

CITY OF CORTEZ
ORDINANCE NO. 1175, SERIES 2013

**AN ORDINANCE OF THE CITY OF CORTEZ, COLORADO, AMENDING
THE CORTEZ MUNICIPAL CODE TO ALLOW FOR THE KEEPING OF
CHICKEN HENS WITHIN THE CITY LIMITS AND FOR THE
REGULATION AND ENFORCEMENT OF SAME**

WHEREAS, the City of Cortez currently allows for the keeping of fowl or poultry within City limits; and

WHEREAS, the Cortez City Council has determined that the keeping of fowl or poultry should be prohibited except that the keeping of chicken hens within the City limits if regulated and with proper enforcement by City staff is appropriate.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT:

SECTION 5-20 Cortez City Code Fowl or Poultry Prohibited. Is repealed in its entirety and replaced with:

SECTION 5-20 Cortez City Code Fowl or Poultry Prohibited, Exception

1. Definition: fowl or poultry shall include but is not limited to all chickens, ducks, geese, pigeons, guineas, bantams, and pinioned wild fowl.

It shall be unlawful for any person to keep any fowl or poultry within the City of Cortez, subject to the following exemption:

- (A) A maximum of six (6) chicken hens may be kept per premises of the owner or keeper. "Premises" shall be defined as all contiguous lands of the owner or keeper, including buildings thereon.
- (B) The chicken hens must at all times be kept within a fenced backyard area of the owner or keeper's premises, and shall also be provided with a secure predator-resistant enclosure or henhouse. Chicken hens shall be confined or caged when being transported.
- (C) At all times chicken enclosures must be kept clean with no offensive odors, excessive dust or waste at all times.
- (D) Chicken enclosures must be set back at least ten feet (10') from the property line.
- (E) Roosters are prohibited.
- (F) The chicken enclosures shall not be kept in a manner which constitutes a nuisance, safety hazard or health problem.
- (G) The City may require a permit for the keeping of chickens.
- (H) The municipal judge is hereby authorized and directed to impose increased penalties for subsequent violations by the same owner or keeper (defendant) for

subsequent violations involving the same poultry and the municipal judge shall have the authority to issue warrants or other orders causing the abatement of any nuisance caused by poultry and after conviction for any violation of this section may enter such orders as appropriate to abate any nuisance caused by any poultry including its destruction or its removal from Town.

2. The penalty for violating any of the sections of this section shall be punished as set forth in section 17-16A Sentencing/Municipal Court.

3. In addition to other authority allowed by law, the Municipal Judge shall have authority to issue warrants causing the impoundment of any vicious animal or abatement of a nuisance, and following a conviction for any violation of this chapter, may enter such orders as appropriate to abate any nuisance caused by any animals, including vicious animals, including the destruction of the animal or its removal from the City.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after final passage.

PUBLIC HEARING. This ordinance shall be considered for second and final reading on the 12th day of March 2013, at the hour of 7:30 p.m., in City Council Chambers in City Hall, 210 East Main Street, Cortez, Colorado, at which time and place all persons interested may appear and be heard concerning the same.

PASSED AND APPROVED ON FIRST READING THIS 26TH DAY OF FEBRUARY 2013.

City of Cortez

Dan L. Porter, Mayor

CITY OF CORTEZ
ORDINANCE NO. 1175, SERIES 2013
CHICKEN HENS IN CITY LIMITS

Attest:

Linda L. Smith, City Clerk

PASSED, ADOPTED, AND APPROVED ON SECOND AND FINAL READING THIS
12TH DAY OF MARCH 2013.

City of Cortez

Dan L. Porter, Mayor

Attest:

Linda L. Smith, City Clerk

APPROVED AS TO FORM:

Michael F. Green, City Attorney