

**ORDINANCE NO. 715-15**

**AN ORDINANCE ESTABLISHING CHICKEN HEN AND RABBIT PERMITS WITHIN THE MUNICIPAL LIMITS**

**WHEREAS**, the Board of Trustees has determined that with proper rules and regulations in place that the keeping of chicken hens and rabbits within the municipal limits of the town of Fowler is appropriate; and

**WHEREAS**, the Board of Trustees desires to establish a chicken hen and rabbit permit and rules and regulations governing the keeping of chicken hens and rabbits within the municipal limits of the town of Fowler; and

**WHEREAS**, C.R.S. §31-15-401(1)(m)(I) authorizes municipalities to regulate and to prohibit the running at large and keeping of animals including fowl and to provide for the regulation and control of such animals within their municipal limits.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FOWLER AS FOLLOWS.**

**1. Definitions.**

- a. “Chicken” or “Chicken Hen” means any female chicken.
- b. “Rooster” means any male chicken.
- c. “Permit” means a chicken hen and rabbit permit.
- d. “Premises” in this ordinance means a lot or parcel of real property.

**2. Chicken and Rabbit Permit Required**

- a. No person shall keep chicken hens or rabbits within the municipal limits of the Town of Fowler without a permit issued by the Town of Fowler.
- b. No rooster may be kept within the municipal limits of the Town of Fowler with or without a permit.
- c. No more than one chicken hen or rabbit permit (“permit”) shall be issued by the town clerk to any household.
- d. A permit may not be transferred to another person, household or entity or to another property or structure. An attempted transfer voids the permit without any affirmative action of the town.
- e. All permits are issued subject to the conditions and requirements set forth in this Ordinance. The permit may be revoked for any violation of this Ordinance or applicable zoning regulation.

- f. A permit is valid from the date of issue until the subsequent December 31 at midnight.

### **3. Permit Fee.**

- a. An annual permit fee is authorized. The initial annual permit fee is set at \$10.00. The permit fee is non-refundable and must be paid each year when the permit application is filed with the town clerk.
- b. The town clerk shall waive the permit fee where the applicant provides evidence that the applicant will use the permit to raise chicken hens or rabbits for an FFA or 4-H project during the permit year and will be the primary animal care taker.
- c. The Board of Trustees may amend the permit fee from time to time by ordinance or resolution.

### **4. Chicken Hen or Rabbit Permit Application**

- a. The permit applicant must be the person who owns or has the present right of possession of the premises upon which the chicken hens or rabbits will be kept or a resident of the premises who will have a chicken or rabbit 4-H or FFA project and has the consent of the owner or possessor.
- b. The premises must consist of a minimum of 5,000 square feet with a primary structure on the premises that is used as a single family residence.
- c. Any person desiring a chicken hen or rabbit permit must file a permit application provided by the town clerk with the town clerk accompanied by the appropriate non-refundable application fee.
- d. The town clerk shall not issue a permit to any person convicted of a violation of this ordinance within the previous three years.
- e. The premises for which the permit is sought shall be inspected by the town code enforcement officer after the application is filed.
- f. Where the code enforcement officer finds that the conditions of the permit can be met on the premises, the officer shall submit a written report to the town clerk who shall issue the permit.
- g. If the code enforcement officer finds that the conditions of the permit cannot be met on the premises, the code enforcement officer shall submit a written report to the town clerk and to the applicant stating what condition(s) cannot be met. The applicant shall have sixty days from the date of the report to make any recommended changes and request the code enforcement officer to re-inspect the property. If the conditions of the permit are still unable to be met at the end of the sixty day period,

the permit application fee is forfeited. The applicant may file a new application and fee at any time after that if the applicant believes the permit conditions may be met.

**5. Number of Chickens or Rabbits**

- a. Owners or possessors of a single-family residential lot of 5,000 square feet or greater in area with a chicken hen and rabbit permit may keep not more than six animals of either or both species.

**6. Location Restrictions.**

- a. The keeping of chicken hens and rabbits shall be restricted to the rear or backyard of any single family residential lot that contains a principal structure.
- b. No chicken hens or rabbits may be kept within 300 feet of a municipal ground water well.

**7. Sanitary Conditions**

- a. Sheltering facilities and outdoor areas for chicken hens and rabbits shall be maintained in a clean condition so as not to be foul, hazardous or detrimental to the health, safety or welfare of humans or animals.
- b. Manure from chickens and rabbits must be disposed of in one of the following manners.
  - i. Household trash collection
    - 1. Manure may be bagged, placed in a waterproof container and disposed of with household trash.
  - ii. Composted and applied onsite
    - 1. Manure must be kept in a rodent-proof container designed to limit odors.
    - 2. Finished compost may be applied onsite.
  - iii. Directly applied on site
    - 1. Manure applied directly onsite must be done in such a way as to prevent nuisance and polluted storm water runoff.
- c. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.
- d. Feed must be stored in rodent-proof containers.

**8. Commercial Enterprises, Animal Products and Processing**

- a. The breeding, selling and trading of chicken hens, their offspring, eggs, rabbits or their offspring as a commercial enterprise is prohibited. The keeping of chicken hens or rabbits permitted by this Ordinance is as an accessory to a principal residential use, not as a home occupation or other commercial purpose.
- b. This ordinance shall not be interpreted so as to authorize a home occupation or home business.
- c. For the purposes of this sub-section, sale of chicken hens or rabbits at a county fair or state fair as part of a 4-H or FFA project shall not be considered a commercial enterprise.
- d. Slaughtering and butchering of chickens and rabbits may occur onsite only inside an accessory structure or otherwise out of public view. All waste must be bagged and disposed of with household trash to prevent nuisance and health hazards.

## **9. Sheltering Structure Required**

- a. All property owners or possessors approved for the keeping of chicken hens or rabbits shall provide a sheltering structure for the animals on their premises.
- b. Sheltering structures must meet the following minimum requirements:
  - i. not more than one sheltering facility is permitted per premises per species;
  - ii. chicken hens and rabbits must be screened from adjacent properties and public right-of-ways using wood or other opaque material and shall not be constructed with tires, corrugated metal, bottles or other waste material;
  - iii. sheltering facilities must be located in the rear yard or back yard of the lot;
  - iv. sheltering facilities whether fixed in place or mobile must meet the minimum accessory building set back requirements for the zoning district but must be a minimum of of ten feet from any property line or any other structure measured from its farthest projecting point; where an inspection determines that the set back is physically impossible to achieve the town administrator may grant a variance authorizing a set back at the greatest distance practicable under the circumstances if the administrator determines that the location of the sheltering facility will not create a nuisance for adjacent neighbors.
  - v. the maximum area of a sheltering facility foot print including runs is 120 square feet with a minimum of four square feet per chicken hen or rabbit;
  - vi. the maximum height of a sheltering facility is eight feet measured to the highest point of the structure;

- vii. the floor of a sheltering facility excluding any run must be raised from ground level a minimum of three feet;
- viii. a sheltering facility must be predator proof and have a solid top;
- ix. sheltering facilities and runs must be completely enclosed with wire or other material to contain the chicken hens or rabbits and prevent wildlife intrusion.

## **10. Duty to Restrain**

- a. Chicken hens and rabbits must remain in their sheltering facilities and runs at all times.
- b. The owner, keeper or possessor of any chicken hens or rabbits has a duty to restrain the chicken hens or rabbits by confinement to prevent the chicken hens or rabbits from trespassing upon the property of another or to run at large.

## **11. Other Conditions**

- a. Notwithstanding compliance with the various requirements of this section, chicken hens and rabbits shall not be kept in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others. Chicken hens and rabbits shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. It is the responsibility of the person keeping chicken hens or rabbits to be aware of and abide by all applicable local, state or federal requirements and any private deed or covenant restrictions with respect to the keeping of chicken hens or rabbits.

## **12. Revocation of Permit**

- a. The permit shall be revoked upon conviction of a person for violating this ordinance.

13. **Penalty.** Any person convicted of violating this ordinance may be fined an amount not to exceed two thousand six hundred fifty dollars.

14. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.

15. **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this ordinance.

**PASSED, ADOPTED** and ordered published the 24th day of March, 2015.

**TOWN OF FOWLER**

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By: Charles R. Hitchcock  
Mayor

**ATTEST:**

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Kelly Lotrich  
Town Clerk