption and publication pursuant to Section 31-16-105, C.R.S.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED IN FULL on first reading this 21st day of July, 2009.

Bud Elliott, Mayor

ATTEST:

Joseph Swyers, City Clerk

PUBLISHED in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 30th day of July, 2009.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED IN FULL this 1st day of September, 2009.

CITY OF LEADVILLE, COLORADO

Bud Elliott, Mayor

ATTEST:

Joseph Swyers, City Clerk

PUBLISHED by title only in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the ____ day of _____, 2009.