

ORDINANCE 20-02

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE I OF THE ELIZABETH MUNICIPAL CODE CONCERNING HORSE AND LIVESTOCK REGISTRATION AND THE REGULATION OF THE KEEPING OF CHICKENS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-1-210 of the Elizabeth Municipal Code is hereby amended to read as follows:

* * *

(c) Horses or livestock located within all Residential and PD Zoning Districts, unless defined as allowed, existing on property as of March 9, 2010, shall be deemed a legal nonconforming use until such time as the property transfers ownership. Notwithstanding the lot size limitations set forth in Section 16-1-45(b) of this Code, property owners that have horses deemed a legal nonconforming use based on this subsection (c) shall be authorized to keep the number of horses existing as of March 9, 2010, and may replace a deceased horse to assure that two (2) horses are kept during such time the use is a legal nonconforming use. Property owners with nonconforming horses or livestock shall file a disclosure with the Town. Miniature horses that have been individually trained to do work or perform tasks for people with disabilities shall be exempted from the provisions of this Section.

Section 2. Section 16-1-215, subsections (e) and (h) of the Elizabeth Municipal Code are hereby amended to read as follows:

Section 16-1-215. Backyard Chickens

* * *

(e) **Maximum Numbers.** No more than twelve (12) chickens are permitted per parcel.

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(h) **Coop Size and Placement.** Chicken hen coops must adhere to the following size and placement regulations:

- (1) Chicken Coop Size. Must not exceed two hundred and forty (240) square feet, and must provide at least four (4) square feet of space per bird.
- (2) Chicken Coop Height. Must not exceed six (6) feet in height.

(3) Chicken Coop Placement. Must be placed five (5) feet from property fence line and twenty (20) feet from residence or primary structure on adjacent property. Coops must reside in the rear yard of the premises.

Section 3. 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 enforceability 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.

Section 4. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2020.

Passed by a vote of _____ for and _____ against and ordered published.

Megan Vasquez, Mayor

ATTEST

Michelle M. Oeser, Town Clerk