

ORDINANCE NO. 2023-02

AN ORDINANCE AMENDING CHAPTER 7 OF THE KEENESBURG MUNICIPAL CODE REGARDING THE KEEPING OF BACKYARD CHICKEN HENS WITHIN CERTAIN AREAS OF THE TOWN, AND ELIMINATING THE RESTRICTION OF THE SALE OF EGGS

WHEREAS, Sections 7-7-170 and 16-2-45 of the Keenesburg Municipal Code allows backyard chickens to be kept as an accessory use on single-family residential parcels within areas zoned R-1 and as a special review use in other zone districts of the Town where single-family dwellings are a use by rights and on such parcels where a single-family dwelling is the active permitted use; and

WHEREAS, Section 7-7-170(a)(16) of the Keenesburg Municipal Code prohibits the sale of eggs from the keeping of chicken hens and prohibits such as a home occupation; and

WHEREAS, Section 16-1-70(39) defines a “home occupation” as any use conducted entirely within a dwelling and carried on by the occupants that is clearly incidental to the use of the dwelling as a residence, does not change the character thereof or adversely affect the residential use, creates no additional traffic, requires to additional parking space, and where no persons are employed other than residents of the dwelling; and

WHEREAS, other than those specific activities listed in Section 16-1-70(39), which do not include the sale of eggs from backyard chicken hens, home occupations are permitted in residential zone districts without any additional permits, approvals, or licensing; and

WHEREAS, Section 7-7-170(a)(1) of the Keenesburg Municipal Code limits the number of chicken hens to no more than four (4) per parcel, which the Board of Trustees finds would not produce an amount of eggs for sale that would create impacts beyond a home occupation or otherwise change or alter the character of the property on which the chicken hens are kept or adversely affect surrounding properties; and

WHEREAS, the Board of Trustees desires to amend Section 7-7-170 of the Keenesburg Municipal Code, so that persons who keep backyard chickens pursuant to the Town’s permitting requirement and other regulations are not restricted from selling the eggs produced by backyard chicken hens kept on the property.

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

Section 1. Section 7-7-170(a) of the Keenesburg Municipal Code is hereby amended by the deletion of subsection (16), to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

7-7-170 Keeping of Backyard Chicken Hens.

(a) Backyard chickens hens may be kept only in those zone districts as set forth in Section 16-2-45 of this Code, subject to permitting and compliance with all of the following requirements:

~~(16) The sale of eggs from the keeping of chicken hens is strictly prohibited, and not allowed as a home occupation.~~

Section 2. If any 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 Town Board 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.

Section 4. The repeal or modification of any provision of the Municipal Code of the Town of Keenesburg by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 6th day of February, 2023.

TOWN OF KEENESBURG, COLORADO

Aron Lam, Mayor

ATTEST:

Christina Fernandez, Town Clerk