

COUNCIL COMMUNICATION

Meeting Date: April 25, 2017	Agenda Item:	Agenda Location: Action Items	Work Plan # 320.2	Legal Review:	<input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: An ordinance enacting Section 6-53 of the Thornton City Code pertaining to backyard chickens; amending Section 6-1 pertaining to related definitions; and amending Section 6-36 regarding animals prohibited in the City.					
Recommended by: Jason O'Shea			Approved by: Jeff Coder		Ordinance previously introduced by: _____
Presenter(s): Robin Brown, Code Compliance Supervisor					

SYNOPSIS:

This ordinance amends Chapter 6 of the City Code to allow up to six backyard chickens to be kept on lots developed with single-family detached dwellings in the single-family detached, single-family attached, multifamily, and Eastlake residential zoning districts. This allowance is in addition to the existing allowance for chickens in the agricultural, residential estate, and preservation/revitalization zoning districts. No permit is required. The ordinance contains specific shelter, care, and maintenance requirements for chickens.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the ordinance as drafted.

BUDGET/STAFF IMPLICATIONS:

Approval of the ordinance to allow backyard chickens could lead to increased Animal Control calls for service. In addition, the Adams County Animal Shelter charges \$70 for each impounded chicken. Based on an estimate of ten chickens per year, the annual budgetary impact is estimated at \$700.

ALTERNATIVES:

1. Approve the ordinance as drafted.
2. Approve the ordinance with changes directed by Council.
3. Do not approve the ordinance.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):

At the Planning Sessions on March 21 and April 18, 2017, Council directed staff to prepare an ordinance that would allow backyard chickens in Thornton.

This ordinance includes requirements related to the shelter, care and maintenance for chickens, which are summarized below:

1. Chickens are allowed on lots developed with single-family detached homes in the single-family detached, single-family attached, multifamily, and Eastlake residential zoning districts. Chickens are also allowed in the agricultural, residential estate, and preservation/revitalization districts in accordance with the current City Code requirements.

2. Six chickens are allowed on lots developed with a single-family detached dwelling. Chickens are not allowed on lots developed with attached dwellings, such as townhomes, apartments/condominiums, or paired homes (duplexes).
3. Only chicken hens (female chickens) are allowed. Roosters (male chickens) are prohibited.
4. Chickens must be kept in the backyard only, and a chicken coop must be provided. The yard must be fenced so that the chickens cannot leave the property.
5. Chicken coops cannot exceed 120 square feet or seven feet in height, and must be fully enclosed to protect the chickens from predators.
6. A minimum of six square feet of space per chicken must be provided in the coop.
7. Chickens may roam the yard from dawn until dusk, but must be kept in the coop at night.
8. Water must be provided at all times.
9. Regular cleaning and removal of excrement is required.
10. Chicken feed and waste must be stored in a manner to discourage attracting pests and predators.
11. On-site butchering or slaughtering is prohibited.

Allowances for chickens vary in the metro Denver area:

	Number of Chickens Allowed	Permit Required?
Arvada	Up to 15 animals total	No
Aurora	6	Yes
Boulder	No limit	No
Brighton	6	No
Commerce City	None	N/A
Denver	8	Yes
Federal Heights	None	N/A
Fort Collins	8	Yes
Lafayette	6	Yes
Longmont	4	Yes
Northglenn	6	Yes
Westminster	6	Yes

The City Code currently allows chickens to be kept in the following zoning districts:

- Agricultural district, when associated with an agricultural land use;
- Residential estate district, which allows no more than a combined total of ten rabbits, ducks and/or chickens per lot; and
- Preservation/revitalization (P/R) district, if kept in cages or other protective shelters. There is no land currently designated as P/R in Thornton.

INTRODUCED BY: _____

AN ORDINANCE ENACTING SECTION 6-53 OF THE THORNTON CITY CODE PERTAINING TO BACKYARD CHICKENS; AMENDING SECTION 6-1 PERTAINING TO RELATED DEFINITIONS; AND AMENDING SECTION 6-36 REGARDING ANIMALS PROHIBITED IN THE CITY.

WHEREAS, Chapter 6 of the City Code regulates animals in the City; and

WHEREAS, the City desires to allow backyard chickens in certain zoning districts on lots developed with single-family detached dwellings; and

WHEREAS, with limited specific exceptions, the keeping of chickens in the City is currently prohibited; and

WHEREAS, reasonable limitations and requirements for keeping backyard chickens are appropriate to ensure the normal use and enjoyment of any public or private property; and

WHEREAS, the City finds these Code amendments are necessary to promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Section 6-1 of the Thornton City Code is hereby amended by the addition of the words double-underlined to read as follows:

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Backyard means the area located behind the rear plane of a residential dwelling extending to the side and rear property lines of the lot.

Backyard chicken(s) means any female breed of chicken for raising and keeping in the backyard area of approved residential uses. The term does not include any poultry such as ducks, quail, geese, pigeons, and/or turkeys.

Chicken coop means any structure or enclosure built or used specifically for the shelter of backyard chickens.

Chicken run means a fenced area providing a roaming area for backyard chickens.

2. Section 6-36 of the Thornton City Code is hereby amended by the addition of the words double-underlined to read as follows:

Sec. 6-36. Animals prohibited in the city.

- (a) *Generally.* It shall be unlawful to keep or maintain any horse, mule, sheep, cattle, swine, goat or other livestock, rodent, chicken, pigeon, turkey, peacock, goose or other fowl within the corporate limits of the city in residential zone districts, except that no more than two ducks may be kept or maintained on any one premises, and except that backyard chickens may be kept in compliance with Section 6-53. It shall be unlawful to keep or maintain more than three adult rabbits or more than five adult hamsters, gerbils or guinea pigs on any one premises within the city. It shall be unlawful to keep or maintain more than one domesticated Vietnamese potbellied pig, weighing less than 70 pounds, on any one premises within the city. This section shall not apply to animals maintained on the premises of a farming operation, a licensed commercial enterprise, a veterinarian hospital, a pet shop, or an educational facility.
- (b) *Additional conditions to prohibition.* In addition to the general prohibition of Subsection (a) of this section, the following requirements shall exist for the following zoning districts:
- (1) *Agricultural district.* Subsection (a) of this section shall not apply to animals maintained in an agricultural district when the uses are approved in compliance with Chapter 18.
 - (2) *Residential estate district.* No more than a combined total of ten rabbits, ducks and/or chickens shall be permitted to be kept per lot. No more than a combined total of three horses, cattle, goats, llamas, and sheep shall be kept per acre of lot, with a maximum of four such animals permitted and subject to the following conditions:
 - a. All manure shall be disposed of promptly so as not to constitute a health or odor problem or other condition of public nuisance; and
 - b. All livestock shall be kept within a fenced area.
 - (3) *Preservation/revitalization district.* Nondomestic animals shall be permitted in a preservation/revitalization district only if kept in cages or other protective shelters and if they do not pose a public threat or nuisance.

3. A new section, Section 6-53, of the Thornton City Code is hereby enacted to read as follows:

Section 6-53. Backyard chickens.

It shall be unlawful for any person to possess, harbor, keep, maintain, or permit backyard chickens in any area unless the following conditions and requirements are met:

- (1) Backyard chickens are permitted on lots developed with single-family detached dwellings in the single-family detached, single-family attached, multifamily, and Eastlake residential zoning districts. The requirements in this section shall not apply to chickens kept in accordance with Section 6-36(b) regarding agricultural, residential estate, and preservation/revitalization zoning districts.
- (2) No more than six backyard chickens are permitted per lot.
- (3) Only chicken hens (female chickens) are allowed. Roosters (male chickens) are prohibited.
- (4) Backyard chickens shall be maintained only in the backyard of the property, and a chicken coop shall be provided. The chicken coop shall meet the following requirements:
 - a. The chicken coop shall be located in the backyard. No part of the chicken coop shall be located in the side or front yard.
 - b. The chicken coop shall be setback a minimum of five feet from all side and rear property lines.
 - c. Only one chicken coop is allowed per backyard.
 - d. The chicken coop shall be fully enclosed, having a floor, walls, and roof sufficient to protect the chickens from predators.
 - e. The chicken coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures.
 - f. The chicken coop shall not exceed 120 square feet or seven feet in height.
 - g. A minimum of six square feet of space per chicken shall be provided in the chicken coop.
- (5) Water shall be provided onsite and shall be accessible to chickens at all times.
- (6) From dawn until dusk, chickens may be allowed to roam the entire backyard area or they may be confined to a chicken run. The backyard and/or the chicken run shall be adequately fenced such that the chicken cannot leave the property.
- (7) From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators.
- (8) Chicken coops and chicken runs shall be maintained and regularly cleaned to control dust, odor, and waste. Excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.
- (9) Electrical and heat sources shall comply with the City's building code.

- (10) On-site butchering or slaughtering is prohibited.
 - (11) Chicken feed shall be stored in a resealable, airtight, metal and pest-proof container to discourage attracting mice, rats, and other vermin.
 - (12) Chicken waste shall only be stored in resealable, airtight, and pest- and predator-proof container.
4. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.
 6. The repeal or amendment of any provision of the Code 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.
 7. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on _____, 2017.

PASSED AND ADOPTED on second and final reading on _____, 2017.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on _____, 2017,
and after second and final reading on _____, 2017.