

**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to **RNOresponses@denvergov.org**. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2983.

Application Number	Backyards into Barnyards
Location	Citywide
Registered Neighborhood Organization Name	Crestmoor Park (2nd Filing) Homes Association
Registered Contact Name	John Sadwith-President
Contact Address	245 Kearney St., Denver, CO 80220
Contact E-Mail Address	johns@ctlanet.org
Date Submitted	February 28, 2011

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments: The Crestmoor Park (2nd Filing) Homes Association Board has unanimously voted to oppose the Backyards into Barnyards proposal currently before City Council. One of the current problems in Crestmoor is the proliferation of Coyotes and Fox. Some neighbors feel threatened by the Coyotes and the proposal would only act to increase these animals in the neighborhood as the Barnyard animals would become food sources, or at least bait, for the Coyotes. Though the proposal feels friendly, appeals to the "Green Movement" and seems like fun, in its application it would be disruptive to our neighborhood's cohesion. We foresee annoyed neighbors in conflict with each other (aren't the conflicts created by barking dogs enough) and an increase in the rodent population as feed becomes an attractive food source for them.

March 15, 2011

Councilwoman Judy Montero
Councilwoman Carol Boigon
Councilman Doug Linkhart
Denver Planning Board
City and County of Denver
Denver, Colorado

Re: Food Producing Animals Ordinance

Dear City Council members and Planning Board:

The La Alma/Lincoln Park Neighborhood Association appreciates the opportunity to share with you our thoughts on the proposed Food Producing Animals (FPA) ordinance currently under consideration. At our monthly meeting in February representatives from Sustainable Food Denver provided an overview of the FPA ordinance and the issues surrounding urban agriculture in Denver. *After a robust discussion around the details of raising animals in the city and the proposed ordinance, our association unanimously voted to support the FPA ordinance.*

As a neighborhood ranging from single-family residential areas to high-density residential and office towers to industrial campuses, La Alma/Lincoln Park has a diverse population with varying opinions and preferences that are just as diverse. Noting the diversity of our members, we appreciate that the proposed FPA ordinance seeks to tackle the issues facing urban agriculture and animals – noise, sanitation, property rights, permits, etc – in a straight forward manner and in cooperation with City staff and departments.

Urban agriculture is a common topic at our monthly meetings, as many of our members actively garden through plots at their homes or through community gardens. Denver Housing Authority staff has indicated that as part of the South Lincoln redevelopment they are looking to incorporate space for community gardens on that site. Underlying these discussions are desires for sustainability in our neighborhood and access to healthy, inexpensive food. While our neighborhood does have a large-format grocery store, many residents choose to garden as an alternative. Given a straight forward and simple manner in which to raise chickens and goats for eggs and milk, our neighborhood would benefit from a comprehensive FPA law that allow for these activities without excessive red tape and bureaucracy.

In closing, the La Alma/Lincoln Park Neighborhood Association supports the proposed FPA ordinance, and as our representatives we ask for your support of this measure.

Sincerely,
La Alma/Lincoln Park Neighborhood Association



DATE: Wednesday, March 9, 2011

TO: Denver Planning Board

FROM: Sundari Kraft, Organizer of Sustainable Food Denver

RE: Outreach Efforts; Proposed "Food Producing Animals" Ordinance

Dear Chairman Buchanan and Denver Planning Board:

I am the organizer of Sustainable Food Denver, a group that advocates for sustainable food systems within our city. I would like to share information about the outreach efforts that have been made in order to communicate with Denver residents about the proposed Food Producing Animals (FPA) ordinance.

Sustainable Food Denver was formed in December, 2009. The group currently has an email list of 250 Denver residents who have opted in to their council district "action team" so they can assist with advocating for the FPA ordinance. Sustainable Food Denver's Facebook page has over 1,100 members.

I, along with CPD and DEH staff, attended the INC meeting on January 20th. At that time we presented the draft outline of the FPA ordinance to the INC members. This group also attended the February 26th INC ZAP meeting, to continue the discussion about the proposed ordinance.

Sustainable Food Denver spoke with City Council aides in each district for the purpose of compiling a list of the most active RNOs within our city. Based on that input, we compiled a contact list of 26 RNOs. We have sent 4 general email "blasts" to our RNO list between January 20th and March 1st, and have had numerous subsequent email interactions with RNO members. Within the email blasts we included copies of the draft outline for the proposed ordinance, requests to attend an RNO meeting to discuss the proposed ordinance and get feedback from community members, additional information about urban FPAs, an invitation to an open house to see FPAs in a Denver backyard, and an invitation to a community forum with city officials to discuss the proposed ordinance.

At the time of this writing, Sustainable Food Denver has attended or is scheduled to attend eleven RNO meetings. At each of these meetings we share information about the proposed FPA ordinance, answers questions, and solicit feedback from the community. Some RNOs (like Stapleton United Neighbors and La Alma/Lincoln Park) have expressed an interest in writing a formal letter of support for the proposed ordinance. Other RNOs are still in the process of forming opinions and have asked several questions, but none of the RNOs we have visited up to this point have demonstrated strong opposition to the proposed ordinance.

Sustainable Food Denver participated in a community forum on the proposed FPA ordinance, which was held on March 7th. The forum was hosted by Grow Local Colorado, Slow Food Denver, and Campus Raised Organic Produce (Auraria). The forum consisted of presentations by myself and Tina Axelrad (Principal City Planner), plus a question and answer period that also included Doug Kelley, director of Animal Care and Control.

Sustainable Food Denver has hosted three open house events over the last year. The open houses gave community members the opportunity to see FPAs (chickens and dwarf goats) that are being raised in a Denver backyard. Participants in the open houses included RNO board members, mom's groups, and interested members of the sustainable food community.

A Denver backyard with chickens and goats was also the site of a City Council breakfast, which was held in September 2010. Five City Council members attended the breakfast, plus CPD staff (Zoning Administrator, Principal City Planner, head of Neighborhood Inspector Services), DEH staff (Director of Animal Care and Control), and Mayor Hickenlooper's chief of staff. Outside of the City Council breakfast, two additional Council members have visited the "backyard barnyard" to see how FPAs can be raised in an urban setting.

Sustainable Food Denver has been working for the past 16 months to actively engage members of the community in the process of crafting a new FPA ordinance for our city. We plan to continue our outreach efforts as the proposed ordinance moves through the city process.

For a summary of basic information about urban FPAs, some frequently asked questions, the benefits of backyard FPAs, and a brief overview of successful FPA ordinances in other cities, please see the attached powerpoint presentation.

Thank you,

Sundari Kraft
Sustainable Food Denver
www.sustainablefooddenver.org
sustainablefooddenver@gmail.com

Food-Producing Animals in the City



Sustainable Food Denver
www.sustainablefooddenver.org

Chickens & Ducks



Chickens & Ducks

- Female (hen) fowl only
- Size: “Standard” hens weigh 4-6 pounds, and “bantam” hens weigh 1-2 pounds. Duck weight varies based on breed, but is typically between 2-6 pounds.
- Diet: Kitchen scraps, most garden wastes, commercial feed mixture, and grain.
- About 2 eggs per 3 fowl each day (will vary depending on age of birds, time of year. Chickens will lay regularly for 2-3 years; ducks a little longer. Fowl can live for 8+ years.

Chickens & Ducks

- Space requirements: At least 4 square feet of permeable land per bird. Yard fence should be at least 4 feet tall. Wings can be clipped if necessary. Predator proof nighttime enclosure.
- Waste: Fowl manure is not toxic and can be safely composted.
- Risk to Humans: Female fowl do not bite or act aggressively toward humans. Fowl do not carry any diseases that are not also carried by pigeons and other outside birds.

Dwarf Dairy Goats



Dwarf Dairy Goats

- Nigerian Dwarf or African Pygmy breeds
- Female or neutered male (wether) goats only
- Size: Goats grow to 24 inches tall, and 55 pounds (wethers are 65 pounds).
- Diet: Kitchen scraps, most garden wastes, hay, and grain.
- Will produce an average of a quart of milk per day during a 300 day lactation cycle.

Dwarf Dairy Goats

- Space requirements: At least 15 square feet of sheltered space per animal, 130 square feet of fenced outdoor space per animal. Fence should be at least 4 feet tall.
- Waste: Goat manure is not toxic and can be safely composted.
- Risk to Humans: Female and wether goats do not bite or act aggressively toward humans. Colorado goats are at risk of a couple of diseases (CAE and enterotoxemia), but they do not transfer to humans.

Frequently Asked Questions



Will FPAs attract predators?

- Small mammal predators are a fact of life in the city. Outdoor cats, squirrels, birds, and – most especially – our garbage all ensure that predators will continue to stick around.
- There are currently dead chickens on every block in Denver.
- For the chickens' safety it is important that they be secured at night. Chicken owners can use biological deterrents (available through Amazon) to keep predators away.

Will backyard chickens & goats smell bad?

- It's all about scale, and how the animals are cared for.
- When chickens have adequate space and proper bedding, their manure does not build up or cause odor issues. The manure that does exist can be easily removed and composted with straw or dead leaves.
- Female (doe) and neutered male (wether) goats do not smell. That “goaty” smell is caused by un-neutered male goats (bucks). Bucks do smell tremendously bad, and they're not suitable for the city.
- Goat urine is less odorous than cat urine, and it is easily absorbed into the ground or straw bedding. Goat manure is “dispensed” in small, compact pellets. Goat manure does not smell or attract flies the way that cow and horse manure does. The pellets are easy to clean up, and can be safely composted.

Are FPAs noisy?

- Goats bleat occasionally, but the average goat bleat is quieter than the average dog bark. Also, remember that goats are a prey species. Their response to any threat or curiosity is to become very still and quiet.
- Hen chickens are almost always silent. They are a prey species (just like goats) and find it safer to stay quiet. Roosters are the noisy ones, and are not appropriate for the city.
- Well cared for ducks are also quieter than a barking dog.

What's going to happen if a family needs to get rid of their fowl or goats?

- Not only are there many Denver residents who would like to own food-producing animals, there are also lots of people in the rural areas surrounding the city who raise fowl and goats.

If everyone raised their FPAs the way you do, I wouldn't have a problem with it. I'm worried about "other" people.

- Most urban FPA owners take very good care of their animals.
- We don't make our laws based on the lowest common denominator.
- We have rules in place to deal with noise, odor, nuisance, and abuse/cruelty issues.

If you want to live this way, why don't you just move to the country?

- There are many reasons why people live in the city – for jobs, for schools, because they own their home and can't move.
- Scale is everything. It doesn't make sense to raise 500 chickens or 200 head of cattle on a city lot – that's better left to folks in the country. But can a small flock of chickens and a couple of dwarf goats have a clean, safe home in a Denver backyard? Most definitely.
- The idea that city-dwellers should not have the right to produce food on their small piece of land is unfair, and it leaves city folks entirely dependent on people in the country to provide 100% of their food.

Why Raise FPAs in the City?



Health Benefits



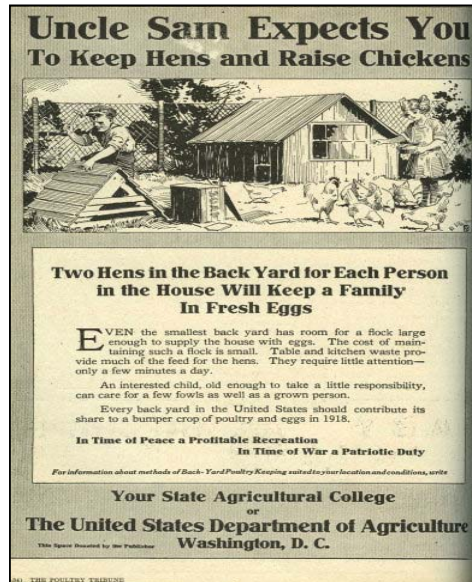
Health Benefits – More Good Stuff

- Dairy animals raised on grass (or grass hay) produce milk that:
 - Is high in CLA (conjugated linoleic acid)
 - Provides the ideal balance of omega-3 and omega-6 fatty acids
 - Is high in beta-carotene and vitamins A and E
- Plus, goat milk:
 - Has small fat molecules, making it easier to digest than cow milk – many people who are lactose-intolerant can consume goat milk
 - Is also better tolerated by asthmatics and those with allergies
- Free range fowl that are allowed to eat a varied diet, including plants, produce eggs that:
 - Have 3-6 times more vitamin D than conventional eggs
 - Are high in folic acid and vitamin B12
 - Are high in omega-3 fatty acids

Health Benefits – Less Bad Stuff

- Conventional milk contains:
 - Numerous antibiotics
 - Bovine growth hormone (rBGH or rBST), which causes higher levels of pus and bacteria in milk, and may pose other risks to humans
- Conventional eggs:
 - Come from chickens that were fed antibiotics
 - Contain more cholesterol and saturated fat, compared to pastured eggs

Economic Benefits



Economic Benefits

- Chickens and goats used to be a staple of family life, right alongside the kitchen garden. It was common knowledge (not to mention common sense) that raising one's own milk and eggs was cheaper than buying them from the store.
- For a family of four:
 - Chickens (eggs) = save \$92 - \$170 per year
 - Goats (milk and cheese) = save \$200 - \$1000 per year
- See sustainablefooddenver.org for full spreadsheet

Environmental Benefits



Environmental Benefits

- Raising backyard animals to provide some (or all) of a family's dairy and eggs is beneficial in large part because it helps the family step back from the **industrial food system**. A few facts about our food system:
 - Each food item in the American diet travels an average of 1,300 miles. In the case of eggs and dairy, the energy use of transport is increased because the food must be refrigerated.
 - Concentrated Animal Feed Operations (CAFOs) pollute surface and ground water.
 - CAFOs contribute significantly to greenhouse gases through methane emissions, and release other hazardous gasses into the air.
 - Animals raised in CAFOs are fed disproportionate amounts of grain, which is produced using large quantities of synthetic fertilizers and pesticides.

Food Safety & Security Benefits



Food Safety & Security Benefits

- Dairy and eggs produced in CAFOs are extremely vulnerable to food-borne bacteria like E coli and salmonella.
- Backyard food-producing animals can provide a reliably secure (and inflation-proof) source of protein for families.
- Less than 1% of the food consumed in Denver was produced in Colorado. This leaves our residents vulnerable to disruptions in the food system. Food-producing animals can help to reduce the dependence on outside food sources.

FPA Ordinances in Other Cities



FPA Ordinances in Other Cities

- Seattle, Chicago, and Portland allow hen fowl and dwarf dairy goats without any sort of permit
- New York City and Los Angeles allow unlimited number of fowl without a permit
- Colorado Springs and Littleton allow a limited number of fowl (10 and 4, respectively) without a permit
- Fort Collins and Longmont allow chickens with a simple Animal Control permit

How's It Working Out?

- FPAs and property values, plus other concerns
- DePaul University study – all 23 cities rated chicken ordinances as either “positive” or “neutral” for the city
- Fort Collins first year – 14,314 total calls to Animal Control; 6 were about chickens
- Fort Collins and Longmont did not choose to revoke their ordinances after the first year
- Seattle recently expanded its FPA ordinance, from 3 chickens/3 goats (no permit) up to 8 chickens/3 goats

What Can We Do in Denver?



Axelrad, Tina R. - Community Planning and Development

From: Lucy Arnold [lucydarnold@gmail.com]
Sent: Wednesday, March 16, 2011 2:32 PM
To: Axelrad, Tina R. - Community Planning and Development
Cc: Lucy D. Arnold
Subject: Letter in support of the proposed food producing animals ordinance

Dear Ms. Axelrad,

Please forward this email to the Planning Division for consideration at the meeting today.

I am writing in support of the proposed ordinance to allow Denver city residents to own and maintain up to 8 fowl and 2 pygmy goats on their property without a zoning variance and animal control permit as currently required. I am sorry that I could not get off work today to come in person to show my support.

I am a Denver resident who would like to raise chickens, but find the current process overwhelming, difficult, and prohibitively expensive. My 11 year old daughter is the primary force behind our desire to raise chickens. She would like to raise them with the support of 4-H, but Denver 4-H does not provide chicken support due to the current permitting process. We are interested primarily in raising chickens for eggs. I also look forward to showing both my young children how chickens can increase the fertility of our backyard and to teaching them where our food comes from.

I do not think it is reasonable to make a distinction between keeping dogs and keeping chickens and allow the keeping of up to 4 large-breed dogs with no unusual permitting process but forbidding the keeping of several, much smaller, birds without payment of what is, for us, a very large fee.

I urge you to support the proposed ordinance and to recommend its adoption by the City Council.

Thank you for your time,

Lucy D. Arnold

Axelrad, Tina R. - Community Planning and Development

From: Alida Franco [alidafranco@earthlink.net]
Sent: Monday, March 07, 2011 7:54 AM
To: Nevitt, Chris - City Council Dist #7; Axelrad, Tina R. - Community Planning and Development
Subject: Ordinance for Keeping Chickens

Dear City of Denver:

I am particularly distressed as to the turn of events regarding updating the city ordinance for the keeping of livestock, mainly chickens. In these economic times and with the current situation in the US of limited access to natural and healthy foods to all but the most well-healed in our society, it amazes me that the City of Denver, supposedly noted as a progressive and 21st century-thinking city, is so unwilling to allow the raising and possibly slaughtering of six hens on one's own property.

It is clear that things on the food and economic fronts are not going to improve any time soon. And a simple change in the current ordinance to drop the annual fee would allow so many individuals in less fortunate circumstances to raise their own food, namely chicken and eggs. Please, please reconsider your current draft of the rewrite of this ordinance and allow equal opportunity for all to feed themselves.

A deeply concerned citizen.

Alida Franco
3436 East Nielsen Lane
Denver, CO 80210
303 757-3405

Alida Franco
alidafranco@earthlink.net | 303 757-3405

Boatner, Venus - CPD

From: Axelrad, Tina R. - Community Planning and Development
Sent: Tuesday, March 15, 2011 8:58 AM
To: 'Penelope.Zeller@NorthCityPark.com'; Madison, Carla A. - City Council Dist #8; Park, Peter J. - Community Planning and Development; Nevitt, Chris - City Council Dist #7
Cc: David Goens; Pyle, Michelle A. - Community Planning and Development
Subject: RE: FPA Ordinance

Hi Penelope,

Thank you for passing on your neighbors' questions about the pending FPA ordinance and the references to other cities' efforts. As to the latter, DEH staff did compile a survey of other cities' similar legislative efforts, which helped inform the drafting process.

At this point in time, it is correct that you may have any combination of the allowed animals listed specifically in the Denver Zoning Code, provided the maximum number of any particular type specified, or combination of types specified (i.e., dogs and cats) is not exceeded. That could mean, in some cases, a household may keep up to 3 dogs of any size, plus up to 2 dwarf goats (which typically can grow up to 40-50 pounds – the size of a medium-sized dog). As to the other comment about walking goats outside the home, a goat-owner may do so, provided the goat is kept on a leash – the pending ordinance applies the city's current "leash laws" to the goats.

I will pass along the comments to the Planning Board, and to Councilman Nevitt as sponsor of the ordinance, for their consideration.

Thank you,
Tina

From: Penelope Zeller [mailto:penelope.zeller@gmail.com]
Sent: Friday, March 11, 2011 1:37 PM
To: Madison, Carla A. - City Council Dist #8; Axelrad, Tina R. - Community Planning and Development; Park, Peter J. - Community Planning and Development
Cc: David Goens
Subject: FPA Ordinance

Hi,

I had a question about the potential blending of pet animals and FPA's. Some neighbors have questioned having 3 large dogs as pets and two dwarf milk goats. In addition to cats and chickens, there is a consideration that perhaps, because our city properties are limited in size, that there could be a substitution for a total of 3 larger animals - such as 2 dogs and one goat of some combination thereof.

One neighbor asked if the goats could be walked to the dog parks for exercise....

In light of the work on our FPA ordinance, I thought you folks might get some good ideas from this attached work from Maine.

<http://savingseeds.files.wordpress.com/2011/03/localfoodlocalrules-ordinance-template.pdf>

I understand that Vermont is addressing or has also addressed similar topics.

A handwritten signature in dark ink, appearing to read "P. Zella", followed by a horizontal line.

303-947-6421

Local Food and Community Self-Governance Ordinance of 2011

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM
IN THE TOWN OF (NAME OF TOWN), (NAME OF COUNTY) COUNTY, MAINE.

Section 1. Name. This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

Section 2. Definitions.

As used in this ordinance:

- (a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (b) “Home consumption” means consumed within a private home.
- (c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.
- (d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
- (e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
- (f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Section 3. Preamble and Purpose. We the People of the Town of (name of town), (name of county) County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of (name of town).

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

Local Food and Community Self-Governance Ordinance of 2011

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Preserve community social events where local foods are served or sold;
- (vi) Preserve local knowledge and traditional foodways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of (name of town) to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefensible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of (name of town).

§211 of Title 7 of the Maine Revised Statutes which states: "it is the policy of the State to encourage food self-sufficiency for the State."

Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of (name of town) are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

Local Food and Community Self-Governance Ordinance of 2011

Section 5.1.a. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of (name of town) are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. Right to Access and Produce Food. (name of town) citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of (name of town) possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

Section 5.4. Right to Enforce. (name of town) citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7. Civil Enforcement. The Town of (name of town) may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of (name of town) shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Local Food and Community Self-Governance Ordinance of 2011

Section 8. Town Action against Pre-emption. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

Section 9. Effect. This Ordinance shall be effective immediately upon its enactment.

Section 10. Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealer. All inconsistent provisions of prior Ordinances adopted by the Town of (name of town) are hereby repealed, but only to the extent necessary to remedy the inconsistency.

March 14, 2010

To: Planning Board Members

During the long process to pass the new Zoning Code, residents and RNOs fought long and hard to make sure that they could be included in the governmental process with the time to research and consider the question at hand. A good compromise was reached with regards to RNO notification and the timeframes.

I was dismayed to receive the notification for Text Amendment 6 on February 22 with the statement that "A draft of the proposed ordinance, together with CPD's staff report, will be available in electronic format one week before the scheduled Planning Board hearing date . . . ". So while we were notified of the Language Amendment following the current process, the second version of the ordinance will only have been published for a week before the Planning Board hearing.

Originally, there was need for rushing this ordinance through. A similar measure with no restrictions was being proposed for the May ballot. Understandably, having an ordinance with restrictions is better for the City as a whole than one with no restrictions.

However, the reason for the rush no longer applies. The persons collecting signatures have been convinced to wait on this process, therefore, there is time for the City to follow it's agreed upon processes in order to fully understand this issue.

This ordinance is far reaching, affecting all zone districts. Residents therefore should be allowed the space and time to understand all points of view.

The Public Outreach and Comments on Page 4 of the staff report notes that during the "public process", INC was consulted twice and CPD attended a community forum sponsored by the proponents of the issue. All of this took place before the second version of the ordinance was written. If the process were being followed, this would be relatively good due diligence on the part of the City. However, the public should be allowed at least 30-45 days to digest the actual ordinance (not the draft) before the public meeting at Planning Board.

Substitute processes created on the fly cannot substitute for the time and space for residents and RNOs to do their own research and due diligence. Please do not set this governance breaking precedent. There is time to do this in the proper fashion by delaying the hearing for this at Planning Board. Please postpone this hearing 30-45 days allowing for proper public process.

I am also enclosing the first draft of the article that will be published in our newsletter, distributed to each home in the West Washington Park neighborhood. This will also be the topic for our neighborhood meeting. It is tentatively scheduled for April 20th, and all Planning Board and City Council members are invited. I will follow up with details as they are solidified.

Respectfully,

Charlie Busch
Resident of West Washington Park

CC: Councilman Christ Nevitt – District 7
Denver City Council
Peter Park
Tina Axelrad

URBAN BACKYARD FARMING

A good thing, or should you cry “fowl” ~ you decide

Urban or “backyard” farming is becoming popular throughout the U.S. Portland and Seattle led the way, and Fort Collins and Longmont recently adopted ordinances permitting such activities. Council is considering an ordinance (the “Ordinance”) to allow Denver residents to maintain up to 8 hens and 2 dwarf goats without obtaining permits from animal control or zoning.

The proposed ordinance contains requirements for minimal square footage of permeable surface per animal, fencing, adequate shelter and location of the shelter. See www.wwpna.org for a copy of the Ordinance.

There are many arguments for and against urban backyard farming. We’ll highlight both sides of the issue in this article.

The Pros

Those supporting the Ordinance believe there are compelling reasons for urban backyard farms. Among these, they cite:

1. **Healthy food source.** Home-grown and home-raised foods are generally more nutritious than foods conventionally raised. Supporters also believe it is easier to verify there have been no antibiotics and/or growth hormones given to the animals.
2. **Reduced environmental impacts.** Food grown, and eggs and milk harvested from animals maintained by individuals in their backyards means less food must be transported, and therefore less vehicle pollution and fossil fuel use. Additionally, supporters believe there will be less impact from animal waste with animals raised in urban backyards than is sustained from large animal feed operations.
3. **Less reliance on Agribusiness; Better animal treatment.** Greater reliance on locally grown and home-raised foods will reduce reliance on large agribusiness. Supporters believe this will result in kinder treatment of food-producing animals. Many urban backyard farmers grow attached to their animals, intending to keep them as pets even after their food-producing capacity has ended. While animals are maintained in urban backyard farms, they will be required to be provided with adequate shelter and adequate room to move around.
4. **Secure food source.** Locally grown and raised foods are less susceptible to threats of food-borne contaminants.
5. **Favorable economics.** Home-grown and home-raised foods will be more economical, particularly when compared to prices for organic, chemical-free foods. Supporters believe this will benefit all Denver residents, but particularly low-income families with less financial resources to allocate to such high-quality food products.

For more information about the benefits of urban backyard farming, go to www.sustainablefooddenver.org.

The Cons

Detractors of the urban backyard farm movement cite, among other things, the following concerns:

1. **Noxious uses.** Denver residents frequently live on small lots. Encouraging residents to keep farm animals in their backyards has great potential for intrusion of noxious odors and noise. The Ordinance doesn’t require any notice to neighbors, nor would registered neighborhood organizations be notified.

2. **Animal welfare; increase in rescue population.** Detractors fear that notwithstanding the best intentions of the urban backyard farmers, a large population of animals will be turned over to rescue groups, abandoned, or tendered for off-site slaughter if people determine the burden of animal care exceeds what they can or will provide. Urban backyard farming is relatively new, but one rescue group in Minnesota says it has documented a significant increase in chickens turned over for rescue since 2009.

3. **Increased demands for code enforcement.** The current process requires permitting from the City and payment of annual fees. The Ordinance would eliminate this. While hens and dwarf goats may be no nosier or troublesome than dogs and cats, encouraging urban backyard farming potentially increases demands on Denver's already over-taxed code enforcement department. Because there will be no permit fees available to potentially offset additional costs, it seems unlikely given budgetary constraints that Denver will be able to provide more funding for additional enforcement.

4. **Increase in predator and rodent population.** Animals will be sheltered at night, but detractors fear they still will be vulnerable to predators. Denver is experiencing an increase in the population of fox and coyote, and this population likely will be further encouraged by a fresh, available food source. Chickens also tend to attract rodents and other pests.

For more information about concerns related to urban backyard farming, go to www.brittonclouse.com.

Conclusion

Please join WWNPA the evening of April 20 at the Christian Indian Center, 501 S. Pearl Street, to hear our panel discussion. Representatives of the sustainable food and animal welfare communities will participate, as will representatives of Denver's planning and code enforcement departments. You'll be able to ask and have your questions answered by the experts!