

## Council Meeting Staff Report

October 10, 2014

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<b>Agenda No.:</b>	A.
<b>Indexes (Council Goals):</b>	2014 Council Goal – N/A
<b>Presenters:</b>	Katie Thwaites
<b>Legislative File:</b>	CO0408-14

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### Title

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.

### Recommended Action

**I introduce, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-251, An Ordinance Amending Chapter 6 of the Code of Ordinances of the Incorporated County of Los Alamos, relating to chickens in proximity to human habitation, and ask the staff to assure that it is published as provided in the County Charter.**

### Body

This ordinance is scheduled to be considered at a public hearing on November 14, 2014.

Residents of the County have made requests for the Council to consider an amendment to the Code of Ordinances to allow the keeping of a small number of chickens in all residential districts.

Section 6-2 of the Code of Ordinances currently prohibits the keeping of chickens within the County, 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.

A review and summary of other such ordinances around the state of New Mexico and a few from Colorado are attached as Exhibit B.

The proposed amendment expands the current ordinance to permit the practice of keeping chickens within all residential districts in the County subject to certain conditions:

- Must be for residential, noncommercial purposes;
- Maximum of 6 on any lot;
- Must be at least 16 square feet of permeable land available for each chicken;
- Must have at least 2 square feet of shelter space per chicken;
- Adequate shelter must be provided;
- Shelter must be kept clean, dry, odor-free and in sanitary condition at all times;
- Adequate fencing must be provided;
- Chickens must have access to the sun during daylight hours and kept in secure shelter at night;
- Cannot be kept closer than 35 feet to a dwelling unit on abutting property;
- Cannot be kept in front, rear or side setbacks;
- Cannot be kept closer than 100 feet to a water well;
- Keeping and maintaining chickens must comply with all applicable health and safety laws;

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- All areas devoted to chickens must be constructed and maintained to discourage insects and rodents; and
  - No roosters are allowed.

### **Alternatives**

Council could chose not to introduce this Ordinance resulting in the preservation of the status quo, which currently does not allow chickens to be kept in residential zones with the exception of Pajarito Acres and La Senda, and other residential districts only if chickens are kept within 200 yards from a residence regularly used for human habitation.

### **Fiscal and Staff Impact/Unplanned Item**

No discernable staff or fiscal impact with the approval of amendments.

### **Attachments**

A - Incorporated County of Los Alamos Code Ordinance No. 02-251

B - Summary of other ordinances in New Mexico and Colorado