



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

Doug Kelly's  
response  
attached

Anita W. Coupe, Esq.  
Chair of the Board  
Jennifer Leaning, M.D., S.M.H.  
Vice Chair of the Board  
Eric L. Bernthal, Esq.  
Second Vice Chair of the Board  
Walter J. Stewart, Esq.  
Board Treasurer  
Wayne Pacella  
President & CEO  
Michael Markarian  
Executive Vice President & COO  
G. Thomas Waite III  
Treasurer & CFO  
Andrew N. Rowan, Ph.D.  
Chief International Officer  
& Chief Scientific Officer  
Roger A. Kindler, Esq.  
General Counsel & CLO  
Janet D. Frake  
Secretary  
Holly Hazard, Esq.  
Chief Innovations Officer  
Laura Maloney  
Chief of Staff

**DIRECTORS**

Jeffrey J. Arciniegas  
Eric L. Bernthal, Esq.  
Barbara S. Black  
Jerry Cesak  
Anita W. Coupe, Esq.  
Neil B. Fang, Esq., C.P.A.  
Jane Greenspun Gale  
Jonathan D. Kaufelt, Esq.  
Paula A. Kistler, D.V.M.  
Jennifer Leaning, M.D., S.M.H.  
Kathleen M. Lenehan, Esq.  
John Mackey  
William F. Mancuso  
Mary J. Max  
Patrick L. McDonnell  
Judy Nery  
Sharon Lee Patrick  
Judy J. Peil  
Marian G. Probst  
Jonathan M. Rainer  
Joshua S. Reichert, Ph.D.  
Walter J. Stewart, Esq.  
Andrew Weinstein  
Jason Weiss  
Persio White  
David D. Weibers, M.D.  
Lona Williams

June 10, 2011

VIA EMAIL

Dear Members of Denver City Council,

On behalf of The Humane Society of the United States (HSUS) and our more than 11 million supporters, I am writing to offer comment on the proposed food producing animals ordinance that Denver City Council is currently considering. The benefits of allowing backyard hens can be manifold, so long as appropriate standards of care—and their enforcement—are addressed sufficiently in the ordinance's language and implementation.

**Benefits**

The HSUS supports measures that encourage respect for animals and help reduce their suffering. Every family that gets their eggs from backyard hens is likely reducing or eliminating their purchase of eggs laid by hens who suffered on factory farms. Additionally, by gaining firsthand knowledge of chickens through keeping and caring for them, people are likely to gain appreciation for the animals' complex behavior, individual personalities, and similarities to the dogs and cats they welcome into their families, thus fostering greater compassion for all animals. Third, keeping backyard hens can help families obtain local eggs, leading to a reduction in their contribution to emissions and environmental costs associated with transporting food across long distances. Finally, if more hens are adopted from existing sources (e.g., animal shelters, sanctuaries, or re-homing), there are more opportunities for hens to live longer lives – because they are spared euthanasia or slaughter.

However, as with any new policy consideration, there are concerns that must be addressed in order for the *net* benefits to remain positive and to ensure that the animals' welfare needs are met. We address some primary concerns below and offer some ideas about how Denver can address them.

**Concern 1: Acquisition**

Most chickens purchased are bought from hatcheries directly or indirectly through feed stores. Hatcheries ship day-old birds through the postal service without any legal oversight. Young chickens are deprived of food and water for up to 72 hours and can be exposed to temperature extremes. Because sexing of chicks is not an accurate science and because some hatcheries use male chicks as packing material—sending unordered males to take up extra space in the shipping box—many citizens may discover several weeks or months later that they are in possession of one or more roosters, rather than just hens. A recent survey of farm animal sanctuaries estimates this occurs 20-50 percent of the time.

This means that many citizens will end up with birds who are unwanted or illegal. These birds are likely to be abandoned, illegally slaughtered, or surrendered to local animal shelters.

Since the proposed ordinance allows only female birds, citizens will need to be encouraged to adopt adult birds rather than purchasing "straight run" chicks of unknown sex. Many hens are listed on [www.petfinder.org](http://www.petfinder.org), [www.sanctuaries.org](http://www.sanctuaries.org), [www.farmsanctuary.org](http://www.farmsanctuary.org), [www.grantfarms.com](http://www.grantfarms.com) (local "Hen Again" adoption program) and are available in most locales on [www.craigslist.com](http://www.craigslist.com).

#### *Concern 2: Care*

While chickens can be wonderful companions and can be relatively easy to maintain, they do have special needs. We recommend the city provide thorough care information for residents wishing to house chickens.

- *Chickens are heat- and cold-sensitive:* Like dogs and cats, chickens must have access to shelter to protect them from temperature extremes. Hens and roosters with large single combs are prone to frost-bite in cooler climates, and all chickens need shade during periods of heat. It is important that the shelter is both insulated if the climate can be cold and well-ventilated. Straw bedding will add comfort and warmth to a shelter's floor space, as long as it is replaced regularly with new, clean straw (with appropriate rodent-prevention techniques in place).
- *Predator protection is vital:* Chickens require unfailingly secure shelter at night or they can easily fall prey to urban wildlife, such as raccoons, opossums, and rats. Chickens are also prone to attack by domestic dogs, and when kept within city limits, should be fenced for their own protection. They must be completely enclosed in a safe hen house every night. During the day, chickens should be kept in a fully-fenced enclosure or yard with proper protection from aerial, day-time predators and neighborhood dogs and, in the case of small bantams, large domestic free-roaming cats.
- *Essential housing considerations:* It is generally accepted by the scientific community that the *quality* of space provided is as important as the quantity. Hens have behavioral requirements beyond their basic needs for appropriate food, water, shelter, and veterinary care. The most important behavioral need of hens is the full expression of nesting activities, and they must have an enclosed nesting space in which to lay their eggs. Studies of hen behavior have found that hens are frustrated and distressed when they do not have access to a nest box.<sup>1</sup> Loose substrate, such as dirt, sand or peat, for dust-bathing is enjoyed by hens and can help prevent ectoparasites.<sup>2</sup> Hens should also have free access to grass and other vegetation to engage in natural pecking, scratching, and foraging behavior. Elevated roosts for perching at night are very important,<sup>3</sup> necessitating adequate indoor space in the vertical dimension.

*A fuller discussion of hen housing recommendations can be found at:*  
<http://www.brittonclouse.com/chickenrunrescue/>

---

<sup>1</sup> Yue S and Duncan IJ. 2003. Frustrated nesting behaviour: relation to extra-cuticular shell calcium and bone strength in White Leghorn hens. *British Poultry Science* 44(2):175-81.

<sup>2</sup> Widowski TM and Duncan IJH. 2000. Working for a dustbath: are hens increasing pleasure rather than reducing suffering? *Applied Animal Behaviour Science* 68(1):39-53.

<sup>3</sup> Blokhuis HJ. 1984. Rest in poultry. *Applied Animal Behaviour Science* 12(3):289-303, citing: Ellenberger W and Baum H. 1943. *Handbuch der vergleichenden Anatomie der Haustiere* (Berlin, Germany: Springer Verlag, p. 1155).



#### *Concern 4: Enforcement*

The current draft of the Denver ordinance requires only a single one-time license and no permit. The license does not apply to individual animals but allows the licensee to keep up to the maximum number of specified livestock. There is no way to relate a license to individual animals or to tell, on the basis of licensing, how many livestock animals are being legally kept in Denver at any given time or over a period of time. We recommend requiring permits and annual license fees for individual animals.

#### *Concern 5: Goats*

There has been considerably less discussion of urban goats compared to backyard chickens. Discussions that do exist may rely on industrial standards. We feel that the proposed space allocation of 130 square feet per goat is rather small. Goats are curious, energetic, playful animals and they need an enriched environment that provides opportunities for exploration and ambulation in a way that provides sufficient exercise. They are also susceptible to parasitic infections, and if they are confined to a small space they are more likely to contract intestinal helminthes (worms). Thus it is essential that pens for urban goats are kept very clean and are designed with the behavioral needs of goats—to climb, run, browse and forage—in mind. Moreover, goats are social animals and should not be kept alone. Goats can be very destructive to gardens, a fact that may disappoint new caretakers. Since many common plants are toxic to goats, access to poisonous plants must be prevented. One common goat disease (soremouth) can be transmitted to humans, thus creating zoonotic disease potential in an urban setting. The risks to public health must be carefully considered.

Additionally, using goats as a source of milk necessitates the constant production of baby goats despite the ordinance's restriction to 2 goats. Since males goats are required to be altered before they reach sexual maturity the issue of breeding females to start production of milk may frustrate caretakers. Our fear is that Denver is going into unexplored and unsustainable territory by entertaining the prospect of goats at all.

We are available to discuss these issues, as well as additional solutions that may be specific to Denver. Please do not hesitate to contact me if I can be of assistance. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Holly Tarry". The signature is written in dark ink and is positioned above the printed name and title.

Holly Tarry  
Colorado Director

cc: Paul Shapiro, Senior Director, Factory Farming Campaign, The HSUS  
Dr. Sara Shields, Consultant, Humane Society International

**Williams, Gretchen - City Council**

---

**From:** Kelley, Doug L. - Environmental Health  
**Sent:** Monday, June 13, 2011 2:15 PM  
**To:** # All Users - City Council  
**Cc:** Williams, Gretchen - City Council; Axelrad, Tina R. - Community Planning and Development; Cornwell, Katherine K. - Environmental Health  
**Subject:** FW: Food Producing Animals Ordinance

FYI – below is my response to some of the issues raised by Holly Tarry – Colorado Director for the Humane Society of the United States (HSUS) in her June 10 letter to City Council. We are very happy to read that HSUS supports the Food Producing Animals (FPA) ordinance. Holly provided some excellent suggestions for care that will be provided to residents requesting an FPA license

I will be at the City Council meeting tonight to provide additional information and to answer any questions.

Thank you,

Doug Kelley

**Doug Kelley, CAWA**  
**Director**  
**Denver Animal Care & Control**  
**Denver Animal Shelter**  
**1241 W. Bayaud Ave.**  
**Denver, CO 80223**  
**720-337-1777**  
**doug.kelley@denvergov.org**

---

**From:** Kelley, Doug L. - Environmental Health  
**Sent:** Monday, June 13, 2011 11:39 AM  
**To:** 'Holly Tarry'  
**Subject:** RE: Food Producing Animals Ordinance

Hi Holly,

ACC has been working with Community Planning and Development, City Council, the urban gardens folks, Sustainable Food Denver, the City Attorney's Office, and others for over a year to come up with a Use by Right exception to the current process for a limited number of chickens, ducks, and/or goats. As part of this process, we surveyed other jurisdictions in state and around the country to determine what they do and how it works. We found that other jurisdictions have not only had no concerns with the process, but several are actually actively looking at expanding the program.

I did request an amendment to the original ordinance that requires a one-time license that is issued to a person, and is person and property-specific. When this license is requested, the requestor will receive a packet of information from ACC that provides best practices for the raising, housing, and protection of the animals. This will also provide a database of the places in the City where chickens, ducks, and/or pygmy goats are kept. This amendment was included.

As you know, chickens, ducks, and goats are already legal to possess in Denver if you go through the Animal Care and Control/Zoning/Animal Care and Control process, which is very long and expensive. We have found that many people have decided to either forgo having chickens/ducks and/or goats, or to just have them without going through the permit process. This process gets rid of some of the red tape and bureaucracy for the lower number of these animals, while allowing a database of animals so that we can get animals back to owners if their found, and communicate with folks if there are any disease concerns.

6/13/2011

ACC does support the passage of the Food Producing Animal ordinance.

Please give me a call if you have any questions or concerns (note the new phone number!).

Thanks,

Doug Kelley

**Doug Kelley, CAWA**  
Director  
Denver Animal Care & Control  
Denver Animal Shelter  
1241 W. Bayaud Ave.  
Denver, CO 80223  
720-337-1777  
[doug.kelley@denvergov.org](mailto:doug.kelley@denvergov.org)

---

**From:** Holly Tarry [<mailto:htarry@humanesociety.org>]

**Sent:** Monday, June 13, 2011 10:29 AM

**To:** Kelley, Doug L. - Environmental Health

**Subject:** Food Producing Animals Ordinance

Hi Doug,

Can you let me know DAC's position on Denver's proposed ordinance?

Thanks!

**Holly Tarry**

Colorado Director, State Affairs

[htarry@humanesociety.org](mailto:htarry@humanesociety.org)

t 303.475.4605

The Humane Society of the United States

12081 W. Alameda Pkwy, #261 Lakewood, CO 80228

[humanesociety.org](http://humanesociety.org)

[Join Our Email List](#) [Facebook](#) [Twitter](#)



Celebrating Animals | Confronting Cruelty