

ORDINANCE NO.

NO. 13-10
Series of 2013

TITLE: A BILL FOR AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 7 OF THE HUDSON MUNICIPAL CODE TO ADD A NEW SECTION 7-84 TO ALLOW BACKYARD CHICKEN HENS, AND AMENDING CHAPTER 16 IN CONFORMANCE THEREWITH

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Article 4 of Chapter 7 of the Hudson Municipal Code is hereby amended by the addition of a new Section 7-84 to read as follows:

Sec. 7-84. Backyard chicken hens.

It shall be unlawful to place or maintain backyard chicken hens unless a permit is obtained pursuant to this Section 7-84, and provided the conditions and requirements set forth in this Section 7-84 are met. For purposes of this Section 7-84, a *backyard chicken hen* is defined as a chicken hen kept pursuant to this Section 7-84, and not otherwise defined as *poultry* kept or maintained as a use by right or use by special review in an agriculturally zoned district.

(a) Backyard chicken hens are allowed with a duly issued permit only in the Residential one (R-1) zoning district.

(b) No more than six (6) backyard chicken hens are permitted per dwelling unit.

(c) Roosters are prohibited.

(d) All backyard chicken hen coups shall meet the following requirements:

(1) Be predator-proof with a solid roof.

(2) Are limited to a maximum of one hundred twenty (120) square feet (includes coop space and chicken run).

~~(3) Provide at least four (4) square feet of space per chicken hen for the coop and run.~~

(4) Be no taller than seven (7) feet at the highest point of the roof.

(5) Not be located between the rear of the principal structure and the front yard lot line.

(6) The coop shall have a minimum five (5) feet setback from any side or rear property line.

(7) Water shall be provided onsite and accessible to chicken hens at all times.

(8) During daylight hours, the chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.

(9) From dusk until dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.

(e) Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard or health problem to surrounding properties.

(f) No on-site slaughtering is allowed.

(g) Chicken feed shall be stored in a re-sealable, airtight, predator-proof container.

(h) Chicken waste shall only be stored in a resealable, airtight, predator-proof container.

Section 2. Section 16-20 of the Hudson Municipal Code is amended by the addition of new definitions to read as follows:

Animal unit means a term used to establish an equivalency for various species of livestock and poultry in agricultural zone districts.

Poultry means chickens, ducks, pigeons and turkeys, but such term shall not include *backyard chicken hens* as defined by Section 7-84 of the Hudson Municipal Code.

Section 3. Section 16-43 of the Hudson Municipal Code is amended by the addition thereto of a new subsection (b)(3) to read as follows:

(3) The keeping of backyard chicken hens in accordance with Section 7-84 of the Hudson Municipal Code.

Section 4. Section 16-50 of the Hudson Municipal Code is hereby repealed in its entirety.

Section 5. Section 16-54(a)(2) of the Hudson Municipal Code is amended to read as follows:

(2) General farming, including grains, fruit, vegetables, grasses, hay and the keeping and boarding of livestock, with a limit of one (1) animal unit equivalent per acre as set forth in the table below.

	<i>Animal Unit Equivalents</i>	<i>Maximum Number per Acre</i>
Cattle	1	1
Horse	1	1
Swine	1	1
Llama	1	1
Sheep	1	1
Goat	1	1
Poultry	.1	10
Rabbit	.1	10

Section 6. Section 16-62(c) of the Hudson Municipal Code is amended to read as follows:

(c) Uses by right. Uses by right in the A-3 district shall be as follows:

(1) All uses by right in the A-2 district, including the keeping and boarding of livestock with a limit of one (1) animal unit equivalent per acre as set forth in the table below.

	<i>Animal Unit Equivalents</i>	<i>Maximum Number per Acre</i>
Cattle	1	1
Horse	1	1
Swine	1	1
Llama	1	1
Sheep	1	1
Goat	1	1
Poultry	.1	10
Rabbit	.1	10

Section 7. Section 16-62(cc) of the Hudson Municipal Code is amended by the addition thereto of a new sub-subsection (3) to read as follows:

(3) Livestock in excess of the animal unit equivalents per acre as set forth in Section 16-62(c)(1).

Section 8. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, 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 relation to the proper legislative object sought to be attained.

Section 9. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 10. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 4th day of September, 2013.



ATTEST:


Linnette Barker, CMC, Town Clerk

TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

PASSED ON SECOND AND FINAL READING this 18th day of September 2013, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor


ATTEST:



Linnette Barker, CMC, Town Clerk



APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney