

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF COMMERCE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD NOVEMBER 7, 2023 THE QUESTION OF WHETHER TO ALLOW THE BACKYARD KEEPING OF DUCKS AND SETTING THE LANGUAGE THEREOF

NO. 2023-074

WHEREAS, the allowance and regulation of backyard keeping of certain fowl has been a topic of discussion numerous times at City Council study sessions since 2020;

WHEREAS, the City Council of Commerce City hereby determines that it is appropriate to submit to the electors of the City at the November 7, 2023 election the questions of whether to allow the backyard keeping of ducks; and

WHEREAS, it is necessary to set the language for the ballot questions and to set forth certain procedures concerning the conduct of the coordinated election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Definitions. Unless defined otherwise herein, all terms used in this Resolution shall have the meanings as set forth in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, of the Colorado Revised Statutes, as amended.

SECTION 3. Ballot Language. The City Council hereby certifies the following questions substantially in the form below to be submitted to the eligible electors of the City of Commerce City at the November 7, 2023 regular municipal coordinated election:

QUESTION NO. _

SHALL THE CITY OF COMMERCE CITY, BY DECEMBER 31, 2024, ADOPT AN ORDINANCE ALLOWING, WITH CERTAIN RESTRICTIONS, THE BACKYARD KEEPING OF DUCKS IN ADDITION TO THE PET LIMITS CURRENTLY ESTABLISHED IN THE MUNICIPAL CODE (SUCH ORDINANCE WOULD NOT AFFECT PROHIBITIONS THAT MAY BE CONTAINED IN COVENANTS ENFORCED BY CERTAIN NEIGHBORHOODS)?

SECTION 4. Authorization. If a majority of the votes cast on the any of questions as provided above are in favor of such change(s), then the City, acting through the City Council and City Manager, are authorized and directed to take all action necessary to effectuate such provisions of this resolution, to amend any applicable provisions of the Commerce City Revised Municipal Code in accord with the results of the coordinated election, and to promulgate any rules, procedures, or processes necessary to implement and regulate such actions as approved by the eligible electors of the City at the November 7, 2023 coordinated election.

RESOLVED AND PASSED THIS 17TH DAY OF JULY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk