

ORDINANCE NO. 22 - 86

AN ORDINANCE CREATING A FIVE (5) MONTH MORATORIUM ON THE ENFORCEMENT OF CERTAIN PUBLIC HEALTH CODE VIOLATIONS RELATED TO KEEPING MORE THAN TWO (2) HOOFED PETS PER HOUSEHOLD OR DWELLING

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 6.1.101 sets forth the purpose and intent of the City's public health and sanitation regulations is to protect "public health, safety and general welfare to provide a healthful, sanitary and clean environment for the residents of the City"; and

WHEREAS, pursuant to City Code § 6.7.106(G), a maximum of two (2) hoofed pets may be kept per household or dwelling; and

WHEREAS, pursuant to City Code § 6.7.102, a hoofed pet is defined as "any goat weighing less than one hundred (100) pounds at maturity"; and

WHEREAS, it has come to the attention of City Council that residents of the City desire to keep more than two (2) hoofed pets; and

WHEREAS, City Council intends to study the issues created by keeping hoofed pets in order to determine whether new public health and sanitation code requirements should be adopted; and

WHEREAS, in order to temporarily maintain the status quo for residents who may be keeping more than two (2) hoofed pets, and to give City Council time to study the issues, Council believes it is necessary to implement a moratorium on enforcement of public health code violations related to keeping more than two (2) hoofed pets per household or dwelling.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council hereby immediately imposes a five (5) month moratorium on the restrictions on keeping more than two (2) hoofed pets as set forth in City Code § 6.7.106(G), provided that:

- A. the limitation on the total number of four (4) pets (whether cats, dogs, or hoofed pets) permitted under City Code § 6.7.106(G) is not suspended or subject to this moratorium;
- B. the owner of the hoofed pets was keeping more than two (2) hoofed pets prior to October 25, 2022; and
- C. the owner of the hoofed pets is compliant with all other provisions of City Code § 6.7.106 regarding the keeping of animals, sanitary requirements, and restraint of animals.

Section 2. City Council hereby suspends the provisions of City Code § 6.7.106(G) related to the keeping of more than two (2) hoofed pets per household or dwelling, subject to the requirements in Section 1, above, during the five (5) month moratorium period, which runs through March 25, 2023.

Section 3. City Council finds that this five (5) month moratorium period is reasonable and necessary to permit the City to study the impacts of hoofed pets and determine whether public health, land use, zoning, or other regulations are necessary to protect and preserve the public health, safety and welfare.

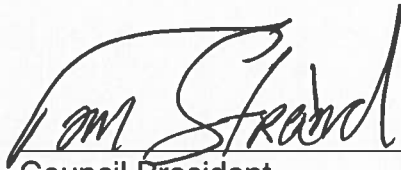
Section 4. This Ordinance does not suspend enforcement of any provisions of the public health code or zoning code (chapter 7) except as expressly state in this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. City Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this Ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 25th day of October 2022

Finally passed: _____

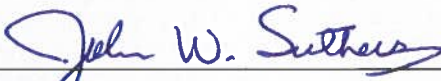
A handwritten signature in black ink, appearing to read "Tom Strand", written over a horizontal line.

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on November 10, 2022, based on the following objections:

See attached veto statement.



Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

CAO: ms
COS: _____

Mayor's Veto Statement Re: Ordinance 22-86

I have chosen to veto Ordinance 22-86 for two reasons:

First, I believe City Code § 6.7.106(G) limiting a household or dwelling to a maximum of two (2) hoofed pets is well reasoned. The odor and noise created by such animals, including goats, can be disruptive and annoying to residents in neighborhoods with lots of minimal acreage. Generally, such animals belong in more agricultural settings with larger acreage. I assume, because the council has chosen to impose a moratorium on enforcement of the existing law, that it is seriously considering allowing more than two hoofed animals per household or dwelling, and I oppose that.

Secondly, and perhaps more importantly, Ordinance 22-86 results from people who have willfully violated City Code § 6.7.106(G), and are subject to enforcement action by the City, approaching City Council and asking for relief from enforcement of the law they are violating. I believe the Council's response sets a bad precedent. I believe the citizens should be required to cease violating the law and be held responsible for their prior willful violations. If the Council chooses to change the law in the future, that is its prerogative, but it should not countenance willful violation of the law. While I recognize that the action was unanimously approved by the Council, I believe it undermines the rule of law, and I do not wish to put my stamp of approval on it.



John W. Suthers
Mayor of Colorado Springs

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE CREATING A FIVE (5) MONTH MORATORIUM ON THE ENFORCEMENT OF CERTAIN PUBLIC HEALTH CODE VIOLATIONS RELATED TO KEEPING MORE THAN TWO (2) HOOFED PETS PER HOUSEHOLD OR DWELLING”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 25, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of November 2022, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of November 2022.

Sarah B. Johnson, City Clerk

1st Publication Date: October 28, 2022

2nd Publication Date: November 16, 2022

Effective Date: November 21, 2022

Initial: _____
City Clerk