



Council Communication

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Agenda Date: 5/6/2024

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING CHAPTER 4 OF THE COMMERCE CITY MUNICIPAL CODE BY ADDING A NEW ARTICLE V REGARDING BACKYARD CHICKENS AND BEES AND AMENDING SECTION 21-5226 OF THE LAND DEVELOPMENT CODE TO ALLOW BACKYARD CHICKENS AND BEES

Summary and Background Information:

BACKGROUND

Backyard animals has been a running discussion in the City over the past several years. Previous Councils have directed Staff to investigate the possibility of allowing the keeping of backyard animals such as chickens and bees in 2016, 2018, and 2020. Staff brought information to Council at those times, but Council did not take further action. In 2023, Council again directed Staff to explore backyard animals.

At the May 8, 2023, study session, Staff presented information on backyard chickens. Council then directed Staff to refer the issue to the voters in that year's election. Based on that direction, Staff prepared three ballot questions that would allow for the keeping of backyard chickens, ducks, and bees, respectively. These ballot questions were brought to Council and approved via Resolutions 2023-071 (chickens), 2023-074 (ducks), and 2023-077 (bees) at the July 17, 2023, Council meeting.

On November 7, 2023, residents of Commerce City voted to approve the ballot questions allowing for the keeping of backyard bees and chickens; the question that would have allowed the keeping of backyard ducks failed. These questions require the City to adopt ordinances by December 31, 2024, that would allow, with certain restrictions, the keeping of backyard bees and chickens.

Since passage of these two ballot questions, Staff has been working on preparing such an ordinance for Council's action. The Ordinance on the agenda tonight would enact a new section of the Animal Code that would provide regulations for keeping backyard bees and chickens.

REGULATIONS

Staff has prepared these regulations over several months by examining best practices demonstrated by other cities and recommendations from experts in bee and chicken keeping. Importantly, these regulations do not supersede any HOA or Metro District bylaws; if keeping bees or chickens is not allowed by an HOA or Metro District, these regulations do not allow for it.

The regulations place limits on the number of chickens or bees that may be kept. They

also set requirements for setbacks for any beehives or chicken coops, and set standards for hives and coops. Building permits are not required for those structures provided they conform to the criteria laid out in the regulations. The regulations are designed to minimize the impact on neighbors by prohibiting roosters, requiring the immediate re-queening of any Africanized or otherwise aggressive beehives, placing setbacks, and requiring flyway barriers for bees in certain cases. Flyway barriers are fences placed in front of the entrance to a hive that force bees to fly above the height of a person when entering or exiting the hive to minimize potential contact; flyway barriers do not require building permits provided they conform to the requirements laid out in the regulations.

The regulations create a permit system to ensure compliance. To receive approval, the applicant must provide a diagram of their backyard and any proposed beehives, chicken coops, or other features in order to demonstrate that they meet all of the requirements contained in the code. Applicants who do not meet these standards will not be allowed to keep chickens or bees.

EDUCATION

This Ordinance goes into effect sixty days after passage on second reading. This delay will give Staff sufficient time to perform public outreach. This outreach will focus on education about the new regulations and is and is not allowed. Once the new regulations go into effect, Staff will begin accepting and processing permit applications. Staff will continue to answer any resident questions pertaining to the regulations.

Staff Responsible (Department Head): Jim Tolbert, Assistant City Manager

Staff Member Presenting: John Bourjaily, Management Analyst

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approve the ordinance on first reading

Suggested Motion: Approve the ordinance on first reading by Council as seated