

About Rules and Regulations on Food Producing Animals

There were several questions about rules and regulations defining an adequate enclosure at the Public Hearing for the Food Producing Animals ordinance on at the City Council meeting on Monday night. This email addresses the public hearing and Board of Environmental Health approval process of Rules and Regulations, and provides a preliminary outline of the Adequate Enclosure Rules and Regulations.

If the Food Producing Animals ordinance is approved, the Department of Environmental Health (DEH) will draft Rules and Regulations that define an adequate enclosure. A Public Hearing will be held by the Board of Environmental Health (BEH) to gather public comment on the proposed Rules and Regulations. The BEH will then vote on the Rules and Regulations.

The following is the DEH Rules and Regulations process:

1. After an ordinance passes, the draft Rules and Regulations will be prepared, with review and approval by the City Attorney's Office.
2. DEH will present the draft Rules and Regulations to the Board at the time of requesting a public hearing on the Rules and Regulations.
3. There will be an open public comment period for input on the draft Rules and Regulations (at least 20 days between publishing the notice and the date of the hearing).
4. DEH will provide the opportunity for the public to provide comments in writing during the public comment period – we solicit on-line comments or comments to a designated email inbox.
5. BEH holds the public hearing at least 20 days after publishing the public comment notice. Attendees have the opportunity to speak to the Rules and Regulations.
6. The BEH votes to approve or deny the Rules and Regulations.

The DEH Rules and Regulations process is defined by DRMC Sec. 2-91 through 2-100, and Charter Sec 2.12.3 regarding BEH functions.

The following is a preliminary outline of the proposed RULES AND REGULATIONS GOVERNING FOOD PRODUCING ANIMALS:

Food Producing Animals (FPAs) that are suffering from overcrowding will demonstrate a variety of symptoms, which can include disease, mites, low body weight, missing feathers (not due to seasonal molt) or fur, and injuries. FPAs should be inspected for physical signs of overcrowding whenever investigating a complaint of an inadequate structure. If FPAs are healthy and not showing signs or symptoms of overcrowding, this will be considered by ACC when evaluating whether the structure is adequate.

Fowl

The function of both a nighttime enclosure and a daytime shelter can be served by one single structure. However, if one structure is serving both purposes, then it must meet all of the requirements listed below.

Nighttime Enclosure

Nighttime enclosure must be predator-proof. In order to be predator-proof, the enclosure must have 4 solid walls and a solid roof. The door must be able to close securely. The floor of the enclosure may either be: 1) solid wood, concrete, or other impermeable material; 2) securely attached hardware cloth or chicken wire, which forms a barrier to prevent predators from digging into the enclosure; or 3) permeable ground, with chicken wire or hardware cloth buried at least 12 inches around the perimeter of the enclosure, to prevent predators from digging in. Nighttime enclosure should be large enough for the fowl to rest comfortably and walk around each other. A nighttime enclosure must provide protection from precipitation and wind.

Daytime Shelter

A daytime shelter must have at least 3 solid walls and a solid roof. It must be large enough for the fowl to scratch, peck, walk freely, and spread their wings. Daytime shelter must provide protection from precipitation, wind, and sun.

Dwarf Goats

Depending on the location within the City & County of Denver, dwarf goats may be at risk from large mammal predators. In those cases, dwarf goat owners may opt to make their shelter predator-proof (see requirements for predator-proof shelter, above). However, since large mammal predators are not an issue in every part of Denver, this is considered a best practice and not a rule or regulation.

Shelter

Shelter must have at least 3 solid walls and a solid roof. It must be large enough for the dwarf goats to move around freely without coming into contact with another goat. Shelter must provide protection from precipitation, wind, and sun.