

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB11-0151

3 SERIES OF 2011

COMMITTEE OF REFERENCE:

4 Land Use Transportation and Infrastructure

5 **A BILL**

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

9
10 **WHEREAS**, the City Council has determined on the basis of evidence and testimony presented at
11 the public hearing that the amendment set forth herein is in conformance with the Denver
12 Comprehensive Plan, is justified by changed or changing conditions, and is reasonably necessary
13 to the promotion of the public health, safety and general welfare.

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

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

- 17 (a) Changing the title of 11.8.5.1.A from “Types of Animals Allowed” to “Animals Allowed
18 Without a Zoning Permit” and adding chickens and ducks and dwarf goats, with restrictions to
19 the table in 11.8.5.1.A;
- 20 (b) Amending 11.8.5.1.B. and changing the title from “Animal Keeping Exception” to “Animals
21 Allowed With a Zoning Permit”;
- 22 (c) Adding a new section 11.10.10 (Keeping of Animals) regarding the keeping of animals on
23 other than residential zone lots;
- 24 (d) Renumbering the existing Sections 11.10.10 through 11.10.13 to 11.10.11 through
25 11.10.14, respectively.
- 26 (e) Adding the use “Keeping of Animals” in the Accessory to Nonresidential Use Classification
27 in all Summary Use and Parking Tables; and,
- 28 (f) Adding the definition of “Dwarf goats” to Article 13.

29 All of the above changes as filed with the Denver City Clerk on April 14, 2011 at City Clerk
30 Filing No. 10-512-F.

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

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

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

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

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

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

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

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

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

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

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

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

29 (a) Except as permitted in section 8-91 (b) below, it# shall be unlawful for any person to
30 keep, maintain, possess or harbor on any property within the city any livestock or fowl such as, but
31 not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks
32 or turkeys, unless a livestock or fowl permit therefor has been issued by the manager. Such permit

1 is required to be renewed annually. A fee shall be assessed for each new and renewal permit
2 application.

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

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

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

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

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

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

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

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

24 **Section 7.** The Department of Environmental Health and Community Planning and
25 Development shall report to Council during the month of May, 2013 on any issues resulting from
26 the enacting of this ordinance. The reports shall also include the number of licenses issued
27 pursuant to section 8-91(b) of the Denver Revised Municipal Code, the number of permits issued
28 pursuant to section 11.8.6.1.B of the Denver Zoning Code, the number of complaints lodged due to
29 issues with food producing animals and the number of complaints found to be valid.

1 COMMITTEE APPROVAL DATE: April 5, 2011
2 MAYOR-COUNCIL DATE: April 12, 2011
3 PASSED BY THE COUNCIL: _____, 2011
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
10 PREPARED BY: Kerry A. Buckey – Assistant City Attorney DATE: 3/18/2011
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15 David R. Fine, City Attorney
16 BY: _____, _____ City Attorney Date: _____, 2011