



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: July 25, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Laura Solano, Chief of Staff
SUBJECT: AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE WITH REGARDS TO WORKING GOATS AND IMPOSING NEW REQUIREMENTS IN ACCORDANCE THEREWITH

SUMMARY:

Attached for consideration is an amendment to the Pueblo Municipal Code relating to working goats and imposing new requirements in accordance therewith.

PREVIOUS COUNCIL ACTION:

There has been no previous City Council action with regards to this Ordinance.

BACKGROUND:

Citizens have expressed interest in using "working goats" to address weeds on vacant properties and for other landscaping purposes. This Ordinance would make it legal to use up to four (4) working goats for such purposes, subject to certain conditions.

FINANCIAL IMPLICATIONS:

Not applicable to this Ordinance.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If City Council does not approve this Ordinance, the Pueblo Municipal Code will not be amended to reflect the proposed changes.

RECOMMENDATION:

Approval of this resolution.

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XI OF
THE PUEBLO MUNICIPAL CODE WITH REGARDS TO
WORKING GOATS AND IMPOSING NEW
REQUIREMENTS IN ACCORDANCE THEREWITH

WHEREAS, City Council is committed to protecting the health, safety, and welfare of the public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 11-4-33 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-33. - Prohibited animals.

(a) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep, pasture or maintain in the City any wild animals, venomous snakes, constricting snakes over twelve (12) feet in length, hogs, pigs, swine, sheep, horses, emus, rheas, ostriches, llamas, cattle, pea fowl, guinea hens or goats, except in a public zoo; except that hogs, pigs, swine, sheep, horses, cattle, pea fowl, guinea hens or goats may be kept upon land zoned for agricultural use, provided that said animals are kept, pastured and maintained in compliance with this Chapter and all applicable ordinances of the City.

(b) Notwithstanding anything to the contrary in Subsection (a) of this Section, it shall not be unlawful for any person to possess, harbor, keep or maintain not more than two (2) domesticated pot-bellied pig upon any premises within the City, provided that said person complies with all other provisions of this Chapter. Domesticated pot-bellied pigs shall not exceed one hundred (100) pounds. Any such pigs must be registered with the Pueblo Animal Shelter, spayed or neutered if over two (2) months old, and vaccinated. Pot-bellied pigs must be licensed under P.M.C. 11-4-43, 11-4-44, 11-4-45, and 11-4-46.

(c) Notwithstanding anything to the contrary in Subsection (a) of this Section, it shall not be unlawful for any person to possess, harbor, keep or maintain not more than two (2) domesticated miniature goats upon any premises within the City. Domesticated miniature goats shall not exceed one hundred (100) pounds. Any such goats must be registered with the Pueblo Animal Shelter, neutered if over two (2) months old, vaccinated, and hornless or debudded. Miniature goats must be licensed under P.M.C. 11-4-43, 11-4-44, 11-4-45, and 11-4-46. The person possessing, harboring, keeping or maintaining the goat or goats must comply with all other provisions of this Chapter.

(d) Notwithstanding anything to the contrary in Subsection (a) of this Section, it shall not be unlawful for any person to possess, keep, or employ not more than four (4) working goats upon any premises within the City for sixty (60) continuous days in accordance with this provision. Working goats shall not exceed one hundred fifty (150) pounds and may be used to consume weeds and for other landscaping purposes. All working goats must be registered with the Pueblo Animal Shelter, vaccinated, and licensed under P.M.C. 11-4-43, 11-4-44, 11-4-45, and 11-4-46. A person employing working goats in accordance with this provision shall not be required to obtain a multiple animal license under P.M.C. 11-4-9. The person possessing, keeping, or employing the working goats must comply with all other provisions of this Chapter, including humane care pursuant to P.M.C. 11-4-21. Working goats must be restricted to the premises where they are performing tasks. If a working goat is off or away from the premises or not under the direct physical control of its owner or another by either leash, cord, or chain, it shall be deemed to be at large and in violation of P.M.C. 11-4-15. Working goats may only consume weeds and other plants for landscaping purposes and will not be provided with extra feed on the premises. All working goats must be removed from a premises within the City after the sixty (60) day allowance and transferred to another premises for work, land zoned for agricultural use within the City, or beyond the jurisdiction of the City. An Animal Control Officer or other peace officer observing and recording the working goats on a premises at least one day and then again sixty (60) days later shall create the rebuttable presumption that the working goats were on the premises in between said observations. If a person is providing working goats pursuant to this provision for business purposes, that person must: (i) be able to produce a written agreement or other permission for the goats to be on a property and performing work, (ii) certify that the working goats have been vaccinated and received standard care for livestock, and (iii) notify Animal Law Enforcement of the number of goats, the location of the work, and the time during which the working goats will be on the premises. Working goats are not pets and may not be kept in residential areas when not working. It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person owning working goats to permit any sound, cry, offensive odor, or the accumulation of waste that disturbs the peace and comfort of any neighborhood, interferes with any person in the reasonable and comfortable enjoyment of life or property, or in any other manner presents an unreasonable hazard to the public health, safety, or welfare.

(e) Any animal which constitutes a known safety or health hazard or other type of nuisance, may at the order of the Mayor be impounded in accordance with this Chapter and shall not be released to the owner or any other person; provided, however the animal may be released to the appropriate authorities or zoo if applicable. Animals may be humanely euthanized in accordance with Chapter 4.5 of this Title XI if in the opinion of the License Officer the animal constitutes a safety or health hazard.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective thirty (30) days following final passage and approval.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk