ORDINANCE NO. 848

AN ORDINANCE AMENDING SECTION 6.12.010 OF THE FIRESTONE MUNICIPAL CODE AND ADDING A NEW CHAPTER 6.14 AND A NEW SECTION 17.28.070 TO THE FIRESTONE MUNICIPAL CODE TO PERMIT THE KEEPING OF BACKYARD CHICKEN HENS WITHIN CERTAIN AREAS OF THE TOWN, AND ADOPTING RELATED REGULATONS

WHEREAS, the Board of Trustees has previously adopted an ordinance codified at Section 6.12.010 of the Firestone Municipal Code making it unlawful for any person to maintain or keep any chickens within the Town; and

WHEREAS, the Board of Trustees desires to amend the Code to allow backyard chicken hens to be kept in chicken coops on single-family residential parcels subject to permitting and compliance with specific regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Section 6.12.010 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

6.12.010 Prohibited animals.

It is unlawful for any person to maintain or keep any cattle, sheep, goats, hogs, rabbits, chickens, roosters, ducks, geese, horses or other livestock, wildlife or fowl within the town. The keeping of such animals within the town is declared to be a nuisance. Notwithstanding the foregoing, backyard chicken hens may be kept on single-family residential parcels within areas zoned R-1, R-2, R-5, PUD R-A or PUD R-B, subject to permitting and to compliance with the regulations set forth in chapter 6.14 of this code, and other applicable town requirements.

Section 2. Title 6 of the Firestone Municipal Code is hereby amended by the addition of a new Chapter 6.14 to read as follows:

Chapter 6.14

Backyard Chicken Hens

Sections:

6.14.010 Keeping of backyard chicken hens.
6.14.020 Permit required.
6.14.030 Violations.

6.14.010 Keeping of Backyard Chicken Hens.

A. Backyard chickens hens may be kept only on single-family residential parcels within areas zoned R-1, R-2, R-5, PUD R-A or PUD R-B, subject to permitting and compliance with all of the following requirements:

1. No more than four chicken hens are permitted per parcel. Male chickens (or roosters) are not permitted. For purposes of this chapter, a single-family residential parcel is a lot or tract of land having as its sole primary use one detached single-family dwelling or one mobile home or one manufactured home.

2. Backyard chicken hen are required to be contained within a coop and fenced run that shall meet all of the following requirements:

   a. The chicken hen facilities shall include a coop and run that are fully enclosed and adequately designed and constructed to prevent escape of chicken hens and entry by predators.

   b. Coops shall be constructed with a solid top.

   c. Chicken hen facilities shall provide access to adequate and fresh water at all times in a manner to prevent the water from freezing.

   d. The chicken hen facilities, including coop space and run, shall be limited to a maximum of 60 square feet.

   e. The chicken hen facilities shall provide at least four square feet of space per chicken hen.

   f. Coops shall be no taller than seven feet at the highest point of the roof.

   g. Chicken hen facilities shall be located in the rear or backyard of the parcel. Chicken hen facilities shall not be located between the rear of the structure and the front yard lot line. Chicken hens shall be kept within the chicken hen facilities and are not permitted within any other portions of a parcel.

   h. Chicken hen facilities shall be at least six feet from any other structure and at least six feet from any side or rear property line.

3. All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties. Odors associated with the chicken coop shall be contained within the owner's property boundary.

4. All waste materials shall be properly disposed of and not allowed to accumulate on the property.

5. Chicken feed must be stored in a resealable, airtight, metal, ratproof container to discourage attracting mice, rats, and other vermin.

6. Slaughtering of chicken hens is prohibited.

7. Dead animal carcasses shall be properly disposed of within 24 hours.

8. At such time chicken hens are no longer kept upon the parcel, all chicken facilities shall be removed within thirty (30) days and the permit shall be returned to the Town.

9. The chicken hens must be protected from predators by being closed in the chicken coop from dusk to dawn.

10. The chicken hens must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

11. The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. Nothing in this chapter shall affect the authority of any owner's association to adopt and enforce more stringent standards for the keeping of chicken hens, or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such association.

12. The keeping of backyard chicken hens shall be prohibited in any mobile home park as defined in chapter 17.48 of this code.

13. The keeping of backyard chicken hens shall only be permitted on a single-family residential parcel that is enclosed by a privacy fence on at least three sides of the parcel. For the purposes of this section, "privacy fence" shall mean a continuous, solid fence used to prevent view across the fence line.

6.14.020 Permit required.

Any person keeping chicken hens pursuant to this chapter must first have been issued a permit by the town, the application for which shall be made available by the Town Clerk. The application shall include a plan or drawing showing the proposed locations of all chicken hen facilities to be located upon the parcel for which the permit is requested, which plan or drawing shall include details demonstrating the applicant's proposed manner of compliance with the

requirements of this chapter. The Town Clerk shall assess an application fee of thirty dollars ($30.00) for each application received under this chapter.

6.14.030 Violations.

A. Any person who violates any provision of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person shall be a separate offense.

B. A permit issued pursuant to section 6.14.020 may be revoked by the Town Clerk upon the conviction of the permit holder of a violation of this chapter, or upon the permit holder's entry of a plea of guilty to a violation of this chapter.

C. Chicken hens and/or chicken hen facilities that are not kept or maintained in conformance with the requirements of this chapter shall be deemed a public nuisance and the owner or custodian shall be given thirty (30) days to rectify the conditions creating a public nuisance. If the owner or custodian has not rectified the conditions within 30 days of the date notice is provided, the Town may abate the nuisance as provided in chapter 8.18 of this code.

D. The Town shall have the authority to seize, impound and dispose of any chicken hens found at large within the Town's limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.

E. The remedies contained in this section are cumulative and are in addition to all other remedies available to the Town.

F. Town of Firestone peace officers and code enforcement officers or their designees shall have the right to inspect the chicken coop, fenced run area, and any property upon which chickens are kept when investigating complaints or compliance with this chapter.

Section 3. Chapter 17.28 of the Firestone Municipal Code is hereby amended by the addition of a new section 17.28.070 to read as follows:

17.28.070 Backyard Chicken Hens.

Backyard chicken hens may be kept as an accessory use on single-family residential parcels within areas zoned R-1, R-2, R-5, PUD R-A or PUD R-B, subject to permitting and to compliance with the regulations set forth in chapter 6.14 of this code, and other applicable town requirements. The keeping of backyard chicken hens shall be prohibited in any mobile home park as defined in chapter 17.48 of this code.

Section 4. The regulations set forth in this ordinance shall be subject to programmatic review no later than December 31, 2016, at which time the Board of Trustees may in its discretion choose to maintain, amend or repeal the regulations regarding the keeping of backyard chicken hens herein adopted.

Section 5. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. The repeal or modification of any provision of the Municipal Code of the Town of Firestone by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 23rd day of July, 2014.

TOWN OF FIRESTONE, COLORADO

Paul Sorensen
Mayor

FIRESTONE TOWN SEAL WELD COUNTY, COLORADO

Attest:

Carissa Medina
Town Clerk