

COUNCIL BILL NO. 12-028
ORDINANCE NO. 4344

AN ORDINANCE AMENDING CHAPTER 14, ANIMALS, OF THE ARVADA CITY CODE
BY AMENDING VARIOUS PROVISIONS THEREOF

WHEREAS, the current Arvada Animal Management Ordinance was passed in 1998, and has rarely been revised since that time; and

WHEREAS, the City Council of the City of Arvada finds that certain revisions to the Animal Management Ordinance are necessary; and

WHEREAS, the City Council finds that certain definitions within the Ordinance are in need of revision; and

WHEREAS, the City Council finds that in light of the passage of an ordinance concerning the keeping of bees in Arvada, it is necessary to allow Arvada animal management officers the authority to enforce the bees ordinance; and

WHEREAS, the City Council finds that female chickens and turkeys may be maintained within populated areas in reasonable densities without causing a nuisance if the animals are properly located and carefully managed; and

WHEREAS, the keeping of female chickens and turkeys is consistent with the City's goal of encouraging certain agricultural activities, such as meat and egg production, in urban and suburban areas; and

WHEREAS, the City Council finds that it is necessary to provide regulations relating to the location of livestock and other animals in relation to dwellings to ensure that humans and animals may coexist with as few conflicts as possible; and

WHEREAS, the City Council finds that it is necessary to clarify the meaning of cruelty and neglect so as to give the public better notice of what acts constitute cruelty and what acts constitute neglect; and

WHEREAS, the City Council finds that animal trapping laws in Arvada are in need of clarification to ensure that animals are trapped, released, and euthanized in a humane manner; and

WHEREAS, passage of this ordinance is in the interest of the health, safety, and welfare of our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Section 14-3, Definitions, of Article I, In general, of Chapter 14, Animals, of the Arvada City Code is hereby amended by repealing the definition of “Neglect” and the definition of “Rabbits, poultry, and domestic fowl.” The definition of “Domestic fowl” shall remain unchanged.

Section 2. Subsection (a) of section 14-4, Powers and duties of animal management officers, of Article I, In general, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:

Sec. 14-4. Powers and duties of animal management officers.

- (a) Animal management officers shall have the power and duty to enforce all sections of this chapter or any other ordinance or law of the state pertaining to animals. In addition, and, notwithstanding any other provision of this Code, animal management officers shall have the power and duty to enforce article VIII, Bees, of Chapter 38, Environment, of this Code in conjunction with zoning code enforcement officers. Any power or duty that an animal management officer has pertaining to animals or enforcement of this chapter may also be exercised concerning bees.

Section 3. Section 14-92, Livestock unlawful except in specified districts, of Article IV, Prohibited and restricted animals, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted to read as follows:

Sec. 14-92. Keeping of livestock unlawful except in specified zoning districts.

- (a) *Keeping of livestock generally.* The keeping of livestock is prohibited except in strict conformance with the Arvada Land Development Code (LDC). It shall be unlawful for any person or household to keep, have custody of, or own any livestock, except in strict conformance with section 5.3.3.I of the LDC, and except as otherwise set forth in this section.
- (b) *Keeping of chickens and turkeys.*
 - (1) *Areas zoned A-1 or R-CE.* It shall be unlawful for any person or household on any property zoned A-1 or R-CE to keep, have custody of, or own chickens, turkeys, or both, except in strict conformance with section 5.3.3.I of the LDC.
 - (2) *Areas zoned other than A-1 or R-CE.*
 - (i) It shall be unlawful for any person or household on any property zoned other than A-1 or R-CE to keep, have custody of, or own more than: five (5) female chickens; or two (2) female turkeys; or a total of no more than three (3) female chickens and two (2) female turkeys.

- (ii) It shall be unlawful for any person or household to keep, have custody of, or own any male chicken (rooster) or male turkey (tom) on property that is zoned other than A-1 or R-CE.

Section 4. Section 14-123, Distance of animal shelters from houses, of Article V, Health and sanitation requirements, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted to read as follows:

Sec. 14-123. Distance of animal shelters from houses.

- (a) *Livestock generally.* It shall be unlawful for any person to house, keep, pasture, tether or allow any livestock to be or remain for more than one hour out of each 24-hour period within one-hundred (100) feet of any building in use or occupied by any person excepting the residence of the owner or custodian of such animal or any house the owner of which has given prior written consent to any such animal being kept within one-hundred (100) feet of his residence.

Exception: Subsection (a) above shall not apply to the construction or occupancy of a new dwelling within one-hundred feet of a permanent structure, other than fences and corrals, in which livestock has been continuously or customarily kept for a period of six months prior to the beginning of construction on the new dwelling.

- (b) *Female chickens and turkeys.* It shall be unlawful for any person to keep or house any female chicken or turkey within thirty-five (35) feet of any dwelling, except that of the owner or custodian.

Exception: Subsection (b) above shall not apply to the construction or occupancy of a new dwelling within thirty-five (35) feet of any location in or upon which female chickens, turkeys or a combination thereof have been continuously or customarily kept for a period of six months prior to the beginning of construction on the new dwelling.

- (c) *Rabbits and domestic fowl.* It shall be unlawful for any person or household to keep or house any rabbits or domestic fowl, other than pet animals, within thirty-five (35) feet of any dwelling, except that of the owner or custodian.

Exception: Subsection (c) above shall not apply to the construction or occupancy of a new dwelling within thirty-five (35) feet of any location in or upon which any rabbits or domestic fowl have been continuously or customarily kept for a period of six months prior to the beginning of construction on the new dwelling.

Section 5. Section 14-171, Cruelty, of Division 2, Improper treatment of animals, Article VI, Care and treatment of animals of Chapter 14, Animals, of the Arvada City Code is hereby amended in its entirety to read as follows:

Sec. 14-171. Cruelty.

It shall be unlawful for any person to commit or cause to be committed any intentional act of cruelty, abandonment, harassment, or torture to any animal, or intentionally cause any animal to be wounded, needlessly mutilated, strangled, or inhumanely or needlessly killed. Ownership of said animal shall not be a defense to such acts or to a violation of this section.

Section 6. Section 14-171.5, Neglect, of Division 2, Improper treatment of animals, Article VI, Care and treatment of animals of Chapter 14, Animals, of the Arvada City Code is hereby added to read as follows:

Sec. 14-171.5. Neglect.

It shall be unlawful for the owner or custodian of any animal to deprive such animal of adequate nutrition, potable water available at all times, proper protection from the elements and extremes in temperature, opportunity for exercise, adequate veterinary care, grooming, socialization, or otherwise neglect such animal in any manner as to endanger its health or cause it to suffer.

Section 7. Section 14-176, Trapping animals, of Division 2, Improper treatment of animals, Article VI, Care and treatment of animals of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted to read as follows:

Sec. 14-176. Trapping animals.

(a) It shall be unlawful to trap any wild animal within the City.

Exceptions:

An animal management officer may authorize any person to trap a wild animal on property within the City. Any person so authorized shall sign and conform to the City's trapping agreement.

A licensed wildlife trapper or licensed pest control company may set a humane trap on private property with prior written permission of the owner or occupant of the property. All such trapping must be done in conformance with all applicable laws and regulations.

A private property owner or occupant may set a humane trap on his property. All such trapping must be done in conformance with all applicable laws and regulations.

An animal management officer, peace officer, or any person working for the Colorado Division of Wildlife may set a humane trap in conformance with all applicable laws and regulations.

- (b) It shall be unlawful for any person setting or using a trap to use a non-humane trap.
- (c) It shall be unlawful for any person setting or using a trap intended to catch or trap an animal to deprive or otherwise fail to provide any animal which may be caught by or within the trap with potable water available at all times, and proper protection from the elements and extremes in temperature at all times.
- (d) It shall be unlawful for any person to release any wild animal in a city park or on any other publicly owned property within the City.

Exception: An animal management officer, a peace officer, or any person working for the Colorado Division of Wildlife may release a wild animal on city or other publicly owned property in conformance with all applicable laws and regulations.

- (e) It shall be unlawful to release any wild animal on private property except in conformance with all applicable laws and regulations.
- (f) It shall be unlawful for any person to euthanize any wild animal within the City.
 - (i) Nothing in this subsection shall be construed to prohibit the destruction of any animal to protect life and property as authorized by state law.
 - (ii) Nothing in this subsection shall be construed to limit or restrict the authority of an animal management officer, peace officer, or any person working for the Colorado Division of Wildlife to humanely euthanize an animal in conformance with all applicable laws and regulations.
 - (iii) Nothing in this subsection shall be construed to prohibit the destruction of a wild animal by a licensed wildlife trapper or licensed pest control employee in the course of his employment. Any euthanizing of wildlife by such person shall be done in a humane manner and in conformance with all applicable laws and regulations.

Section 8. All definitions and terms not amended herein shall remain unchanged.

Section 9. 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 City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 10. Effective date. This ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 16th day of July, 2012.

PASSED, ADOPTED, AND APPROVED this 6th day of August, 2012.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

Publication Dates: July 19, 2012
 November 1, 2012