

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> May 24, 2022	<b>Agenda Item:</b> 10C	<b>Agenda Location:</b> Consent Calendar	<b>Goal(s):</b>	<b>Legal Review:</b> <i>Ty</i>	<input type="checkbox"/> 1 <sup>st</sup> Reading <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> An ordinance initiating a pilot program regarding the keeping of miniature goats in the backyard of Single-Family Detached dwellings.					
<b>Recommended by:</b> Terrence Gordon <i>TG</i> <b>Approved by:</b> Kevin S. Woods <i>KW</i> <b>Presenter(s):</b> Dan Mauser, Lieutenant Janice O'Brien, Animal Control Supervisor				<b>Ordinance previously introduced by:</b> <hr style="width: 100%;"/> <b>Garcia</b>	

**SYNOPSIS:**

This ordinance establishes a Pilot Program that would allow the keeping of miniature goats in the backyard of Single-Family Detached dwellings under certain conditions. The Pilot Program runs from June 1, 2022 through August 31, 2023, at which time the Pilot Program and authorization to keep miniature goats would expire unless action is taken by the City Council.

The ordinance allows the keeping of two miniature goats; establishes shelter, outdoor space and fencing requirements as well as setbacks associated with such; and establishes a permit and inspection system. The number of permits during the Pilot Program is limited to 20 total. The Pilot Program is similar to the program that the City of Brighton is conducting and the provisions in the ordinance generally follow the same requirements as the other cities in the front-range (Brighton, Colorado Springs, Denver, Fort Collins, Loveland) that allow the keeping of miniature goats.

The information about the Pilot Program, as well as the application for a permit, will reside on the Police Department/Animal Control website.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the ordinance as presented.

**BUDGET/STAFF IMPLICATIONS:**

If Council chooses to allow miniature goats on residential properties, enforcement of the Pilot Program will be the responsibility of the Animal Control Unit. It is anticipated that the approval of the Pilot Program will have a minimal increase in animal calls for service, as well as the need to inspect the properties of those requesting to participate in the Pilot Program to ensure compliance of permit and shelter requirements.

**ALTERNATIVES:**

1. Approve the ordinance as presented.
2. Approve the ordinance with specific amendments directed by Council.
3. Do not approve the ordinance.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

In 2021, a resident in the City asked to allow residents to keep goats on residential properties as emotional support animals and City Council directed staff to prepare a pilot program. Staff has studied how other Colorado jurisdictions have handled this topic and has drafted the attached ordinance initiating a pilot program regarding the keeping of miniature goats.

The key terms of the Pilot Program proposal include:

- The program would run for slightly more than one year, with permits being available starting June 1, 2022 and automatically expiring on August 31, 2023 unless an extension is approved by Council.
- A maximum of twenty (20) permits would be available on a first come, first served basis. One permit will be issued per property – not per miniature goat.
- The permit is not issued unless the requirements for shelter, outdoor space, fencing, and setbacks are met.
  - Shelter
    - minimum of 50 square feet of indoor space, not to exceed 120 square feet
    - covered and predator-resistant with proper ventilation
    - located in the rear yard and set back a minimum of five feet from the property line
  - Outdoor Space
    - Minimum of 300 square feet with sturdy fencing to keep miniature goats contained
- No more or less than two goats are permitted per property.
- Only vaccinated miniature goats and neutered males shall be kept on the properties.

If Council determines that it would like to permanently permit miniature goats after expiration of the Pilot Program, a Code amendment will likely be required at that time.

INTRODUCED BY:         Garcia        

AN ORDINANCE INITIATING A PILOT PROGRAM REGARDING THE KEEPING OF MINIATURE GOATS IN THE BACKYARD OF SINGLE-FAMILY DETACHED DWELLINGS.

WHEREAS, Section 6-36 of the Thornton City Code currently prohibits the keeping of goats in residential districts; and

WHEREAS, the citizens of Thornton have expressed a desire to keep miniature goats in residential areas; and

WHEREAS, City Council has directed staff to prepare a pilot program, to last approximately one year, permitting the keeping of miniature goats under certain circumstances and conditions; and

WHEREAS, should City Council determine in its sole discretion that this Pilot Program has been successful, an amendment to the Thornton City Code will be considered; and

WHEREAS, this ordinance is necessary to promote the health, safety, and general welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. For purposes of this ordinance, a miniature goat means any breed of goat that reaches less than one hundred pounds at maturity.
  - a. Miniature goats shall be kept in a group of no less and no more than two. The keeping of only one miniature goat is prohibited, except as allowed in 2.a below.
  - b. Any offspring may be kept until those offspring are three months of age, at which time the offspring shall be removed from the property.
  - c. Miniature goats are subject to the limitations on animals in Section 6-37 of the City Code. When miniature goats are kept in combination with dogs, cats, and/or pigs, there shall be a maximum of four animals per dwelling unit.
2. Miniature goat keeping shall be allowed on a limited basis as a pilot program and the Pilot Program shall automatically expire on August 31, 2023, unless action is taken by City Council (Pilot Program).

- a. If City Council declines to amend the City Code to allow the keeping of miniature goats at the expiration of this Pilot Program, those miniature goats permitted during the Pilot Program will be allowed to remain within the City until their passing. Deceased miniature goats may not be replaced, and a single miniature goat may be kept in this circumstance until its passing.
  - b. The owner(s) of any miniature goats that remain within the City at the expiration of this Pilot Program shall remain subject to the requirements of this ordinance regarding notice of any change of residence within the City and subsequent inspection thereof, as well as all shelter and goat requirements contained below during the lifetime of the miniature goat.
3. Miniature goats are only permitted on lots developed with Single-Family Detached dwellings, unless located in an approved planned development district that prohibits the keeping of miniature goats. This requirement shall not apply to goats kept in accordance with Section 6-36(b) of the City Code regarding agricultural, residential estate, and preservation/revitalization zoning districts.
4. It shall be unlawful for any person to possess, harbor, keep, maintain, or allow miniature goats in the City without a permit issued pursuant to this ordinance. Permit applications and information on the permitting process shall be available on the City's website.
5. Permit Requirements.
  - a. A maximum of twenty (20) permits shall be issued during the term of the Pilot Program.
  - b. One permit shall be required for each property where the miniature goats will be kept. No more than one permit shall be issued per location.
  - c. Complete initial applications will be accepted and tracked on a first come, first served basis based on the date and time submitted.
    - i. To be considered complete, the initial application must include all items listed in 5.d.i, below, including the application fee.
    - ii. If there are fewer than 20 approved or pending permits at the time of acceptance, the applicant will be notified of permit availability. If there are 20 or more approved or pending permits, the applicant will be placed on a wait list based on the date and time of the application submittal (Wait List).

- iii. Applicants have three weeks from the date of notification to prepare their property for keeping miniature goats and notify the City that they are ready for the required inspection. If requested by the applicant, additional time may be granted at the City's discretion, if no other applicants are on the Wait List. The extended time shall not exceed one month from the conclusion of the initial three-week period, and only one extension may be granted.
  - iv. At the time of inspection, if the property is compliant with all requirements of this ordinance, a permit for keeping miniature goats will be approved.
  - v. At the time of inspection, if the property is not compliant with all requirements of this ordinance, the applicant shall have three weeks to correct any concerns and notify the City that they are ready for the required re-inspection. If requested, the applicant may be granted additional time for compliance, at the City's discretion, if no other applicants are on the Wait List. The extended time shall not exceed two months from the date of the initial inspection, and only one extension may be granted.
  - vi. If the inspection process is not successfully completed and a permit is not approved within the specified times in 5.c.v, the application shall be considered suspended and the next pending applicant on the Wait List shall be notified to proceed. Suspended applications will not be considered further, and the applicant must submit a new initial application if they desire to proceed with the permitting process. Applicants resubmitting a permit application within six months of the original application date are not required to pay an additional application fee.
- d. The application and permit issuance process requires the following:
- i. Initial application. Submit an initial application for a miniature goat permit, on a form provided by the City, including the following information:
    - 1. The name, address, and telephone number of the applicant. The applicant shall own and reside on the subject property, or shall have the right to possession and control of the property if the property is leased.
    - 2. A site plan of the property, including the proposed location of the shelter(s). The site plan shall include the dimensions of the goat shelter, the dimensions of the

outdoor space made available to goats, and the distance of the shelter and any fencing from the property lines.

3. If the applicant is not the owner of the subject property, a statement of approval signed by the owner of the property.
  4. A signed statement from the applicant that they will comply with the provisions and requirements of this ordinance.
  5. An application fee of \$150. This amount is applicable only during this Pilot Program.
- ii. Property inspection. The property shall be inspected by the City to verify all ordinance requirements are met, including but not limited to the shelters to be provided, the enclosures, etc. If the property meets the requirements of this ordinance, a miniature goat permit shall be approved and issued.
- e. The permit is non-transferrable and shall be specific to the permit holder, the specific miniature goats acquired, and the property.
    - i. If the permit holder moves to a new property within the City, they shall provide notice to [animalcontrol@thorntonco.gov](mailto:animalcontrol@thorntonco.gov), or in writing delivered in person to Thornton Animal Control, located in the Thornton Police Department facility at 9551 Civic Center Drive. The new property shall be subject to a new inspection to ensure the new location meets the requirements of this ordinance.
    - ii. Once the permit is approved and issued, the permit holder shall submit a photo of the miniature goats to [animalcontrol@thorntonco.gov](mailto:animalcontrol@thorntonco.gov) or in person at the same location as above within fourteen days of acquisition of the miniature goats for future identification purposes. If a miniature goat is replaced during the Pilot Program, a photo of the new miniature goat shall be submitted as required in this paragraph.
6. Shelter Requirements.
    - a. The goat shelter must be in the rear yard of the residential property and must be set back a minimum of five feet from the property lines.
    - b. The shelter must provide a minimum of 50 square feet of indoor space, but shall not exceed 120 square feet.

- c. There shall be a minimum of 300 square feet of outdoor space accessible to the miniature goats.
  - d. The miniature goat shelter shall be covered and predator-resistant, with proper ventilation, and shall be designed to be easily accessed, cleaned and maintained. It shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures.
  - e. All miniature goats shall be closed inside the shelter from dusk to dawn. During the day, the goats shall have access to the shelter and the outdoor space with sturdy fencing sufficient to keep the miniature goats contained. Owners of miniature goats shall be subject to Section 6-7 of the City Code regarding animals at large.
  - f. Removal and disposal of waste and feces shall be in accordance with Section 6-34(a) of the City Code.
7. Miniature Goat Requirements.
- a. Only vaccinated miniature goats and neutered males shall be kept on properties pursuant to this ordinance. Males shall be neutered by four months of age.
  - b. All miniature goats shall be disbudded.
  - c. Miniature goats shall be vaccinated according to recommendations by a licensed veterinarian.
  - d. Slaughter and/or butchering of miniature goats shall be performed in a licensed facility or outside the City in accordance with Sections 6-31 (a)(8) and 6-31(a)(9) of the City Code. The slaughter and/or butchering of any goats within the City at a non-licensed facility shall be considered animal cruelty and charged as such.
  - e. The breeding of miniature goats shall be prohibited within City limits.
8. This ordinance shall supersede any conflicting provisions regarding miniature goats within Section 6-36 of the Thornton City Code until expiration of the Pilot Program.
9. This ordinance shall not supersede any restrictions of a homeowners' association, metropolitan district association, or similar organization regarding the keeping of miniature goats.

10. Violation of this ordinance may result in revocation of any permit issued pursuant thereto and also may be subject to the terms of Section 1-8 of the Thornton City Code. Any revocation or denial of a permit shall be a final decision.
11. Applications for miniature goat permits shall be available on June 1, 2022.
12. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
13. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
14. This ordinance shall take effect on second reading.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on May 10, 2022.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2022.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Jan Kulmann, Mayor

ATTEST:

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Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.



APPROVED AS TO LEGAL FORM:

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Tami Yellico, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, Thornton Active Adult Center, and Trail Winds Recreation Center after first and second readings.

Published on the City's official website after first reading on May 11, 2022, and after second and final reading on \_\_\_\_\_, 2022.