

ORDINANCE NO. 097, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING CERTAIN AMENDMENTS TO CHAPTER 4, ARTICLE II & III,
OF THE CODE OF THE CITY OF FORT COLLINS RELATED TO
THE CARE AND KEEPING OF ANIMALS

WHEREAS, in 2011, the City Council adopted the City Plan "Safety and Wellness Vision," which contains numerous policies supporting local food production, including Principle SW3, which directs staff to encourage and support local food production to improve the availability and accessibility of healthy foods, and to provide other educational, economic, and social benefits; and

WHEREAS, in 1989, the City Council adopted Ordinance No. 72, 1989, which allowed for the keeping of bees for the production of honey; and

WHEREAS, in 2008, the City Council adopted Ordinance No. 72, 2008, which allows for the raising of up to six chickens per lot for food production, while ensuring that chickens are raised in humane conditions in the City and do not present a nuisance to their neighbors; and

WHEREAS, City staff has conducted citizen outreach regarding potential urban agriculture land use changes, and throughout that process has been asked by numerous citizens to examine the current provisions of the City Code pertaining to the keeping of animals and bees in the City; and

WHEREAS, staff has also worked with the Larimer County Humane Society to assess whether allowing chickens to be kept in the City has created a nuisance in the community, and has found that, although there have been 153 permits issued for the keeping of chickens, there has only been the issuance of one citation; and

WHEREAS, staff has researched other communities and found that they allow for a wider range of animals to be raised in urban environments, including ducks and miniature goats; and

WHEREAS, staff has conducted citizen outreach and has learned that many City residents favor allowing ducks and miniature goats and an increased number of chickens in the City; and

WHEREAS, staff has also found through their research that other communities have updated their regulations related to beekeeping to reflect the current best practices in the industry; and

WHEREAS, in view of this outreach, staff is recommending several amendments to Chapter 4 of the City Code; and

WHEREAS, the City Council believes that these recommended amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 4-1 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition of "*Q fever*" which reads in its entirety as follows:

Q fever shall mean an acute, influenzalike disease caused by the rickettsia *Coxiella burnetii* that is transmissible to humans by contact with infected cattle, sheep, and goats.

Section 2. That Section 4-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-117. Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.

(a) Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than six (6) to a single purchaser.

(b) In those zone districts where the keeping of farm animals (as that term is defined in Section 5.1.2 of the Land Use Code) is not otherwise allowed, the keeping of chickens and/or ducks (poultry) shall be permitted subject to the following requirements and subject to all other applicable provisions of this Chapter.

(1) Any person keeping poultry pursuant to this provisions must first have been issued a permit by the Humane Society and have received such information or training pertaining to the keeping of poultry as said agency deems appropriate;

(2) The keeping of roosters or drakes (male ducks) is prohibited; only chicken or duck hens shall be permitted, and all references herein to poultry shall mean chicken or duck hens only.

(3) Poultry may be kept in the following numbers:

a. On lots less than one-half (½) acre in size, up to eight (8) chickens and/or ducks may be kept; and

b. On lots one-half (1/2) acre to one (1) acre in size, up to a total of twelve (12) chickens and/or ducks may be kept; and

c. On lots more than one (1) acre in size, up to six (6) additional chickens and/or ducks may be kept for every additional one-half (1/2) acre; provided, however, that if more than twelve (12) chickens and/or ducks, combined, are to be kept, all property owners abutting the parcel where the poultry will be housed must be

notified in writing prior to obtaining a permit for said number of poultry.

- (4) If a lot has more than one (1) dwelling unit, all adult residents and the owner(s) of the lot must consent in writing to allowing the poultry on the property;
- (5) Any person keeping poultry pursuant to this provision must first have been issued a permit by the Humane Society and have received such information or training pertaining to the keeping of poultry as said agency deems appropriate. Prior to the issuance of said permit, a site inspection shall be conducted by the Humane Society to verify compliance with the requirements of this subsection;
- (6) The poultry must be provided with a covered, predator-resistant poultry house that is properly ventilated, designed to be easily accessed, cleaned and maintained, and must consist of at least four (4) square feet per chicken hen or duck;
- (7) During daylight hours, the poultry must have access to the poultry house and also have access to an outdoor enclosure that is adequately fenced to protect them from predators;
- (8) The poultry must be further protected from predators by being closed in the poultry house from dusk to dawn;
- (9) Neither the poultry house nor the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the poultry obtains the written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located, in which event the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties;
- (10) The poultry must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement; and
- (11) The poultry may not be killed by or at the direction of the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

Section 3. That Chapter 4 of the Code of the City of Fort Collins is hereby amended by adding a new Section 4-121 which reads in its entirety as follows:

Sec. 4-121. Keeping of goats.

(a) In zone districts where the keeping of farm animals is not otherwise allowed, two (2) pygmy or dwarf goats, plus any number of their offspring younger than twelve (12) weeks, may be kept on any lot in the City. The keeping of just one (1) pygmy or dwarf goat is prohibited. Only female or altered male Nigerian Dwarf or African Pygmy breeds of goats shall be permitted. No bucks or other breeds shall be allowed.

(b) Except as prohibited in subsection (a), goats may be kept subject to the following requirements:

(1) Any person keeping goats pursuant to this provision must first have been issued a permit by the Humane Society, and must also have received such information or training pertaining to the keeping of goats as said agency deems appropriate, including, but not limited to, training on animal husbandry, care, disease prevention and management, and methods to minimize the risks of exposure to Q fever during the goat birthing process. Prior to the issuance of said permit, a site inspection shall be conducted by the Humane Society to verify compliance with the requirements of this subsection.

(2) If a lot has more than one (1) dwelling unit, all adult residents and the owner(s) of the parcel must consent in writing to allowing the goats on the property.

(3) On any residential zoned lot, the goats must be maintained in the rear fifty (50) percent of the lot. On any residential zoned corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.

(4) The goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained.

(5) During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced to protect them from predators, which shall be in total at least one hundred fifty (150) square feet per goat in size.

(6) The goats must be closed in the shelter from dusk to dawn.

(7) Neither the shelter nor the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the goats obtains the written consent of the owner(s) of all

abutting properties to which the enclosure is proposed to be more closely located, in which event the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties.

(8) The goats may not be killed by or at the direction of the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

(9) Any person who owns or keeps goats over twelve (12) weeks of age shall have such goats vaccinated against rabies when the goats become twelve (12) weeks of age, and shall continue to have the goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

Section 4. That Section 4-228 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-228. Hives.

All bee colonies shall be kept in hives with movable combs, which shall be kept in sound and usable condition.

Section 5. That Section 4-233(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-233. Colony densities.

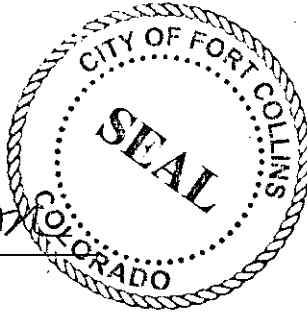
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(b) For each two (2) colonies authorized under colony densities, Subsection (a) above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9 5/8) inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within sixty (60) days after the date it is acquired.

Section 6. After the passage of two years from the effective date of this Ordinance, the City Manager shall review the merits and impacts of this Ordinance and submit a written report regarding the same to the City Council.

Introduced, considered favorably on first reading, and ordered published this 2nd day of July, A.D. 2013, and to be presented for final passage on the 16th day of July, A.D. 2013.

ATTEST:

Wanda Nelson
City Clerk



Kevin Weickert
Mayor

Passed and adopted on final reading on the 16th day of July, A.D. 2013.

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