

POULTRY PERMIT APPLICATION

TOWN OF PIERCE

144 MAIN STREET / PO BOX 57

PIERCE, COLORADO 80650

PHONE (970) 834-2851 FAX (970) 834-2755

Date of Application Approval- _____ (OFFICE USE ONLY)

Applicant Name- _____

Street Address- _____

Mailing Address- _____

Phone Number- _____

E-mail Address- _____

Property Owner Name (if different from applicant)- _____

Property Owners Address (if different from applicant)- _____

Type of Animal- _____

Number of Animals- _____ (8 TOTAL IS THE LIMIT)

Describe the Animals in Detail - _____

List Vaccinations and Disease Prevention- _____

Activities Taken to Ensure Animals Health- _____

Common Diseases the Animals Encounter- _____

Name and Age of Individual who will be Responsible for the Animal(s)- _____

Steps to be Taken to Ensure that the Animal Does Not Disturb the Character or Peace and

Quiet of the Neighborhood- _____

Applicant hereby states the forgoing information is true and correct to the best of applicants knowledge

Signature - _____

Date- _____

SEC. 16-1-40. DEFINITIONS.

Poultry means chickens, ducks, geese, pigeons and all other domestic feathered animals and fowl normally raised for profit or pleasure, except small birds normally kept in cages in private residences

1. PERMITTING OF POULTRY

Any person desiring an animal other than a dog or cat as a pet, other than those excepted, shall comply with the regulations herein established. A person desiring a permit to keep animals as authorized by section 7-5-10(B) of the Pierce Municipal Code shall:

- A. Complete the permit application provided by the Town of Pierce.
- B. Provide a sketch plan of the yard and proposed location intended for the keeping of poultry, the sketch plan need not be to scale, but shall be an approximate representation of the size of the enclosure proportionate to the lot or portion of the lot or which the poultry enclosure or facility will be kept.
- C. Show adjacent structures, the property boundary, and the distance between the proposed poultry structure and the adjoining property in the sketch plan.
- D. Be accompanied by a permit fee of \$ 50.00 non-refundable.

2. APPLICATION PROCESS AND CRITERIA

- A. The permit application together with the appropriate fee shall be filed with the town. The town will not accept incomplete applications.
- B. The town shall give notice to those property owners within 100 feet of the property for which the poultry permit has been requested.
- C. Residents have 10 days to file an objection in writing to the Town of Pierce as to why they do not want the permit approved.
- D. No exotic animals or wildlife are allowed.

- E. The town will only grant a permit, if it determines after considering all of the circumstances, that the requested poultry will not cause noise, odor, disease, or any other disturbance to the neighborhood.
- F. The town may limit the number, size, or type of poultry.
- G. In making a determination regarding any permit, the town may accept testimony or comments from persons living within the town but shall only give actual notice to those persons living within 100 feet of the property for which the permit is requested.
- H. The town may impose conditions, limitations, and terms in the granting of a permit.
- I. The town may revoke a permit if it is determined that either the terms of the permit have been violated ,or that circumstances have changed to the point that the allowed animals present or causes noise, odor, chance of disease, or such other disturbance.

**TOWN OF PIERCE
ORDINANCE NO. 2019-6**

AN ORDINANCE AMENDING §§ 7-5-200, -210, -220, -230, and -240 OF THE PIERCE MUNICIPAL CODE BY THE REPEAL AND REENACTMENT OF §§ 7-5-200, -210, -220, -230, AND -240 OF THE PIERCE MUNICIPAL CODE.

WHEREAS, the purpose of this Ordinance is to regulate the keeping of ducks in the Pierce Municipal Code, within the Town of Pierce;

WHEREAS, the Pierce Municipal Code currently allows the keeping of chicken hens upon a parcel of land within the Town; and

WHEREAS, the Board of Trustees had determined that the keeping ducks should also be allowed upon a parcel of land within the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
TRUSTEES OF THE TOWN OF PIERCE, COLORADO:**

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Board of Trustees of the Town of Pierce.

2. §§ 7-5-200, -210, -220, -230, and -240 of the Pierce Municipal Code is hereby repealed and reenacted as follows:

Sec. 7-5-200. Keeping of poultry; limitations and requirements. The keeping of male poultry, as defined in Sec. 16-1-40 of the Pierce Municipal Code, is prohibited upon any parcel of land within the Town. The keeping of more than eight female poultry, as defined in Sec. 16-1-40 of the Pierce Municipal Code, is prohibited upon any parcel of land within the Town. However, up to eight female poultry may be kept per parcel of property, subject to the following requirements and subject to all other applicable provisions of this Article:

- (1) All structures devoted to the keeping of female poultry shall be located between the rear-most portion of the residence and the rear lot line of the parcel in question. No female poultry shall be permitted within any other portion of the lot or parcel.
- (2) If a parcel has more than one dwelling unit, all adult residents and the owners of the parcel must consent in writing to allowing the female poultry on the property.
- (3) Any person keeping female poultry pursuant to this Section must first have been issued a permit by the Town, the application for which shall be made available by the Town Clerk, and shall expressly incorporate an acknowledgement of the provisions of Section 7-5-20 above. The Town Clerk shall assess an application fee in an amount set forth in the Town Fee Schedule for each application received under this Article.

- (4) All female poultry must be provided with a covered, predator-resistant poultry house that is properly ventilated, designed to be easily accessed, cleaned and maintained and at least two square feet per poultry in size, and no portion of which shall exceed six feet from grade.
- (5) During daylight hours, the female poultry must have access to the poultry house, must have access to adequate fresh water and must also have access to an enclosure that is screened on all sides and on top and adequate to protect them from predators.
- (6) The female poultry must be protected from predators by being closed in the poultry house from dusk until dawn.
- (7) Neither the poultry house nor any portion of the outdoor enclosure may be located less than 15 feet from any abutting property line unless the owner or keeper of the female poultry obtains the written consent of the owners of all abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed upon location shall then be deemed acceptable to all such abutting property owners, notwithstanding any subsequent change in ownership of such abutting properties.
- (8) The female poultry must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.
- (9) The female poultry shall be killed by or at the direction of the owner or keeper if so ordered pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
- (10) If the parcel upon which the keeping of female poultry is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Section shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent poultry-keeping standards, including the outright prohibition of poultry-keeping, for any parcel within the regulatory authority of such association.

Sec. 7-5-210. Owner or keeper slaughter of female poultry. An owner or keeper of female poultry may slaughter his or her female poultry for the purpose of food provision for the owner's or keeper's family. Any owner's or keeper's slaughter of female poultry shall be accomplished in a humane and sanitary manner and shall take place out of public view. No person shall slaughter or dispose of female poultry in exchange for valuable consideration.

Sec. 7-5-220. Declaration of nuisance and unlawful acts; duty to maintain poultry habitat.

- (a) The unsanitary or unsafe keeping of female poultry within the Town is hereby declared

unlawful and a public nuisance. It shall be the duty of every owner or keeper of female poultry to maintain the female poultry habitat in a secure, neat, tidy, methodical, systematic, clean and orderly condition, permitting no accumulation of odor, dust, droppings, feed, organic material, pests or loitering of predators. Any owner or keeper who is found to have violated the provisions of this Section shall be deemed subject to the nuisance abatement measures provided in Article 1 of this Chapter.

- (b) Any person found to be in violation of the provisions of this Article shall be subject to immediate and permanent revocation of any permit issued to such person under this Article.
- (c) Any person found to be in violation of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed the maximum established under Subsection 1-4-20(a) of this Code, exclusive of court costs.
- (d) The remedies contained in this Article are cumulative and nonexclusive and shall not be deemed to limit the Town's authority to seek injunctive relief in a court of competent jurisdiction.

Sec. 7-5-230. Town disposal of female poultry found at large. Female poultry found at large shall be treated as any other animal, as set forth in Section 7-5-20 of this Article. In addition to all other remedies available at law or equity, the Town shall have the authority to seize, impound and dispose of any female poultry found at large within the Town's corporate limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.

Sec. 7-5-240. Permit procedure. Any person applying for a permit to keep female poultry shall file an application provided by the Town and shall pay such fee as is set forth in the Town Fee Schedule. No permit for the keeping of female poultry shall be granted until adjoining property owners have been notified of the permit application. The Town Clerk may approve or deny any such application, or may refer the application to the Board of Trustees.

3. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, clauses or phrases be declared invalid.

5. Interpretation. This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

6. Publication. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

7. Effective Date. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

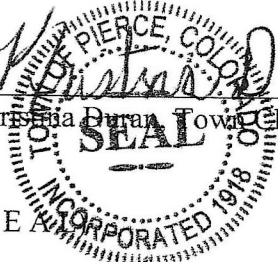
READ, PASSED, ADOPTED, SIGNED AND APPROVED this 12th day of August, 2019.

TOWN OF PIERCE

By: *Nansi Crom*
Nansi Crom, Mayor

ATTEST:

By: *Kristina Duran*
Kristina Duran, Town Clerk



(S E A L)