

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 7, SERIES 2020**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 9 OF
THE TIMNATH MUNICIPAL CODE REGARDING PET
LICENSING**

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code, and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the Town Council previously enacted Chapter 7, Article 9 of the Code to regulate animals within the Town; and

WHEREAS, the Town partners with the Larimer Humane Society ("Humane Society") to help provide care and other services for animals in Timnath, including sheltering, licensing, protection and control; and

WHEREAS, the Humane Society does not issue licenses for cats and does not issue permits for chickens, and the Town wishes to amend the Chapter 7, Article 9 of the Code to remove reference to these services by the Humane Society; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property, and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF TIMNATH, COLORADO, THAT:

ARTICLE 1 – ORDINANCE AMENDED.

Section 1. Section 7-9-110 of the Timnath Municipal Code is hereby amended and restated in full to read as follows:

Sec. 7-9-110. – License required.

(a) The owner or keeper of any dog kept within the Town shall secure, within 30 days of acquiring possession of said dog or moving to the Town, a license for the keeping of the same, which license shall at all times be kept current by said owner or keeper. It is a defense to a charge of violating this Section that:

- 1) The owner or keeper of the dog had not yet lived in the Town for 30 days; or
- 2) The dog was four months of age or less.

(b) If ownership or possession of a dog licensed under this Article changes, the new owner or keeper shall, before taking possession of the dog, obtain a new license upon presenting

the old license, if available, demonstrating compliance with the vaccination requirement and paying the fee.

(c) This Section shall not apply to facilities licensed under Sections 35-80-101 through 35-80-117, C.R.S.

Section 2. Section 7-9-370 of the Timnath Municipal Code is hereby amended and restated in full to read as follows:

Sec. 7-9-370. – Sale of chickens and ducklings; quantity restricted; keeping of chickens.

(a) Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than six to a single purchaser.

(b) Except in those zone districts where the keeping of farm animals (as the term is defined in the Town's Land Use Code) is allowed, the keeping of chicken roosters or more than six chicken hens is prohibited. However, up to six chicken hens may be kept per parcel of property, subject to the following requirements and subject to all other applicable provisions of this Article:

- 1) If a parcel has more than one dwelling unit, all adult residents and the owner of the parcel must consent in writing to allowing the chicken hens on the property.
- 2) The chicken hens must be provided with a covered, predator-resistant chicken house that is properly ventilated, designed to be easily accessed, cleaned and maintained, and at least two square feet per chicken in size.
- 3) During daylight hours and weather permitting, the chicken hens must have access to the chicken house and also have access to an outdoor enclosure that is adequately fenced to protect them from predators.
- 4) The chicken hens must be further protected from predators by being closed in the chicken house from dusk to dawn.
- 5) Neither the chicken house nor the outdoor enclosure may be located less than 15 feet from any abutting property line unless the owner or keeper of the chicken hens 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, notwithstanding any subsequent change in ownership of such abutting property or properties.
- 6) The chicken hens must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

(c) The chicken hens 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 or the Humane Society for such purpose, or as otherwise expressly permitted by law.

ARTICLE 2 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 3 – CODE REVISIONS

Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON MAY 26, 2020 AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON JUNE 9, 2020 AT THE TIMNATH TOWN CENTER BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 26TH DAY OF MAY 2020.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JUNE 9TH, 2020.

TOWN OF TIMNATH, COLORADO

DocuSigned by:
Mark J. Soukup
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Mark Soukup, Mayor

ATTEST:

DocuSigned by:
Milissa Peters-Garcia
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Milissa Peters-Garcia, CMC
Town Clerk