

**ORDINANCE NO. 1233**

**AN ORDINANCE OF THE CITY OF LAMAR, COLORADO CONCERNING  
THE KEEPING OF HEN CHICKENS WITHIN THE CITY LIMITS**

**WHEREAS**, the City of Lamar is located in a rural county with agricultural organizations for young people related to farm animal raising; and

**WHEREAS**, the City of Lamar wishes to promote such activities by allowing the raising of up to ten (10) Hen Chickens in residential, open estate and agricultural areas of the City of Lamar to promote these activities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMAR THAT:**

**Sec. 4-93, Article 1    Keeping Hen Chickens.**

(a)     The keeping of hen chickens as livestock animals is allowed as a special exception use in the zone districts identified in Chapter 30 of this Code, as R-1, R-2, and R-3, and a use by right in zone districts A-1, E-A and O-E of the zoning code.

(b)     As used in this Section, “hen chickens” is defined to mean a female chicken(s).

(c)     *Permitting.* Any person seeking to keep hen chickens shall obtain a special exception use permit and pay an initial annual fee imposed by the City for the keeping of hen chickens in the amount of \$50.00 with a \$25.00 consecutive year fee. This special exception use for keeping hen chickens shall not follow the procedures set forth in Chapter 30 of the Lamar Municipal code for special exceptions, in regard to holding a hearing before the Board of Adjustments and Appeals and/or the City Council. After onsite investigation of the premises, the City Animal Control personnel may issue the special exception permit to keep hen chickens in compliance with this Code Section.

(d)     *One operation per city lot or lots only.* The keeping of hen chickens may only be permitted for ten hen chickens per city lot or multiple adjoining lots under the same ownership. Properties containing more than one family dwelling or dwelling unit are     not permitted to have hen chickens on the premises.

(e)     *Renters of property.* Persons occupying rental property must present the written permission of the landlord to obtain a permit to keep hen chickens under this Code.

(f)     *Standards.* Hen chickens must be kept in accordance with the following standards:

(1)     Hen chickens may only be kept in a covered, predator-resistant chicken house constructed of materials complementary to existing structures on the lot.

(2)     The chicken house must be properly ventilated and designed for easy access, cleaning and maintenance.

(3)     The chicken house must have an attached outdoor enclosure area (chicken run) which, together with the chicken house, must provide a minimum of four (4) square feet per hen chicken. The combined total area of the chicken house and chicken run shall not exceed two hundred (200) square feet.

(4)     The chicken house shall be a maximum of six (6) feet tall, measured to the highest point of the structure, and otherwise comply with all accessory building requirements set forth in this Code.

(5)     Neither the chicken house nor chicken run shall be located less than five (5) feet from any property line.

(6)     The chicken house and chicken run must be regularly maintained in a manner to control dust, odor and waste and to prevent such areas from constituting a public nuisance or health hazard.

(7)     Feed for hen chickens must be secured from wildlife, pets and other animals.

(8) All manure and waste products resulting from the keeping of chickens shall be composted or regularly collected and kept in tightly covered predator-, rodent- and insect-resistant receptacles and disposed of at least once a week.

(g) *Prohibitions.* The following are expressly prohibited:

- (1) Keeping a rooster or other type of fowl other than a hen chicken;
- (2) Keeping more than ten (10) hen chickens at any residential property;
- (3) Keeping hen chickens inside any building or structure other than a chicken house;
- (4) Keeping hen chickens as a home occupation or other commercial purpose;
- (5) Breeding, selling or trading hen chickens and their offspring as a commercial enterprise; and
- (6) Slaughtering hen chickens in public view.

(h) *Revocation.* The right to keep hen chickens pursuant to this section may be revoked or suspended for any violation of the terms and provisions of this section or for any failure to adhere to any special review use permit conditions imposed by the City.

**Section 6: Violations.** If any provision of this Section 4-93 is violated by any person or entity, conviction for said violations shall subject the violator to the penalties set forth in Section I-21 of this Code for each day that the violations continue. Said penalties shall not preclude the City from seeking other remedies at law.

**Section 7: Severability.** If any section, provision or part of this Ordinance is for any reason held to be unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the legislative intent that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included therein. It is further declared that if any section, provision or part of the Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance and the application thereof to other persons shall not be affected thereby.

**Section 8: Effective Date.** This Ordinance shall become effective thirty (30) days after adoption thereof.

**INTRODUCED, READ IN FULL, AND PASSED** on first reading and ordered published this 23<sup>rd</sup> day of September, 2019, in accordance with the City Charter.

**Public hearing set for the 14<sup>th</sup> day of October 2019 at 7:00 p.m.**

CITY OF LAMAR, COLORADO

ATTEST:

\_\_\_\_\_  
ROGER STAGNER, Mayor

\_\_\_\_\_  
LINDA WILLIAMS, City Clerk

**PASSED ON SECOND READING** and ordered published this 28<sup>th</sup> day of October, 2019 in accordance with the City Charter.

CITY OF LAMAR, COLORADO

ATTEST:

\_\_\_\_\_  
ROGER STAGNER, Mayor

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LINDA WILLIAMS, City Clerk

I, Linda Williams, City Clerk for the City of Lamar, Colorado do hereby certify that the above and foregoing Ordinance was introduced and read in full at a regular meeting of the City Council of the said City on the 14<sup>th</sup> day of October, 2019 and that it was thereafter on the 24<sup>th</sup> day of October, 2019 published in full in the Lamar Ledger and that on the 28<sup>th</sup> day of October, 2019, at a regular meeting of the City Council, it was passed and approved upon final reading and was thereafter on the 7<sup>th</sup> day of November, 2019 again published in the Lamar Ledger.

(SEAL)

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LINDA WILLIAMS – CITY CLERK