

PALMER LAKE, COLORADO

ORDINANCE NO. 3 OF 2016

AN ORDINANCE AMENDING THE TOWN OF PALMER LAKE, COLORADO CODE OF ORDINANCES TO ADD CHAPTER 7.09, DOMESTICATED POULTRY AND FOWL (CHICKENS AND DUCKS) AS PETS.

WHEREAS, THE TOWN OF PALMER LAKE HAS DETERMINED IT TO BE REASONABLE AND NECESSARY TO AMEND THE MUNICIPAL CODE REGARDING ANIMALS; AND

WHEREAS, SUCH AMENDMENTS ARE IN THE BEST INTEREST OF THE CITIZENS OF THE TOWN OF PALMER LAKE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1: It shall be lawful to keep poultry flocks of any size in R-A (Rural Agricultural) zone district of the town, so long as they are confined.

Section 2: It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the town in all other zones, except R-A.

Section 3: the Palmer Lake Code of Ordinances shall be amended as follows:

CHAPTER 7.09

DOMESTICATED POULTRY & FOWL (CHICKENS & DUCKS) as PETS

Sections:

7.09.010	Definitions
7.09.020	Loose birds (running at large) Unlawful
7.09.090	Unlawful Disturbance
7.09.100	Licensing Required
7.09.110	Maximum Number of Birds (Chickens & Ducks)
7.09.115	Personal Use Only
7.09.120	Chicken Coop and Run Requirements
7.09.125	License Fees
7.09.130	Penalty for Violations

No chickens shall be kept within town limits on or after March 1, 2016 except according to the

following restrictions and conditions:

7.09.010 Definitions

- (A) "Chicken" is an accepted animal or bird that is in the poultry family and would stand approximately 18" or less high and is approximately 18" or less long (beak to tail).
"Duck" is a waterfowl bird that is about 12-15" tall and 12-15" long (beak to tail).
"Birds" refers only to a duck or a chicken which is kept outside;
- (B) "Chicken" or "Duck" as used herein refers to female birds only;
- (C) "Owner" means any person, persons, firm, association, club, partnership, society, corporation, or other organization, owning, keeping, or harboring a chicken, duck, chickens, or ducks;
- (D) "Enforcement Officer" means the person, persons, firm, agency, society, or other organization employed by the Town to carry out and to enforce the provisions of this Chapter.

7.09.020 Loose birds or running at large: a bird will be deemed to be running at large when said bird is off the property of the owner other than within a vehicle. Allowing birds to be loose outside of the Owner's property is unlawful.

7.09.090 Unlawful Disturbance: It is unlawful for the owner of any bird(s) to permit such bird(s) which by loud and persistent noise or odor to disturb any person or neighborhood. If such unlawful disturbances occur, the Enforcement Officer will issue a verbal warning to the owner or keeper of such bird(s). If such unlawful disturbance continues, a written citation shall be issued and a fine as set forth in Section 7.09.130 shall be imposed.

7.08.100 Licensing Required: It is unlawful to own, keep, or to harbor a bird or birds (chickens & ducks) within the Town of Palmer Lake unless the same are licensed, from year to year, as provided by this chapter. The Clerk of the Town of Palmer Lake shall issue the license: Upon application stating the name and address of the owner and number of and the type of bird(s) being licensed. The birds shall be inoculated as required by the State of Colorado. No license issued hereunder shall be transferrable. This license shall expire at the end of each calendar year and the Owner is required to renew the license no later than April 30 of the following calendar year.

7.09.110 Maximum Number of Birds (Chickens & Ducks):

- A) The total number of birds on any property within any residential district, regardless of the number of residences located the property, shall not exceed six (6) female chickens (hens) and/or female Ducks of any age at any time.

7.09.115 Personal Use Only:

- A) Chickens and Ducks kept in residential areas under this code section shall be kept for personal use only. No individual shall sell eggs, engage in chicken breeding or fertilizer production, slaughter chickens for commercial purposes, keep male chickens for any purpose within Town limits, or raise chickens or other fowl for fighting purposes.

7.09.120 Chicken Coop and Run Requirements:

Any person keeping chickens within the Town shall install and maintain a Chicken Coop (meaning an enclosed facility for housing female chickens) and Run (meaning an enclosed and secured facility within which chicken hens are able to move around outside of a Chicken Coop) in accordance with the following requirements:

(1) The Chicken Coop shall be located so it has the least amount of impact to adjacent dwellings and properties at a location at least six (6) feet from all property lines and fifteen (15) feet from any residential structure on adjacent properties, provided that no setback shall be required from adjacent Town-owned properties or street rights-of-way. All Chicken Coops shall be built of uniform materials. Any heat source for the Chicken Coop shall be located at least ten (10) feet from any combustible fence or structure, and must be a listed device and installed the manufacturer's instructions.

(2) The footprint of any Chicken Coop shall not exceed 120 square feet, the maximum height shall be no greater than (8) feet.

(3) Chicken Coops and Runs shall be enclosed with wire or other material to contain the chickens and prevent wildlife or domestic animal intrusion.

(4) Chicken feed shall be kept secure from rodents and other wildlife. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors, with particular attention given to not attract bears.

(5) Chicken Coops and Runs shall be kept clean to prevent odors.

(6) Any fencing surrounding a Chicken Coop shall be buried at least one foot below grade to prevent predator intrusion.

7.09.125 License Fees:

1. For up to 6 birds being licensed (#Ducks + #Chickens are \leq {less than or equal to} 6) the fee is \$21.00 twenty-one dollars.

7.09.130 Penalty for Violations: Violations of this chapter, or any part thereof, shall be punished according to Chapter 1.16 of this code provided however:

1. Conviction of Section 7.09.090 the unlawful disturbance ordinance, shall subject any person convicted of the violation thereof a minimum of thirty dollars (\$30.00) for the first offense, sixty dollars (\$60.00) for the second offense; and ninety dollars (\$90.00) for the third offense.
2. Conviction of failure to have a license to own birds pursuant to Section 7.09.100 of this Chapter shall subject any person convicted of violation of that provision to a minimum

fine of thirty dollars (\$30.00) for the first offense; sixty dollars (\$60.00) for the second offense; and ninety dollars (\$90.00) for the third offense.

Section 4: Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have 90 days from the effective date to come into compliance with this ordinance.

Section 5. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 6. Publication and Effective Date. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted. This Ordinance shall become effective thirty (30) days after the date of publication.

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS 31st DAY OF March, 2016 BY A VOTE OF 7 FOR AND 0 AGAINST.

<p><u>on file</u> NIKKI McDONALD, MAYOR</p> <p>ATTEST:</p> <p><u>Tara Berreth</u> TARA BERRETH, TOWN CLERK</p>	<p>Approved as to Form:</p> <p><u>on file</u> MAUREEN JURAN, TOWN ATTORNEY</p>
------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------