

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-251

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6.2, OF THE CODE OF ORDINANCES OF THE INCORPORATED COUNTY OF LOS ALAMOS RELATING TO CHICKENS IN PROXIMITY TO HUMAN HABITATION

WHEREAS, Section 6-2 of the Incorporated County of Los Alamos Code of Ordinances currently prohibits the keeping of chickens within the Incorporated County of Los Alamos, except in the residential agricultural districts (R-A) zone and in all other residential districts, excluding Pajarito Acres and La Senda, if chickens are kept within 200 yards from a residence regularly used for human habitation; and

WHEREAS, residents of the Incorporated County of Los Alamos wish to keep and maintain chickens within all residential districts, without the 200 yard proximity limitation, for local, residential, and noncommercial food production; and

WHEREAS, residents of the County have made requests for the County Council to consider an amendment to the Code of Ordinances to allow the keeping of a small number of chickens;

WHEREAS, County Council has considered such request and as determined that, if properly regulated, the keeping of chickens by residents within all residential districts of the County will be potential benefit to such residents and will not create a nuisance to other residents; and

WHEREAS, Council has determined that the keeping of chickens within all residential districts of the County would be in the best interests of the citizens of the Incorporated County of Los Alamos.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS that:

Section 1. Section 6.2 of the Los Alamos County Code of Ordinances is amended to read as follows:

Sec. 6-2. Proximity to human habitation.

(a) In residential agricultural district (R-A) any animal, except swine and unaltered male goats, may be kept in accordance with the following:

- (1) All pet animals shall be kept in such a manner as to not constitute a nuisance to the surrounding area as follows:
 - a. No offensive noise or order shall be produced;
 - b. Areas devoted to pets or small animals, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

(2) Livestock, may be kept not closer than 45 feet to any residence regularly used for human habitation. Also, livestock may not be kept or confined within 60 feet of the line separating the residential agricultural district from an adjacent residential district. Areas devoted to livestock, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

(b) In all residential districts excluding the residential agricultural (R-A) districts of Pajarito Acres and La Senda, animals may be kept in accordance with the following:

(1) No livestock shall be kept within 200 yards of a residence regularly used for human habitation.

(2) The prohibition against keeping livestock shall not apply to the keeping of chickens for residential, noncommercial purposes, which shall be allowed in accordance with the following:

a. The maximum number of chickens on any lot is six (6) provided that there must be at least sixteen (16) square feet of permeable land area available for each chicken, plus at least two (2) square feet of shelter space per chicken;

b. Adequate shelter must be provided to protect chickens from the elements and to prevent wildlife and other predators from gaining entry. Shelter must be properly ventilated. Shelter must be kept in a clean, dry, odor-free and sanitary condition at all times;

c. Adequate fencing shall be provided to prevent chickens from escaping when not in their shelter;

d. During daylight hours, chickens shall have access to the sun within a secure fenced yard or adequate shelter. Chickens shall be kept within a secure shelter at night;

e. No chickens, shelter or fencing shall be kept:

i. closer than 35 feet to a dwelling unit on abutting property;

ii. in the required front, rear, and side setbacks; or

iii. closer than 100 feet to a water well.

f. The keeping and maintenance of chickens as provided in this section, shall comply with all applicable health and sanitation laws;

g. All areas devoted to chickens, including shelter, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents; and

h. No roosters are allowed.

(23) All livestock, chickens and pet animals shall be kept in such a manner as to not constitute a nuisance to the neighborhood as follows:

- a. No offensive noise or odor shall be produced; and
- b. Areas devoted to small animals including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 3. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 28th day of October, 2014.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**Geoff Rodgers
Council Chair**

ATTEST: (SEAL)

**Sharon Stover
Los Alamos County Clerk**