

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2022- 677

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, AMENDING SECTIONS 7-6-160, 19-2-230 AND
19-7-210 OF THE MUNICIPAL CODE TO ADDRESS THE KEEPING OF
FOWL AND LIVESTOCK IN THE RURAL RESIDENTIAL ZONE
DISTRICTS WITHIN THE TOWN**

WHEREAS, the Town of Lochbuie is a statutory municipality governed by its elected Mayor and Board of Trustees; and

WHEREAS, in 2017, the Town adopted a new Land Development Code (LDC) codified at Chapter 19 of the Municipal Code that addresses the use and development of land in Town; and

WHEREAS, prior to this revised LDC being adopted in 2017, the regulations on fowl in the Rural Residential (RR) Zone District were different and the RR zone district was not subject to the same limits on chickens and fowl as other residentially zoned property in Town; and

WHEREAS, the current LDC provision governing the RR zone district states that for such district, the keeping of animals, fowl, and livestock is subject to the standards in Section 19-7-210 of the Code; however, Section 19-7-210 provisions do not contain any references pertaining to fowl, addressing only livestock; and

WHEREAS, it is the desire of the Board of Trustees to set the standards for the keeping of animals, fowl, and livestock in the RR District that are the same as the standards that existed prior to the adoption of the 2017 version of the LDC; and

WHEREAS, Section 19-1-180 of the LDC provides that the Board of Trustees may initiate text amendments to the LDC; and

WHEREAS, a public hearing was held on this ordinance in accordance with a notice of a public hearing duly published as required by Section 31-23-304, C.R.S.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Amendment to Subsections (a)(7)(8) and (9) of Section 7-6-160 of the Lochbuie Municipal Code. Subsections (a)(7)(8) and (9) of Section 7-6-160 of the Lochbuie Municipal Code are hereby amended with additions shown in ALL CAPS and deletions shown as strike-throughs:

Sec. 7-6-160. - Prohibited animals.

- (a) No person shall own, possess, harbor, and sell or in any other manner traffic in the following species of animals:

(7) Any fowl other than backyard chickens, including ducks, quail, geese, turkeys, or pigeons, other than AS ALLOWED BY CHAPTER 19 OF THIS CODE in an agricultural OR RURAL RESIDENTIAL zoning district.

(8) Any rooster other than AS ALLOWED BY CHAPTER 19 OF THIS CODE in an agricultural OR RURAL RESIDENTIAL zoning district.

(9) FOR ALL ZONE DISTRICTS OTHER THAN AGRICULTURAL OR RURAL RESIDENTIAL WHICH ARE GOVERNED BY CHAPTER 19 OF THIS CODE, any backyard chicken hens unless such backyard chicken hens are owned, possessed or kept in conformity with the regulations of this Subsection (9).

(A) No more than six (6) chicken hens are permitted per parcel.

(B) Backyard chicken hens are allowed only in the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.

(C) Backyard chicken hens may not free range and are restricted to the coop and run.

(D) All backyard chicken hens are kept at all times (other than when in a run) in a hen coop and run that meets the following requirements:

- (i) Is predator-proof with a solid top (for coop) and fully caged top (for run) and is reinforced on the bottom to prevent predator animals from digging under the coop or run.
- (ii) Has fresh, accessible, non-frozen water supply for the chicken hens at all times.
- (iii) Is limited to a maximum of one hundred twenty (120) square feet (includes coop space and chicken run).
- (iv) Provides at least four (4) square feet of space per chicken for the coop and run.
- (v) Is no taller than seven (7) feet at the highest point of the roof.
- (vi) Is not located between the rear of the structure and the front yard lot line.
- (vii) Complies with the accessory structure setback requirements, described in Article II of Chapter 16 of this Code, for the zone district in which the coop is located.
- (viii) Is regularly cleaned to control dust, odor, and waste and must not constitute a nuisance, safety hazard, or health problem to surrounding properties.

(E) No slaughtering of any chicken hens is allowed.

(F) Chicken feed must be stored at all times in a resealable, airtight, metal, rat-proof container to discourage attracting mice, rats, and other vermin.

Section 2. Amendment to Section 19-2-230 of the Lochbuie Municipal Code.

Section 19-2-230 of the Lochbuie Municipal Code is hereby amended to add two new rows under the sections entitled “Agricultural Use” and Residential, such new rows to be titled “Animal Husbandry (see Section 19-7-210)” and to place P under the land Use Columns titled “A” and “RR” to read as follows:

Land Use	A	RR	R-1	R-2	R-3		C	MU	LI		OS
<i>AGRICULTURAL USE</i>											
Animal Husbandry (see Section 19-7-210)	P	P									

Land Use	A	RR	R-1	R-2	R-3		C	MU	LI		OS
<i>RESIDENTIAL</i>											
Animal Husbandry (see Section 19-7-210)	P	P									

Section 3. Repeal and readoption of Section 19-7-210 of the Lochbuie Municipal Code. Section 19-7-210 of the Lochbuie Municipal Code is hereby repealed and readopted to read as follows in full:

Sec. 19-7-210. Animal husbandry.

- (a) In the Agricultural and Rural Residential Zone Districts, the minimum lot size required to keep domestic hoofed livestock, small livestock or fowl shall be one (1) acre.
- (b) In the Rural Residential Zone Districts, no property owner or mortgagee shall keep more than three (3) animal units per lot.

- (c) In the Rural Residential Zone Districts, No property owner or mortgagee shall keep more than fifteen (15) fowl or ten (10) small livestock or a combination of twenty (20) total fowl and small livestock on the lot.
- (d) Two (2) animals under six (6) months of age, or not weaned, may be kept without counting toward the number of animal units permitted for each lot.
- (e) In the Rural Residential Zone Districts, no domestic hoofed livestock, small livestock, fowl or household pets are to be raised for commercial purposes. The offering for sale of an animal or fowl, domiciled on the lot, under six (6) months of age or not weaned, shall be permitted. Kennels, boarding facilities and commercial activities are not allowed.
- (f) Although the entire lot may be fenced, a corral must be provided where domestic hoofed livestock will be penned and fed. The corral shall be adequate in size for the number of animals enclosed. Drainage facilities and improvements in corral areas must be approved by the Town.
- (g) In the Agricultural and Rural Residential Zone Districts, a containment area for small livestock shall be required and be not closer than twenty-five (25) feet to any property line on the lot.
- (h) In the Agricultural and Rural Residential Zone Districts, a containment area for fowl shall be required and be not closer than fifty (50) feet to any property line on the lot.
- (i) In the Agricultural and Rural Residential Zone Districts, livestock may be kept, provided that the following standards are met:
 - (1) The bases and floors of all pens, sheds, stables, corrals or any other enclosure used for animal units shall be cleaned twice weekly by removal of manure and all animal wastes. All manure shall be removed or incorporated into the soil on a regular basis such that the manure does not draw flies or other insects or cause noxious odors. If manure is stockpiled for composting or delivery to local farms, that manure must be managed in accordance with Colorado State University Small Acreage Fact Sheet #11: Managing Mud and Manure.
 - (2) Adequate overflow drainage for drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
 - (3) Spillage and leftover materials from livestock feedings must be removed or so disposed of as to prevent fly, bird or rodent propagation or the creation of odors.
 - (4) Adequate drainage facilities or improvements shall be constructed to protect any adjacent bodies of water from pollution.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.


Section 5. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

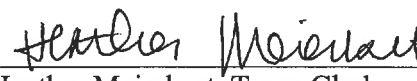
ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 16 day of August, 2022.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of August 16, 2022, and ordered published by title only one time by *The Brighton Blade* newspaper on August 25, 2022.




Heather Meierkort, Town Clerk