



David Torgler, Administrator/Clerk

NOTICE OF MUNICIPAL CODE VIOLATION
Hand Served

June 11, 2024

Diane Hutton and Caleb Chelberg
P.O. Box 485
109 E. Williams Street
Oak Creek, Colorado 80467-0485

RE: Municipal Code Violations, Section 6.08.020 Maintenance of livestock or poultry

Dear Ms. Hutton and Mr. Chelberg:

This Notice of Municipal Code Violation is provided to notify you that the poultry, e.g. chickens, ducks, turkeys, pheasant and pigeons, present on your property located at Lots 24 and 25, Block 7, 2nd Addition to Oak Creek, aka 109 E. Williams Street, is in violation of the Town of Oak Creek's municipal codes Section 6.08.020. The violations are in part based on the size of your lot located on Lots 24 and 25, Block 7, 2nd Addition to Oak Creek, aka 109 E. Williams Street which according to the County Assessor's Office is 0.14 acres; and in part due to Land Use Code setback requirements.

Municipal Code section 6.08.020 C. 3. a limits property less than one-half acre in size, up to eight poultry. Per the Municipal Code poultry means chickens, ducks, turkeys, pheasant and pigeons. Per the Routt County Assessor records your property as above referenced is 0.14 acres, e.g. less than one-half acre. Per Municipal Code section 6.08.020 C 20. I visited your property on June 10, 2024 and observed more than eight poultry.

Municipal Code section 6.08.020 C. 4. 6 the coop must maintain all Town Land Use Code setbacks. Lots 24 and 25, Block 7, 2nd Addition to Oak Creek, aka 109 E. Williams Street are located in the Town's Performance District 2 which requires eight foot (8') side yard setbacks from the property line, Municipal Code section 17.11.02 C. The coop on Lots 24 and 25, Block 7, 2nd Addition to Oak Creek, aka 109 E. Williams Street are located approximately zero feet (0') from the property line.

Enclosed with this letter is a copy of the above referenced Municipal Code. There may be additional code violations than those cited above that you should address.

Please correct these code violations by no later than Monday, June 24, 2024 or these violations will be posted for a public hearing and presented to the Town Board at their July 11, 2024 meeting per Municipal Code section 6.08.020 C. 2.

Sincerely,

David Torgler
Town Administrator/Clerk

129 Nancy Crawford Boulevard, P.O. Box 128, Oak Creek, Colorado 80467
(970) 736-2422

6.08.010 - Definitions.

In the interpretation of this chapter, the following definitions should be observed unless it is apparent from the context that a different meaning is intended.

- A. "Goats" shall refer to Nigerian Dwarf or Pygmy female (doe) or wethered (neutered) male goats.
- B. "In the Town" means and includes all territory over which the Town has, or shall hereafter acquire, the jurisdiction for the exercise of its Police powers or other regulatory powers.
- C. "Livestock" means and includes any species of horse, cattle, buffalo, sheep, goat, llama, or other equine or bovine animals, and for the purposes of this chapter 6.08 includes poultry, rabbits, and bees.
- D. "Property" means a lot or contiguous lots under common ownership.
- E. "Poultry" means chickens, ducks, turkeys, pheasant and pigeons.
- E. "Running at large" applies livestock driven or straying away from the property or premises of the owner or keeper thereof or from any point without the Town, into and upon the streets, alleys, public parks or other public places of the Town, or upon the property or premises owned, held or occupied by any person within the Town, and the term shall also apply to such animals when picketed in excess of twenty-four hours; provided however, that such term shall not apply to animals driven through the Town upon and along the streets thereof for which specific permission is granted by the Town Board.

(Ord. No. 650, § 2, 2-14-2019)

6.08.020 - Maintenance of livestock or poultry.

- A. It is unlawful for any person, owner, or keeper to harbor livestock of any type or number in the Town except in accordance with the provisions of this chapter.
- B. The principal use of any property on which the keeping or harboring of livestock is conducted must be for a single family or duplex dwelling.
- C. The keeping or harboring of poultry shall be allowed only upon compliance with the following criteria and restrictions:
 - 1. Keeping of roosters shall be prohibited on any property in the Town;
 - 2. The privilege of keeping or harboring of poultry shall be revoked by the Town Board following a hearing upon a finding of two substantiated violations of this chapter;
 - 3. Poultry may be kept in the following numbers:
 - a. On a property less than one-half acre in size, up to eight poultry may be kept.
 - b. On a property one-half acre to one acre in size, up to a total of twelve poultry may be kept.
 - c. On a property more than one acre in size, up to six additional poultry may be kept for every additional one-half acre.

4.

On any property where more than twelve poultry are kept, the property owner shall be required to notify the Town of the numbers of poultry to be kept on the property prior to the poultry reaching an age of twelve weeks.

5. Poultry shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times;
 6. Buildings connected with the keeping poultry must maintain all Town Land Use Code setbacks and not encroach within public easements.
 7. Must maintain rodent proof metal food storage containers;
 8. Must maintain proper disposal of all waste to discourage predators, rodents and insects;
 9. Must maintain proper storage of fertilizer to discourage predators, rodents and insects;
 10. A person shall keep poultry and their outside facilities in the backyard or side yard only;
 11. Four square feet of coop space and one hundred square feet of run per bird are required;
 14. A clean living environment is required;
 15. Noise, odor and visual nuisance are prohibited;
 16. Free roaming poultry 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;
 18. The owner shall be responsible for any occurrence involving maiming or death of poultry or significant damage to a chicken coop or enclosure by a bear, skunk, fox, coyote, raccoon, dog, or any other predator;
 19. The owner must adhere to all federal and state laws and regulations concerning all avian diseases.
 20. The property where poultry are harbored shall be subject to inspection by the Town to ensure compliance with these requirements.
- D. The keeping or harboring of goats shall be allowed only upon compliance with the following criteria and restrictions:
1. Goats may only be kept in the following numbers with the exception of nursing kidlets belonging to does located on the property, until weaned or up to sixteen weeks of age whichever occurs first:
 - a. On a property less than one-half acre in size, goats numbering no less than two;
 - b. On a property of more than one-half acre in size, goats numbering no more than four.
 2. Goats must be vaccinated for rabies and other diseases.
 3. No buck goats shall be allowed.
 4. Enclosures (fences), including shelters, shall be located so that they are positioned at the rear (backyard) of the property.
 5. Enclosures shall be a minimum of two hundred square feet per goat.