

**ORDINANCE NO. 623**

**AN ORDINANCE AMENDING CHAPTER 6.08 OF THE TOWN OF OAK CREEK MUNICIPAL CODE CONCERNING THE HARBORING OF CHICKENS**

**WHEREAS**, the Town Board has the authority pursuant to C.R.S. § 31-15-401 (1) (m) and its general police powers to regulate and control the keeping of animals within its municipal boundaries; and

**WHEREAS**, Chapter 6.08 of the Oak Creek Municipal Code addresses the regulation and control of animals within the city limits; and

**WHEREAS**, the Town Board finds that it is appropriate to regulate the keeping of chickens within the Town to avoid attracting wildlife that may be dangerous to other animals and inhabitants of the city; and

**WHEREAS**, the Town Board wishes to amend provisions within Chapter 6.08 of the Oak Creek Municipal Code addressing the harboring of chickens within the city limits; and

**WHEREAS**, a draft of this Ordinance amending Chapter 6.08 – Livestock at Section 6.08.020 was introduced and read at the regular meeting of the Board on April 11, 2013; and

**WHEREAS**, notice of the pending adoption of this Ordinance amending Chapter 6.08 – Livestock at Section 6.08.020 was published by title on April 21, 2013 in the Steamboat Pilot, a paper of general circulation in the Town; and

**WHEREAS**, the Oak Creek Board of Trustees considered this Ordinance amending Chapter 6.08 – Livestock at Section 6.08.020 at a public meeting held on May 9, 2013; and

**WHEREAS**, Trustee Gagne made a motion to approve Ordinance No. 622 as written. Trustee Gustafson seconded the motion. The motion passed unanimously.

**NOW, THEREFORE**, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

**Section 1.** Section 6.08.020 of the Oak Creek Municipal Code is hereby amended as follows (additions are underlined, deletions are struck-through):

Section 6.08.020 – Maintenance of livestock or poultry prohibited.

- B. It is unlawful for any person, owner, or keeper to harbor chickens within the city ~~without an approved conditional use permit issued by Town Board~~ except in accordance with Section 6.08.020 (C).

C. ~~Any conditional use permit to allow the~~ The keeping or harboring of chickens shall be issued only upon compliance with the following criteria and restrictions:

- ~~• Application for a conditional use permit hereunder must be made by or approved in writing by the owner of the real property upon which the chickens will be kept or harbored;~~
- 1. The principal use of the person's property on which the keeping or harboring of chickens is conducted must be for a single family dwelling or a two family dwelling;
- ~~• The conditional use permit shall be applied for annually and shall require an initial fee of \$50.00 and an annual renewal application fee of \$25.00;~~
- ~~• The initial issuance of and annual renewal of the conditional use permit shall be conducted as a public hearing in front of the Town Board for approval;~~
- 2. The conditional use permit shall be revoked privilege of keeping or harboring of chickens shall be revoked by the Town Board following a hearing upon a finding of after two (2) substantiated complaints are received by the Town violations of this section 6.08.020 or the conditions under which approval to keep and harbor chickens was given by the Town;
- 3. The number of hens allowed shall not exceed 4;
- 4. No Roesters roosters, breeding, selling or trading of offspring will be permitted;
- 5. The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times;
- 6. Must consider the likelihood of predators when choosing building materials;
- 7. Building materials must be complimentary to existing structures;
- 8. Must maintain all setbacks and easements required by the Town Land Use Code;
- 9. Must maintain rodent proof metal food storage containers;
- 10. Must maintain proper disposal of all waste to discourage predators, rodents and insects;
- 11. Must maintain proper storage of fertilizer to discourage predators, rodents and insects;
- 12. A person shall keep hens in the backyard or side yard only;
- 13. Four to five square feet of coop space per bird and 100 square feet of run are required;
- 14. A clean living environment is required;
- 15. Noise, odor and visual nuisance are prohibited;
- 16. Free roaming chickens at large are prohibited;
- 17. No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer;
- 18. The applicant owner shall be responsible for any occurrence involving maiming or death of one or more chickens or significant damage to a chicken coop or enclosure by a bear, skunk, fox, coyote, raccoon, dog, or any other predator;

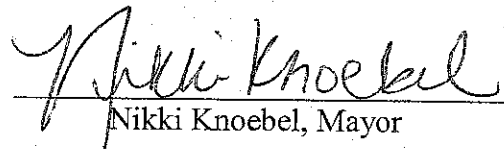
19. The ~~permittee~~ owner must adhere to all federal and state laws and regulations concerning all avian diseases.

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**SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED** this 9<sup>th</sup> day of May, 2013.

  
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Nikki Knoebel, Mayor

ATTEST:

  
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Alvie Page Allen  
Administrator/Clerk

