

LOCAL GOVERNMENT

ORDINANCE NO. _____
SERIES OF _____

**AN ORDINANCE AMENDING THE _____ CODE BY ADDING
_____ CONCERNING THE KEEPING OF CHICKEN
HENS**

WHEREAS, the keeping of chicken hens is currently prohibited within the Local Government (the "Local Government"); and

WHEREAS, Council has been made aware that citizens have expressed interest in keeping chicken hens as pets; and

WHEREAS, pursuant to its home rule authority under Sec. 6 of Article XX of the Colorado Constitution and pursuant to Article 23 of Title 31, C.R.S., the Local Government possesses the authority to regulate the use of land and the keeping and harboring of animals within its jurisdiction; and

WHEREAS, in the interests of public health, safety and welfare, the Local Government desires to adopt regulations that are intended to allow citizens to keep and maintain chicken hens at single family residential houses as pets but not for the purpose of meat production; and

WHEREAS, pursuant to this authority, the Local Government previously adopted zoning regulations, as codified in Chapter _____ of the _____ Municipal Code ("Code"); and

WHEREAS, pursuant to its authority under its Charter at _____, the Local Government Planning and Zoning Commission considered the proposed changes to the Zoning Code as set forth herein and made a recommendation thereon to the Local Government Council; and

WHEREAS, the Council, after taking into consideration the recommendations of the Planning and Zoning Commission and all other information it deems prudent, now desires to adopt certain new provisions of Chapter _____ of the Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE LOCAL GOVERNMENT COUNCIL OF THE LOCAL GOVERNMENT OF EDGEWATER THAT:

Section 1. [Section or Subsection] _____, concerning prohibitions and exceptions thereto to the possession of certain types of animals within the Local Government, of _____ Municipal Code, concerning animals, shall be amended to read as follows:

Sec. _____ Certain animals prohibited.

(a) It is unlawful for any person, except for a duly licensed pet shop, circus or carnival, to own, keep, control, maintain, possess or harbor any of the following species of animal whatsoever, anywhere in the Local Government:

(1) Any poisonous or venomous biting or injection species of amphibian, arachnid, insect or reptile, including snakes;

...

(5) Roosters.

(b) The following animals shall be exceptions to Subsection (a) hereof:

(1) Domesticated dogs and cats.

...

(6) Vietnamese pot-bellied pigs weighing less than seventy (70) pounds.

(7) Chicken Hens.

Section 2. Chapter _____ of the Municipal Code, concerning zoning districts and district regulations, shall be amended by adding a new section 16-3-140, to read as follows:

Sec. _____ . Keeping of Chicken Hens.

As accessory to a single family residential use in the _____ zone districts, a maximum of four (4) chicken hens are permitted as pets, subject to the following standards:

(1) The chicken hens must be provided with a covered predator-resistant chicken house that is properly ventilated and designed to be easily accessed, cleaned and maintained. The chicken house must have a minimum of two (2) square feet of floor space per bird with an attached outdoor enclosure. The outdoor enclosure must have a minimum of ten (10) square feet per bird.

(2) Neither the chicken house nor the outdoor enclosure may be located less than ten (10) feet from any abutting property line.

(3) The chicken hens may not be killed by or at the direction of the owner or keeper thereof, except pursuant to lawful order of an appropriate state, county, or Local Government official, or for the purpose of euthanasia when surrendered to a licensed

veterinarian or animal shelter for such purpose, or as otherwise expressly permitted by law.

(4) Roosters prohibited. No person may own or keep a rooster in any zone district.

Section 3. Severability. 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 Local Government Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Safety Clause. The Local Government Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Local Government, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this ____ day of _____, 2010.

Mayor

ATTEST:

Local Government Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this ____ day of _____, 2010.

Mayor

ATTEST:

Local Government Clerk

APPROVED AS TO FORM:

Local Government Attorney