

CITY OF EDGEWATER

**ORDINANCE NO. 2015 - 19
SERIES OF 2015**

AN ORDINANCE AMENDING CHAPTER 7 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING HEALTH, SANITATION AND ANIMALS, BY REPEALING AND REENACTING SECTIONS 7-6-70, CONCERNING THE NUMBER OF DOGS AND CATS PERMITTED, AND 7-6-80, CONCERNING A PROHIBITION OF CERTAIN ANIMALS, AND BY THE ADDITION OF NEW SECTIONS 7-6-81, CONCERNING A LICENSE REQUIREMENT FOR THE KEEPING OF CERTAIN ANIMALS, AND 7-6-82, CONCERNING LICENSE APPLICATIONS AND THE DENIAL OR REVOCATION OF SUCH LICENSES, AND BY THE AMENDMENT OF SECTION 7-6-360, CONCERNING CRUELTY TO ANIMALS, TO ESTABLISH A PROHIBITION ON THE SLAUGHTERING OF ANIMALS WITHIN THE CITY.

WHEREAS, the City's home rule authority and C.R.S. Section 31-15-401(m)(l) authorize the City to regulate or prohibit the keeping of animals within the City and to otherwise provide for the regulation and control of such animals; and

WHEREAS, in adopting the following regulations, it is the intent of the City Council to strike a balance between the needs and desires of those who want to keep animals within the City, and the needs and desires of residents and the general public to be protected from the adverse impacts that the keeping of animals may create.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 7-6-70 of the Edgewater Municipal Code ("Code"), concerning the number of dogs and cats permitted, is hereby repealed and reenacted to read as follows:

Sec. 7-6-70. Number of dogs and/or cats permitted.

It is unlawful to harbor, maintain or possess more than three (3) dogs or more than three (3) cats, or more than three (3) dogs and cats combined, in or upon any single-family detached dwelling or the premises thereof. It is unlawful to harbor, maintain or possess more than two (2) dogs or more than two (2) cats, or more than two (2) dogs and cats combined, in or upon any single dwelling unit, or the premises thereof, that is located upon property that contains a two-family dwelling or multiple-family dwelling. For the purposes of this section, a dog or cat that is less than six (6) months of age shall not count against the total dogs, cats, or combination of dogs and cats permitted. For the purposes of this section, the terms "single-family detached dwelling," "two-family dwelling," and "multiple family dwelling" shall have the meanings set forth in Section 16-1-50 of this Code.

Section 2. Section 7-6-80 of the Code, concerning prohibited animals, is hereby repealed and reenacted to read as follows:

Sec. 7-6-80. Certain animals prohibited.

(a) It is unlawful for any person, except for a duly licensed pet shop, circus or carnival, to own, keep, control, maintain, possess or harbor any animal in violation of any provision of this Chapter, or any of the following species of animal anywhere in the City:

(1) Any poisonous or venomous biting or injecting species of amphibian, arachnid, insect or reptile, including snakes;

(2) Any snake not indigenous to the State of Colorado;

(3) Any snake in excess of three and one-half (3½) feet in length;

(4) Any wild or exotic animal including, but not limited to, bears, any species of feline other than domesticated house cats, skunks, raccoons (except as permitted under state license), deer, coyote, llamas, alpacas, emus, ostriches, ferrets or any species of nonhuman primate; and

(5) Except as permitted in section 7-6-81 below, any rabbits, bees, livestock or fowl including, but not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks or turkeys.

(b) The following animals shall be exceptions to Subsection (a) above:

(1) Aquarium fish and turtles;

(2) Domesticated house birds;

(3) Domesticated rodents;

(4) Rabbits kept indoors at all times; and

(5) Nonpoisonous or nonvenomous reptiles, but only those snakes that are indigenous to the State of Colorado and are under three and one-half (3½) feet in length.

Section 3. Chapter 7 of the Code, concerning health, sanitation and animals, is hereby amended by the addition of a new Section 7-6-81, concerning rules and regulations for specially regulated animals, to read as follows:

Sec. 7-6-81. License required for specially regulated animals.

(a) License required. For purposes of this Section, and Section 7-6-82 below, a “specially regulated animal” means and includes rabbits, hen chickens, hen ducks, non-Africanized bees and miniature goats. It is unlawful for any person to keep, maintain, possess or harbor on any property within the City any specially regulated animal unless a license therefor has been issued by the City Manager

or his or her designee pursuant to Section 7-6-82 below. A fee for each license application shall be as set forth in the fee schedule adopted by the City Council from time to time.

(b) Number of animals allowed. In addition to the dogs and/or cats in the number allowed under Section 7-6-70 above, no more than six (6) individual specially regulated animals may be kept, maintained, possessed or harbored on any single property within the City. For purposes of this section, a single bee hive shall constitute but one (1) specially regulated animal. For purposes of this section, goats less than twelve (12) weeks old and rabbits less than six (6) weeks old shall not count against the total number of specially regulated animals allowed

(c) Limitations on location. No specially regulated animal license shall be issued unless the property on which the animals are to be kept is used for a single-family detached dwelling (as defined in Section 16-1-50 of this Code). Such license shall not run with the property, and shall be personal to the licensee and non-transferable. No specially regulated animal shall be kept, harbored or maintained except within the rear fifty feet (50') of a lot or parcel, and at a location that is not less than 35 feet (35') from the habitable portion of any dwelling unit on a neighboring lot or parcel, which dwelling unit existed at the time of the application for the specially regulated animal license. Every shelter required for the protection of a specially regulated animal shall be constructed in accordance with the requirements and limitations of the City Building Code and Chapter 16 of this Code, concerning Zoning.

(d) Permeable area requirements. No specially regulated animal license shall be issued to allow for hen chickens or hen ducks unless there is sixteen (16) square feet of permeable area provided for each chicken or duck. No specially regulated animal license shall be issued to allow for miniature goats unless there is one hundred thirty (130) square feet of permeable area provided for each goat.

(e) Fencing requirements. No specially regulated animal license shall be issued to allow for hen chickens, hen ducks, rabbits or miniature goats unless there is provided a six foot (6') solid fence enclosing the rear yard of the property. No specially regulated animal license shall be issued to allow for bees unless there is provided either a six foot (6') solid fence enclosing the rear yard of the property, or a flyway barrier that: (i) is placed along the side of the beehive that contains the entrance to the hive; (ii) is located within five feet (5') of the entrance to the hive and extends at least two feet (2') on either side of the hive; and (iii) is six feet (6') in height. Every fence and flyway barrier required by this subsection shall be constructed in accordance with the requirements and limitations of the City Building Code and Chapter 16 of this Code, concerning Zoning.

(f) Miniature goats. No more and no less than two (2) miniature goats older than twelve (12) weeks shall be kept at any time. No un-neutered male goats older than twelve (12) weeks may be kept at any time.

(g) Shelter requirements. Adequate shelter shall be provided for each specially regulated animal to protect the animal from the elements and prevent wildlife or other predators from gaining entry. Each shelter, and all other areas within which any specially regulated animal is kept, shall be maintained in a sanitary condition, free from insects, rodents, and offensive odors.

Section 4. Chapter 7 of the Code, concerning health, sanitation and animals, is hereby amended by the addition of a new Section 7-6-82, concerning application for a specially regulated animal license, to read as follows:

Sec. 7-6-82. License application; denial or revocation of license.

(a) Application for a specially regulated animal license shall be made on forms provided by the City and shall include:

(i) a description of the type and number of each specially regulated animal for which the license is requested;

(ii) a to-scale site plan of the subject property that provides all information necessary to determine compliance with all location, distance and area limitations set forth in Section 7-6-81 above;

(iii) a shelter and fencing or flyway plan that provides all information necessary to determine compliance with all shelter, fencing or flyway requirements or limitations set forth in Section 7-6-81 above;

(iv) an animal husbandry plan that describes the practices and facilities that will be used to ensure that all premises within which a specially regulated animal is kept will be maintained in a sanitary condition, free from insects, rodents, and offensive odors.

(b) The City Manager or his or her designee may approve, deny, or approve with conditions any application for a specially regulated animal license. The City Manager or his or her designee shall deny any application for a specially regulated animal license if the Manager or designee determines that the requirements or limitations set forth in Section 7-6-81 are not or will not be met. The City Manager or his or her designee may revoke any specially regulated animal license if the Manager or designee determines that the requirements or limitations set forth in Section 7-6-81, or set forth in the license issued, are not being met, or if the City Manager or designee determines that the licensed premises are not being kept in a sanitary condition, free from insects, rodents, and offensive odors.

Section 5. Section 7-6-360 of the Code, concerning cruelty to animals, is hereby amended to read as follows:

Sec. 7-6-360. Slaughtering and Cruelty to animals.

(a) It is unlawful to slaughter any animal within the City of Edgewater.

(b) It is unlawful for any person to commit or cause to be committed any act of cruelty, harassment, abandonment or torture of any animal. A person commits cruelty to animals if, except as authorized by law, he or she knowingly over-drives, overloads, over-works, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats, injures, inflicts pain or suffering, or neglects any animal or causes or procures it to be done, or, having the charge and custody of any animal, fails to provide it with proper food, drink or protection from the weather or abandons it.

Section 6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Edgewater shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 7. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. Effective Date. This ordinance shall become effective May 1, 2016.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED this 19th day of November, 2015.

Kris Teegardin, Mayor

ATTEST:

Elizabeth A. Hedberg, MMC
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED
this _____ day of _____, 2016.

Kris Teegardin, Mayor

ATTEST:

Elizabeth A. Hedberg, MMC
City Clerk

APPROVED AS TO FORM:

Thad Renaud, City Attorney