

MEMO

To: Commander Sadar
From: CSO B. Birdsell #4454, Officer E. Couture #2015
Subject: PUD Concept for 6525 Olive St.
Date: February 16, 2017

We have reviewed the schematic for the above referenced address and have the following concerns based on the listed municipal ordinances:

Code Sec. 6-2010(a)(5) –

(a) Public health nuisance defined. Every act, thing or condition that is caused, created, maintained, operated, permitted, allowed, or continued on or through any property, real or personal, within the city that is harmful to health, safety, welfare or property of any of the inhabitants of the city is a public health nuisance and is hereby prohibited.

Without limiting the generality of the foregoing, the following are hereby declared to be nuisances affecting public health:

(5) Accumulations of manure, rubbish, litter, trash, rubble, refuse, debris, paper, combustible materials, garbage, improperly stored building materials or matter of any kind or form in which flies, mosquitoes or other vermin can breed;

Code Sec. 4-2002. - Cleanliness of animal enclosures; removal of excrement.

(a) It is unlawful for any person to maintain or permit the maintenance of any animal enclosure or other place in the city to the extent such area emits an offensive odor, attracts insects or rodents or creates other unsanitary conditions.

1. How will the property owner store the manure and how long will it be stored?
Composting is prohibited in Commerce City
2. How often will the animal enclosures be cleaned? Hourly, daily, weekly, monthly?

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The resident quoted -- “Manure shall be picked up daily and placed in compost bins designed for manure. The bins shall be located as far away from neighbors as possible and screened from their view.”

Code Sec. 4-2000. - Mistreatment and neglect of animals generally.

(f) It is a civil infraction for any person to slaughter or butcher any domesticated animal within the city except in areas zoned for such purpose.

(g) It is a civil infraction for any person to slaughter or butcher any wild animal in view of the general public except to the extent necessary as part of a bona fide educational class, course, seminar or the like or to the extent such activity is protect under the First Amendment to the United States Constitution.

City Zoning --"Meat Products, Including Slaughtering" under Industrial Uses, Food Manufacturing, and only allowed in an I-3 zoning with a Conditional Use Permit.

The resident quoted -- “Only small livestock (poultry, rabbits) may be processed on site; larger livestock must be removed. Dead animals or parts of dead animals may not be buried or composted on site.”

1. City ordinance prohibits the processing of any animal.

Code Sec. 4-2004. – Disturbance by Animal

(a) It is a civil infraction for the owner of any animal to allow such animal to disturb any person by barking, howling, yelping or making some other audible sound where such barking, howling, yelping or other audible sound is: (1) Loud; (2) Persistent, frequent or habitual; and (3) Made without provocation.

1. What will the property owner do to minimize the noise?

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2. How will the property owner come back into compliance after a warning or citation is issued?

3. How will the property owner handle ongoing noise complaints?

Example- Ongoing barking dog complaints can easily be fixed by more owner attention or the use of a bark control mechanism.

Code Sec. 4-2005. - Animals at large; damage to property.

It is a civil infraction for the owner of any animal to fail to keep such animal on the premises of the owner unless such animal is under the control of the owner under one of the following conditions:

(1) The animal is on a leash, cord or chain no longer than ten (10) feet in length, held by competent person who is:

- Physically able to control the animal; and
- Maintaining physical control of the animal.

1. How would this be handled by property owner?

2. Animal control/police response would require a minimum of 4 officers to corral. Animal control is not equipped to regularly handle livestock including horses and cows.

- a. Traffic hazards and delays would be increased by loose livestock. Larger animals cover more area in less time.
- b. What if livestock owner is known, but not available or on scene?
 - i. Animal control does not have the resources to transport large animals.

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ii. CCPD could call the Brand Inspector to respond if they are available. This could be a 4-6 hour wait if able to respond.

3. What to do if the animal is injured or DOA?
 - a. Animal control does not have resources to transport the animal to veterinarian.
 - b. Rendering company would have to be called for larger DOA animals.

Example: Cats and dogs are easily transported to vet for care or euthanasia. When we come across an injured or DOA deer, we call DOW to ask what they want to do with the deer. Usually it is either leave it or dispatch the deer and then call renderer to remove it.

Additional concerns we have would be centered around traffic issues. Specifically, if a horse or other large animal were to escape the confines of the property. We – the Police department – do not currently have the equipment or training to restrain and return such an animal. We lack the capacity to handle the type of traffic impact such an animal would have if it were to make it to Highway 2, Interstate 85, Quebec Pkwy, 64th Avenue, 72nd Avenue, Brighton / Vasquez – etc. These are major thoroughfares and the potential and predictable traffic impact would not be reasonable in this urban corridor.

“The schematic also makes reference to an arbitration / complaint process which would be applied to the possible rezoning. The Commerce City Police Department is obligated to follow Constitutional law, State Statutes, Municipal ordinances and the CCPD policy manual. The CCPD cannot submit to a special complaint process involving one plot of property as it would interfere with our obligation to equal enforcement of the law across all residents.”