

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2011

COUNCIL BILL NO.
COMMITTEE OF REFERENCE:
Land Use Transportation and
Infrastructure

A BILL

For an ordinance relating to the Chapters 8 (Animals) and 36 (Noise Control) of the Denver Revised municipal Code and the Denver Zoning Code authorizing the keeping of certain food producing animals.

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that the amendment set forth herein is in conformance with the Denver Comprehensive Plan, is justified by changed or changing conditions, and is reasonably necessary to the promotion of the public health, safety and general welfare.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The Denver Zoning Code is hereby amended by:

- (a) Changing the title of 11.8.6.1.A from “Types of Animals Allowed” to “Animals Allowed Without a Zoning Permit” and adding chickens and ducks and dwarf goats, with restrictions to the table in 11.8.6.1.A;
- (b) Amending 11.8.6.1.b. and changing the title from “Animal Keeping Exception” to “Animals Allowed With a Zoning Permit”;
- (c) Adding a new section 11.10.10 (Keeping of Animals) regarding the keeping of animals on other than residential zone lots;
- (d) Renumbering the existing Sections 11.10.10 through 11.10.13 to 11.10.11 through 11.10.14, respectively.
- (e) Adding the use “Keeping of Animals” in the Accessory to Nonresidential Use Classification in all Summary Use and Parking Tables; and,
- (f) Adding the definition of “Dwarf goats” to Article 13.

All of the above changes as filed with the Denver City Clerk on _____, 2011 at City Clerk Filing No. 10-512-?.

Section 2. Section 8-4 (Definitions) of Chapter 8 (Animals) of the Denver Revised Municipal Code is hereby amended by enacting and adding section 8-4(4.5) to read and be read as follows:

Sec. 8-4(4.5) *Dwarf goats* shall mean Nigerian Dwarf or African Pygmy breeds of goats.

Section 3. Sections 8-6 (Loud or persistent noise nuisance) and 8-7 (Abatement of nuisances in section 8-6) are hereby enacted and added to Chapter 8 (Animals) of the Denver Revised Municipal Code to read and be read as follows:

Sec. 8-6. Loud or persistent noise nuisance.

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal otherwise permitted to be kept, which by frequent or habitual howling, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person. This section shall not apply to dogs (see section 8-46).

Sec 8-7 Abatement of nuisances in section 8-6.

The County Court, in addition to any punishment under section 1-13, may order the owner, possessor or keeper of the animal to abate the nuisance created under sections 8-6 within five (5) days thereafter. Failure to abate the nuisance after the expiration of the five-day period shall be deemed a violation of this chapter of the Code.

Section 4. Section 8-82 (Unlawful accumulation of manure) of Chapter 8 (Animals) of the Denver Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined below to read and be read as follows:

Sec. 8-82. - Unlawful accumulation of manure.

Any barn, pen, corral, coop, yard or other enclosure or appurtenance thereof in which any animal, livestock or fowl shall be kept, or any other place within the city in which manure or other discharges of animals, livestock or fowl shall accumulate, and which is maintained in any ~~unsanitary~~ unsanitary condition, allowing an offensive odor to escape therefrom, allowing discharges to the storm drainage system of the City or providing an insect or rodent attractant, is hereby deemed a nuisance and prohibited.

Section 5. Section 8-91 (Livestock or fowl permit required) of Chapter 8 (Animals) of the Denver Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined below to read and be read as follows:

Sec. 8-91. Livestock or fowl permit required.

(a) Except as permitted in section 8-91 (b) below, it# shall be unlawful for any person to keep, maintain, possess or harbor on any property within the city any livestock or fowl such as, but not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks or turkeys, unless a livestock or fowl permit therefor has been issued by the manager. Such permit is required to be renewed annually. A fee shall be assessed for each new and renewal permit application.

(b) A restricted livestock or fowl license is required for the keeping of up to eight (8) ducks and or chickens combined, and up to two (2) dwarf goats. Such license shall allow the keeping of the animals by the licensee on a specific property and shall be personal to the licensee and non-transferable. The license shall be valid indefinitely. A fee shall be charged for each new license. The following requirements must be met:

(1) No intact male goats older than 6 weeks, roosters or drakes may be kept.

(2) There must be at least sixteen (16) square feet of permeable land area available for each duck or chicken plus adequate enclosed shelter space for all ducks and chickens;

(3) There must be at least one hundred and thirty (130) square feet of permeable land area available for each dwarf goat, plus adequate shelter space for each dwarf goat;

(4) Adequate shelter must be provided to protect the ducks, chickens or dwarf goats from the elements and to prevent wildlife or other predators from gaining entry;

(5) Adequate fencing shall be provided to prevent the ducks, chickens or dwarf goats from escaping when not in their shelters.

Section 6. Section 36-10(a) relating to the control of animal noises, of Chapter 36 (Noise control) of the Denver Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined below to read and be read as follows:

Sec. 36-10.(a) Loud, persistent, noises or habitual dog barking, howling or yelping shall be controlled and enforced as provided in Chapter 8, Articles I and II, ~~Division 3~~, provided however that dog barking noise emitted from licensed commercial dog kennels shall also be subject to the provisions of section 36-6.

COMMITTEE APPROVAL DATE: March 22, 2011.

MAYOR-COUNCIL DATE: March 29, 2011.

PASSED BY THE COUNCIL _____ 2011

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2011

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011; _____ 2011

PREPARED BY: Kerry A. Buckey _____ 3/18/2011

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

David R. Fine, City Attorney

BY: _____, _____ City Attorney Date: _____