

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 681

AN ORDINANCE AMENDING CHAPTER 6.08 OF THE TOWN OF OAK CREEK MUNICIPAL CODE CONCERNING THE HARBORING OF CHICKENS

WHEREAS, the Town Board 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 6.08 of the Oak Creek Municipal Code addresses the regulation and control of animals within the city limits; and

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

WHEREAS, the Town Board wishes to amend provisions within Chapter 6.08 of the Oak Creek Municipal Code to address the harboring of chickens within the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF OAK CREEK, COLORADO:

Section 1. The definitions in Section 6.08.020 of Chapter 6.08 of the Oak Creek Municipal Code are hereby amended as follows:

Section 2. The definition of “Poultry” in Section 6.08.010 (C) of Chapter 6.08 of the Oak Creek Municipal Code is hereby amended to read as follows:

“Poultry” 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 3. Section 6.08.020 of Chapter 6.08 of the Oak Creek 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 Town Board.
- B. It is unlawful for any person, owner, or keeper to harbor chickens within the city without an approved conditional use permit issued by Town Board.
- 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 in writing by the owner of the real property upon which the chickens will be kept or harbored;
- The principal use of the person’s property must be for a single family dwelling or a two family dwelling;
- The conditional use permit shall be applied for annually and shall require an initial fee of \$50.00 and an annual renewal application fee of \$25.00;

- The initial issuance of and annual renewal of the conditional use permit shall be conducted as a public hearing in front of the Town Board for approval;
- The conditional use permit shall be revoked after two (2) substantiated complaints are received by the Town;
- The number of hens allowed shall not exceed 4;
- No Roosters, breeding, selling or trading of offspring will be permitted;
- The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times;
- Must consider the likelihood of predators when choosing building materials;
- Building materials must be complimentary to existing structures;
- Must maintain all setbacks and easements required by the Town;
- Must maintain rodent proof metal food storage containers;
- Must maintain proper disposal of all waste to discourage predators, rodents and insects;
- Must maintain proper storage of fertilizer to discourage predators, rodents and insects;
- A person shall keep hens in the backyard or side yard only;
- Four to five square feet of coop space per bird and 100 square feet of run are required;
- A clean living environment is required;
- Noise, odor and visual nuisance are prohibited;
- Free roaming chickens at large are prohibited;
- No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer;
- The applicant shall be responsible for any occurrence involving maiming or death of one or more chickens or significant damage to a chicken coop or enclosure by a bear, skunk, fox, coyote, raccoon, dog, or any other predator;
- The permittee must adhere to all federal and state laws and regulations concerning all avian diseases.

Section 4. Prior Ordinances Remain in Effect. Except as specifically amended hereby, the Oak Creek Municipal Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. Safety Clause. The Town Board 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 Town of Oak Creek and the inhabitants thereof.

Section 6. 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 7. 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 14th day of January, 2010.

J. Elliott, Mayor

ATTEST:

Karen Halterman, Town Clerk