

## ORDINANCE NO. 756

### AN ORDINANCE AMENDING CHAPTER 7 OF THE DACONO MUNICIPAL CODE REGARDING PROHIBITED ANIMALS.

**WHEREAS**, Section 7-84 of the Dacono Municipal Code prohibits the keeping or harboring of fowl, livestock or wild animals; and

**WHEREAS**, the City Council finds that under certain circumstances, in the context of a Planned Unit Development (PUD) Zone District where such animals are contemplated by and integral to the use of the land and appropriate conditions and requirements are in place to ensure that such animals will not have a negative impact on persons or properties in the surrounding area, such animals should be allowed; and

**WHEREAS**, a PUD Zone District pursuant to Section 16-622(b) of the Dacono Municipal Code may only be established by zoning or rezoning of property and requires several public hearings, so the City Council may take into consideration comments and objections by neighboring property owners; and

**WHEREAS**, the City Council desires to amend the Dacono Municipal Code to create an exception for these otherwise prohibited animals when they are kept or harbored in accordance with an approved PUD Final Development Plan for property located within a PUD Zone District.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** Section 7-84 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 7-84 Prohibited animals.**

Except as may be permitted by a PUD Final Development Plan for property located within a PUD Zone District approved pursuant to Chapter 16, Article 28 of this Code, ~~No~~ no person shall keep or harbor within the City limits any animal that may reasonably and generally be categorized as a fowl, livestock or wild animal with the following exceptions: there shall be permitted in each household in the City no more than a total of two (2) ducks, or two (2) rabbits, or a combination of ducks and rabbits not to exceed four (4) in number. However, when a duck or a rabbit has a litter, the household shall not fall within the prohibition of this section until such time as the ducklings or bunnies are four (4) weeks of age in order to give the owners time to conform with this section. Tropical birds and fish commonly kept within the home are not banned by this section.

**Section 2.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or

constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

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

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 23<sup>rd</sup> day of May, 2011.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 13<sup>th</sup> day of June, 2011, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this \_\_\_\_ day of \_\_\_\_\_, 2011.**

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Charles Sigman, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Elliott, City Clerk

Summary of Ordinance No. 756, “**AN ORDINANCE AMENDING CHAPTER 7 OF THE DACONO MUNICIPAL CODE REGARDING PROHIBITED ANIMALS**” Allows fowl, livestock and wild animals to be kept or harbored on property within the City in accordance with an approved PUD Zone District Final Development Plan.