

ORDINANCE NO. 2019-017

AN ORDINANCE AMENDING CHAPTER 6.02 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING DUCKS, MINIATURE GOATS AND MINIATURE POT-BELLIED PIGS BY AMENDING SECTIONS 6.02.030, 6.02.090, 6.02.250, 6.02.340 AND ADDING NEW SECTIONS 6.02.251, ~~AND 6.02.252~~, 6.02.253 AND 6.02.254

WHEREAS, in 2018, the Town completed a comprehensive review of the Castle Rock Municipal Code (Title 6) pertaining to animals; and

WHEREAS, the Town has since received additional input from residents desirous of the Town permitting ducks (in addition to the chickens currently allowed), miniature goats, and miniature pot-bellied pigs; and

WHEREAS, the Town recognizes the place a variety of animals hold in the lives and families of many Castle Rock residents; and

WHEREAS, it is important to ensure the continued public health, safety, and general welfare of Castle Rock residents; and

WHEREAS, the Town remains committed to its emphasis on responsible pet ownership; and

WHEREAS, animal owners and keepers are encouraged to respect the rights of their fellow citizens and the animals they own and care for; and

WHEREAS, there is a desire to allow responsible pet owners an opportunity to care for and own a variety animals, depending upon the wishes of Castle Rock residents while continuing to emphasize the importance of training, securing, and preventing the spread of disease from animals or creating nuisances; and

WHEREAS, there are public health and safety considerations to be advanced through a licensing process, and other regulations related to miniature goats, and miniature pigs to ensure public health, safety and general welfare; and

WHEREAS, animal owners and keepers are expected to care and treat their animals in a humane manner; and

WHEREAS, the Town has undertaken additional public outreach and considered public comments, and other information.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE ROCK, COLORADO:**

Section 1. Amendment. Section 6.02.030 of the Castle Rock Municipal Code, entitled Definitions is amended to (i) amend the definition of Livestock, and (ii) add the definition of duck, fowl, miniature goat, and miniature pot-bellied pig, to read as follows:

Duck means a duck that has been is domesticated and is kept for its eggs and meat. ~~a member of the species *Platyrhynchos*.~~

Fowl means geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this Title, fowl expressly does not mean chickens or ducks.

Livestock means any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock. Except livestock shall not include miniature goats or miniature pot-bellied pigs.

Miniature goat means a goat registered with a bona fide miniature goat registry including Pygmy, Nigerian Dwarf and Pygora, or certified as such by a veterinarian licensed in the State of Colorado, and not weighing more than 100 pounds or exceeding more than 24 inches, in height, measured from the ground to the shoulder.

Miniature pot-bellied pig means a pig registered with a bona fide miniature pot-bellied pig registry including Teacup, Toy, Royal Dandies, Micro Minis, Dandie Extremes, and Mini Julianas, or certified as such by a veterinarian licensed in the State of Colorado, and not weighing more than 100 pounds or exceeding more than 22 inches, in height, measured from the ground to the shoulder.

Section 2. Amendment. Section 6.02.250 of the Castle Rock Municipal Code entitled Chickens is amended to include ducks, and to read as follows:

6.02.250 Chickens and Ducks.

A. It shall be unlawful for any person to possess, keep, harbor, maintain, or permit within the Town any chickens or ducks, unless the owner or occupant of the property complies with the requirements of this Section.

B. Chickens and ducks may only be kept in the rear yard of a single-family detached property with an existing residence and with a proper chicken coop meeting the following requirements:

1. A coop shall be fully enclosed, having floors, walls, and roofs sufficient to protect the chickens or ducks from predators;

2. Each coop shall provide a minimum of four square feet of living space per chicken or duck;

3. A coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;

4. Chickens and ducks shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds;

5. The coop and outdoor enclosure must be kept in sanitary condition and free from offensive odors. The coop and outdoor enclosure must be kept dry, well ventilated and with windows placed to admit sunlight. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Manure and droppings shall be removed from pens, enclosures, and shelters;

6. Each coop shall not exceed a maximum gross floor area of one hundred twenty (120) square feet;

7. A coop shall not exceed six (6) feet in height as measured from the ground;

8. A coop shall be set back from all rear yard property lines by a minimum of ten (10) feet; and

9. Only one (1) coop is allowed per rear yard.

C. Only hens (female chickens) and ducks (female ducks) are permitted. Roosters and Drakes are prohibited.

D. The maximum number of chickens or ducks per single-family detached lot shall be as follows:

1. Lots up to two (2) acres: combination of no more than eight (8) chickens or ducks; and

2. Lots more than two (2) acres: combination of no more than twelve (12) chickens or ducks.

E. Chickens and ducks shall be securely kept within a coop in the rear yard from dusk until dawn. If allowed to roam within the enclosed rear yard at any time from dawn until dusk, chickens shall be rendered unable to fly.

F. Animal excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.

G. A fresh water supply for the chickens or ducks shall be maintained in the rear yard property at all times, in a location readily accessible to all chickens and ducks.

H. Chicken and duck feed shall be enclosed in a re-sealable, airtight, vermin-proof container, and must be stored in such a way to prevent the intrusion of wildlife.

I. The slaughtering of chickens or ducks is permitted only indoors and slaughtering shall be limited only to those chickens or ducks allowed for the specific property. Entrails and remains shall be disposed of properly. The slaughtering of chickens or ducks outdoors is prohibited.

Section 3. Amendment. Chapter 6.02 of the Castle Rock Municipal Code is amended to add a new Section 6.02.251, entitled Miniature goats, to read as follows:

6.02.251 Miniature goats.

A. The owning or keeping of miniature goats shall be unlawful unless all of the following conditions are met:

1. The owner or keeper of a miniature goat must comply with the Town's licensing and registration process, through the Castle Rock Police Department, immediately after acquiring the animal. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town Manager or designee.

2. The keeping of just one (1) miniature goat is prohibited. No more and no less than two (2) miniature goats must be kept (for reasons related to the companionship needs of miniature goats), per single-family detached lot, except where the miniature goats have offspring younger than twelve (12) weeks.

3. All miniature goats must be registered with a bona fide miniature goat registry, or certified as such by a veterinarian licensed in the State of Colorado, and cannot weigh more than 100 pounds or exceed more than 24 inches, in height, measured from the ground to the shoulder.

4. Only female or altered male miniature goats shall be permitted. No bucks shall be allowed, and no intact male goat older than three ~~six~~ (63) months shall be permitted. All miniature goats, over the age of one (1) month, shall be disbudded.

5. It shall be unlawful for any owner of a goat twelve (12) weeks of age or older to fail to have such animal vaccinated against rabies, and goat owners or keepers shall

continue to have the goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

6. All miniature goats must be microchipped before they reach the age of twelve (12) weeks.

7. Miniature goats must at all times wear a harness or collar bearing an identification tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address, and current home telephone number, of the owner or keeper and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner or keeper of the miniature goat.

8. When off the owner's or keeper's property, all miniature goats must be controlled on a leash, cord or chain not more than ten feet (10') in length and held by a person of sufficient age, size and physical ability to restrain the movement of such animal.

~~89.~~ Miniature goats must be maintained in the rear fifty (50) percent of the lot. On any corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.

~~109.~~ Miniature goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Water must be provided onsite and accessible at all times. During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced (minimum of four (4) feet in height), to protect them from predators, and to keep them from escaping, and which shall be in total at least three hundred (300) square feet. The goats must be secured in the shelter from dusk to dawn.

~~1110.~~ Neither the shelter, nor the outdoor enclosure, may be located within fifteen (15) feet from any abutting property line.

~~1211.~~ Miniature goats may not be killed by, or at the direction of, the owner or keeper thereof except 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.

~~1312.~~ Any owner of a miniature goat shall be responsible for removing and cleaning up such goat feces on any public or private property.

~~1413.~~ Owners and keepers of miniature goats shall be liable for any damage caused by the miniature goat(s) to public or private property.

B. *Grazing by goats.* For purposes of this subsection, graze or grazing refers to the period of time when a goat is upon or within the area fenced for grazing. A goat of any breed may graze upon the goat owner or keeper's property in any area of that property where the goat is lawfully allowed to be kept under the provisions of this Chapter. It shall be unlawful for any owner or keeper ~~person~~ to permit or allow a goat to graze upon any property (including streets, alleys or other public way or place in the Town, or upon any vacant premises or unenclosed premises in the Town, whether attended by any owner or keeper), except where the goat is otherwise allowed to be kept.

Section 4. Amendment. Chapter 6.02 of the Castle Rock Municipal Code is amended to add a new Section 6.02.252, entitled Miniature pot-bellied pigs, to read as follows:

6.02.252 Miniature pot-bellied pigs.

A. The owning or keeping of a miniature pot-bellied pig shall be unlawful unless all of the following conditions are met:

1. The owner or keeper of a miniature potbellied pig must comply with the Town's registration process, through the Castle Rock Police Department, immediately after acquiring the animal. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town Manager or designee.

2. Only one (1) miniature pot-bellied pig, per single-family detached lot, is permitted.

3. All miniature pot-bellied pigs must be registered with a bona fide miniature pot-bellied pig registry, or certified as such by a veterinarian licensed in the State of Colorado, and cannot weigh more than 100 pounds or exceed more than 22 inches, in height, measured from the ground to the shoulder.

4. Female miniature pot-bellied pigs shall be spayed and male potbellied pigs shall be neutered by the age of twelve (12) weeks, and no unaltered male or female pigs shall be kept or permitted to breed within the Town.

5. It shall be unlawful for any owner or keeper of a miniature pot-bellied pig twelve (12) weeks of age or older to fail to have such animal vaccinated against rabies and leptospirosis, and shall continue to have the miniature potbellied pig vaccinated by a veterinarian at intervals recommended by the veterinarian.

6. All miniature pot-bellied pigs must be microchipped before they reach the age of twelve (12) weeks.

7. Any owner of any miniature pot-bellied pig shall be responsible for removing and cleaning up such pig feces on any public or private property.

8. Miniature pot-bellied pigs must at all times wear a harness or collar bearing an identification tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address, and current home telephone number, of the owner or keeper and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner or keeper of the miniature pot-bellied pig.

9. When off the owner's or keeper's property, all miniature pot-bellied pigs must be controlled on a leash, cord or chain not more than ten feet (10') in length and held by a person of sufficient age, size and physical ability to restrain the movement of such animal.

10. Miniature pot-bellied pigs must be maintained in the rear fifty (50) percent of the lot. On any corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.

11. Miniature pot-bellied pigs must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Water must be provided onsite and accessible at all times. During daylight hours, the miniature pot-bellied pig must have access to the shelter and to an outdoor enclosure that is adequately fenced to protect it from predators, which shall be at least one hundred fifty (150) square feet.

12. Neither the shelter, nor the outdoor enclosure, may be located within fifteen (15) feet from any abutting property line.

13. Owners and keepers of potbellied pigs shall be liable for any damage caused by the pig to public or private property.

Section 5. Amendment. Chapter 6.02 of the Castle Rock Municipal Code is amended to add a new Section 6.02.253, entitled "No Preemption" to read as follows:

6.02.253 No Preemption.

Nothing in Sections 6.02.250, 6.02.251, or 6.02.252 shall impair the enforcement of prohibitions or more restrictive regulations adopted by a homeowners association or through restrictive covenants.

Section 6. Amendment. Chapter 6.02 of the Castle Rock Municipal Code is amended to add a new Section 6.02.254 entitled “Burden of proof” to read as follows:

6.02.254 Burden of proof.

With respect to Sections 6.02.251 and 6.02.252, owners or keepers of miniature goats or miniature pot-bellied pigs, upon request of the Town or animal control officer, shall be required to provide appropriate verification or certification of breed as to the miniature goat or miniature pot-bellied pig.

Section 7. Amendment. Section 6.02.090 of the Castle Rock Municipal Code, entitled Limits on Dogs and Cats, is amended to add a new subparagraph D, to read as follows:

6.02.090 Limits on Dogs and Cats.

7. Except limitations on the number of dog and cats does not apply to Animal Shelters, as defined in Section 6.02.030.

Section 8. Amendment. Subparagraph D. of Section 6.02.340 of the Castle Rock Municipal Code, entitled Penalties, is amended to read as follows:

6.02.340 Penalties

D. Any person convicted of violating Section 6.02.130, 6.02.160, 6.02.190, 6.02.230, 6.02.240, 6.02.250, 6.02.251, 6.02.252, 6.02.260, 6.02.290, 6.02.300, 6.02.310, 6.02.320, or 6.02.330, shall be fined a minimum of \$100.00 per offense to a maximum of \$499.00 per offense.

Section 9. Effective Date. The regulations established under this Ordinance shall take effect October 1, 2019.

Section 10. 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 the remaining provisions of this ordinance.

Section 11. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 16th day of June, 2019, by a vote of 5 for and 1 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this
____ day of _____, 2019, by the Town Council of the Town of Castle Rock by a vote
of__ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Jack Cauley, Chief of Police