

ORDINANCE NO. 2356

INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 6 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO ANIMAL KEEPING AND THE CREATION OF A PILOT PROGRAM FOR MINIATURE GOATS

WHEREAS, the City Council has received a petition requesting the addition of backyard miniature goat keeping as an allowed use for residential properties within the City of Brighton; and

WHEREAS, a survey of residents indicated significant interest among Brighton residents for backyard miniature goat keeping; and

WHEREAS, the survey of residents also indicated concerns that would best be addressed by adding requirements to the Brighton Municipal Code; and

WHEREAS, on October 27, 2020, the City Council directed staff to prepare a pilot program for backyard miniature goat keeping.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

The following amendments shall be effective March 1, 2021.

Section 1. Section 6-4-10 of the Brighton Municipal Code is hereby amended to read as follows:

*Livestock* means animals commonly raised or kept in an agricultural, rather than urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules. ~~Poultry and beekeeping~~ **Urban agriculture** which meets the standards set forth ~~in this Section 6-4-10 and~~ under Section 6-4-900 of this Code shall not be considered the keeping of livestock animals as defined herein.

***Miniature goat* means any member of the species *Capra aegagrus hircus* that is not taller than twenty-four and one-half (24.5) inches at the withers.**

***Q fever* means an acute, influenza-like disease caused by the *rickettsia Coxiella burnetii* that is transmissible to humans by contact with infected cattle, sheep and goats.**

***Urban agriculture* means the keeping of poultry, bees, and miniature goats on residential properties with standards defined in Section 6-4-900 of this Code.**

Section 2. Section 6-4-900 of the Brighton Municipal Code is hereby amended to read as follows:

- (a) Purpose and intent. The purpose of these regulations is to permit limited small animal husbandry uses within urban residential environments. The regulations below are intended to permit ~~poultry and beekeeping~~ **urban agriculture** with reasonable limitations, while preventing negative impacts that may occur during large operations or poorly educated practices to maintain the health benefits of local and small scale food production.
- (b) Applicability. The regulations below apply to single-family detached properties where farming is not permitted by Chapter 17, Land Use and Development Code of this Code, as it may be amended. The regulations below shall not restrict farming uses already permitted within the Agricultural/Residential (A/R) and Agricultural Estate (A/E) zone districts or specific provisions of a Planned Unit Development (PUD) district which specifically permit agricultural uses with higher densities than what is contained within this Section.

- (c) Location. In order to ensure adequate care and minimal negative impacts to surrounding property and property owners, the following regulations shall only apply to single-family detached structures being used for residential purposes. Regulations and permits, as applicable, for urban agriculture may be permitted within City owned parks and open space properties as determined by the City Parks and Recreation Department.
- (d) Use consent. The keeping of ~~bees or poultry~~ **urban agriculture** as provided in this Section may occur on properties zoned for and used as a single-family detached property under the ownership of the person keeping the ~~poultry or bees~~ **urban agriculture** or by a tenant or occupant of the premises with the written consent or permission of the property owner, manager or person in control thereof, or the homeowner's association for any property located in a common-interest development. The required consent shall be obtained prior to establishing any use within these regulations. The written consent or permission by the property owner, manager, person in control thereof or the homeowner's association for a common interest development shall be kept available at the location of the ~~bee or poultry~~ **urban agriculture** to be produced by the person keeping the ~~poultry or bees~~ **urban agriculture** or an occupant of the premises upon request of any officer or agent of the City. Nothing in this Subsection 6-4-900(d) shall be deemed to require the City's agents or officers to secure the required written permission of the owner, manager, person in control of the premises or homeowner's association, and it shall be the sole responsibility of the person keeping the ~~bees or poultry~~ **urban agriculture** or occupant of the premises to do so.
- (e) Use regulations.
  - (1) Poultry keeping.
    - a. Good practices required. Poultry shall be properly kept by providing sufficient shelter for protection from weather and predators. The shelter shall be cleaned regularly to prevent infestation, disease, or rotten eggs and other disagreeable odors from emanating beyond the property line.
      - (i) Removal and disposal of poultry waste and feces shall be in accordance with Sections 6-4-400 and 6-4-410, as the same may be amended. No animal waste or feces shall be disposed of or allowed to enter into the sanitary sewer system without the prior written approval from the City Department of Utilities.
    - b. All shelters shall be located and maintained in accordance with the setback and height regulations for accessory structures for the applicable zone district in which the property is located. The construction, expansion or maintenance of structures and the installation of any heating or lighting elements shall be approved through the applicable building permit process.
    - c. Food and fresh water shall be provided and maintained for the poultry. Feed shall be stored and served within a building or structure in a rodent-proof container.
    - d. The slaughter of poultry shall be performed off-site or in a location shielded from public view. If performed on-site, the meat shall only be used for personal use, and all remains must be properly disposed of in a safe and sanitary manner and in accordance with Sections 6-4-410 and 6-4-430, as they may be amended, as they relate to disposal of waste.
    - e. Number of animals. In addition to the limits of domestic pets as provided in Section 6-4-440, as the same may be amended, a person may keep up to six (6) domestic poultry in any combination of permitted types and species as listed in Subsection f. below.
    - f. Poultry type. Only chickens and/or ducks shall be kept on properties for residential use as permitted under this Section 6-4-900, as it may be amended. Male chickens (roosters), turkeys, geese, guinea fowl, pheasants, peafowl, and large birds such as ostriches and emus shall be prohibited. Doves and pigeons

caged outside of the residence shall also be considered poultry keeping and subject to the restrictions of this Section 6-4-900, as the same may be amended from time to time. Doves and pigeons caged inside a residence shall be considered a household pet and shall meet the requirements set forth in Section 6-4-440(c), as the same may be amended.

(2) Apiculture.

a. Good practices required.

- (i) Only the common honeybee ( *apis mellifera* ) may be kept and raised within City limits. The keeping of any other bee type is strictly prohibited within City limits.
- (ii) Non-aggressive queens shall be selected for the generation of the colony. Any colony which exhibits unusual aggressive characteristics shall be re-queened.
- (iii) The hive shall be built and designed for regular maintenance and upkeep. It shall have proper ventilation and be elevated off the ground to prevent swarming and weather damage.
- (iv) Hives should be worked safely and at appropriate times according to the season and time of day, without the presence of neighbors and other public, and using the proper safety equipment.
- (v) A convenient water source shall be provided for the hive(s). A clear path between the hive(s) and the water source shall be evident so that the honeybee flight path does not create a nuisance to persons or pets when entering and exiting the hive.

b. Hive location. All hives must be placed no closer than fifteen (15) feet from any property line, or public right-of-way, and must be located behind the front setback of the house. Optimal hive orientation and the installation of flyway may be used to reduce the setback requirement to a minimum of five (5) feet from the property line or public right-of-way. Said reduction shall be permitted if the following conditions are met:

- (i) A flyway is provided between the hive and the property line(s) and/or public area which requires the bees to fly upward from the hive. At a minimum, the flyway shall consist of a solid wall, fence, dense vegetation or some combination thereof which is a minimum of six (6) feet in height and extends a distance beyond the hive to properly direct the bee fly pattern. The flyway must be properly maintained and repaired to ensure functionality of the flyway. The City may require the relocation of the hive(s) including additional requirements or setbacks should evidence exist which indicates that the flyway does not shift the bee fly pattern above six (6) feet at the property line or public right-of-way.
- (ii) The entrance to the hive shall be oriented to face towards the interior of the property with a minimum of a ten-foot clear path to deter contact with humans and domestic pets.

c. Hive density. The number of hives permitted for each beekeeper will be determined by the size of the property in which the hive(s) will be located, as follows:

- (i) One-half (½) acre (twenty-one thousand seven hundred eighty (21,780) square feet) or less shall have a maximum of two (2) hives;
- (ii) More than one-half (½) acre (twenty-one thousand seven hundred eighty (21,780) square feet) but less than one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) shall have no more than six (6) hives;

- (iii) One (1) acre (forty-three thousand five hundred sixty (43,560) square feet) or more shall have no more than eight (8) hives.

Hives located on any property which maintains a minimum two hundred-foot setback from any property line or public right-of-way shall be exempt from the density limits listed above.

### **(3) Miniature Goat keeping.**

**Miniature goat keeping shall be allowed as a pilot program on single family residential properties with limited permits available. The pilot program shall be effective for two (2) years from the date of adoption and shall automatically expire unless action is taken by City Council to continue the program. Upon expiration of the program, permittees shall have thirty (30) days to rehome their miniature goats.**

- a. **Permit required. It shall be unlawful for any person to keep miniature goats within City limits without first having obtained a City miniature goat keeping permit as required by this Section 6-4-900. A maximum of ten (10) permits shall be issued. Permits shall be initially issued through a lottery. Should any of the ten (10) permits remain unissued after the lottery, the remaining permits shall be issued on a first come, first served basis.**
  - (i) **Filing. Applications for a miniature goat keeping permit under the provisions of this Chapter shall be on a form furnished by the Director of Community Development or Designee and submitted to the Community Development Department for review.**
  - (ii) **Applications. The Director of Community Development shall not accept an application that is incomplete. If an omission or error is discovered by the Director of Community Development, the application shall be rejected and returned to the applicant for completion and correction without further action by the Director of Community Development. All fees shall be returned with the application. For purposes of this Chapter, the date the Director of Community Development accepts an application which is complete in every detail shall be the filing date.**
  - (iii) **Compliance with City regulation. No miniature goat keeping permit shall be issued until:**
    - 1. **The permittee has received information pertaining to the keeping of goats including, but not limited to, animal husbandry, care, disease prevention and management, and methods to minimize the risks of exposure to Q fever during the goat birthing process;**
    - 2. **The permittee has passed a test administered to prove the permittee's knowledge on the care and needs of a goat;**
    - 3. **The premises to be permitted meets the shelter and enclosure requirements in this Section 6-4-900 and all necessary building permits are obtained;**
    - 4. **If the permittee is not the landowner, the permittee has provided proof of consent from the landowner to allow goat keeping on the property;**
    - 5. **The permittee has submitted a waste management plan that is acceptable to the City;**

6. The permittee has submitted written approval for goat keeping from his or her Homeowner's Association (HOA); and
  7. The permittee has demonstrated compliance with the requirements of this Section 6-4-900 during inspections conducted by City staff.
- (iv) Permit term. Permits shall be effective for the duration of the pilot program term, unless revoked in accordance with this Section 6-4-900.
  - (v) Non-transferrable. Permits shall be specific to the permit holder and the premises. A change in either the permit holder or the premises nullifies the permit and necessitates a new permit application, subject to the requirements of this Section 6-4-900.
  - (vi) Permit fee. The fee shall be \$100.00 for the calendar year of 2021 and thereafter shall be set by City Council as part of the annual fee resolution. The fee shall be due with the submission of the miniature goat keeping permit application.
  - (vii) Periodic Inspection. To observe and analyze the impacts of miniature goat keeping on neighboring properties, the Community Services Supervisor or Designee may schedule periodic inspections of the permitted premises and the permittee shall allow such inspections as an additional condition of the permit.
  - (viii) Denial or Revocation. The Director of Community Development may deny or revoke a permit to keep, maintain, or possess miniature goats if the Director determines that any provision of this Section 6-4-900 is being violated.
- b. Goat type. Only miniature female goats shall be kept on properties for residential use as permitted under this Section 6-4-900, as it may be amended. Male goats older than three (3) months shall be prohibited.
  - c. Disbudded. Only disbudded miniature goats shall be kept on properties for residential use as permitted under this Section 6-4-900, as it may be amended.
  - d. Number of goats. Miniature goats shall count toward the maximum of four (4) animals as provided in Section 6-4-440, as the same may be amended. A person or household may keep no more and no less than two (2) miniature goats, plus any number of their offspring younger than three (3) months, on any lot in the City that meets the requirements set forth in this Section 6-4-900, subject to the requirements as set forth in Section 6-4-440. The keeping of just one (1) miniature goat shall be prohibited except for a ten (10) day period immediately following the removal of one of the permitted goats from the premises, or other time period as approved by an officer or agent of the City. With two (2) miniature goats, a person or household shall not own or have custody of more than two (2) dogs, cats, rabbits, and/or pot-bellied pigs more than three (3) months of age, in any combination.
  - e. Minimum lot size. Miniature goats shall not be kept on lots smaller than seven thousand five hundred (7,500) square feet.
  - f. Good practices required. In addition to compliance with Section 6-4-500:
    - (i) Miniature goats shall be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned, and maintained. The shelter shall contain a raised floor.

- (ii) Miniature goats shall have access to an outdoor enclosure no less than one hundred thirty (130) square feet per goat in size that is adequately fenced with a minimum four (4) foot tall fence to protect from predators and prevent miniature goats from escaping.
- (iii) All shelters and enclosures shall be located in the rear 50% of the lot, at least ten (10) feet from a side or rear property line except when abutting an alley or right-of-way, unless a larger setback is required by Chapter 17, Land Use and Development Code of this Code, as may be amended, or the PUD adopted for the site. All shelters and enclosures shall be maintained in accordance with the regulations for accessory structures and fencing for the applicable zone district in which the property is located. The construction, expansion or maintenance of structures and fencing and the installation of any heating or lighting elements shall be approved through the applicable building permit process.
  - 1. Existing structures that are located ten (10) feet or less from a side or rear property line may only be used as a goat shelter if the existing structure meets the following conditions:
    - a. The structure has a wall height of at least eight (8) feet; and
    - b. The structure has a roof overhang of at least one (1) foot; and
    - c. A barrier is installed, on any walls that are adjacent to any shared property lines, to help prevent the goats from damaging the structure.
- (iv) Shelters and enclosures shall be cleaned regularly to prevent infestation or disease and disagreeable odors from emanating beyond the property line.
- (v) Miniature goats shall be closed in the shelter from dusk to dawn.
- (vi) Feed shall be stored within a building or structure and in a rodent-proof container.
- (vii) Removal and disposal of goat waste and feces shall be in accordance with Sections 6-4-400 and 6-4-410, as the same may be amended, except that no animal waste or feces shall be disposed of in a toilet or allowed to enter into the sanitary sewer system.
- g. Miniature goats shall be vaccinated for rabies by a licensed veterinarian and in accordance with the veterinarian's recommended frequency of vaccination.
- h. Slaughter and/or butchering prohibited. The slaughter and/or butchering of miniature goats shall be performed at a licensed facility or outside of the City. Slaughtering and/or butchering of miniature goats within the City at a non-licensed facility shall be considered animal cruelty and charged as such.
- i. Breeding prohibited. The breeding of miniature goats shall be performed off-site and outside of the City.

Section 3. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 19<sup>th</sup> day of January, 2021.

PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 2<sup>nd</sup> day of February, 2021.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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LENA McCLELLAND, Acting City Attorney