

**ORDINANCE**

**AN ORDINANCE AMENDING SECTIONS 18.60.010, 18.07.010(C) AND (D), 7.04.020, AND 7.04.105 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING COMMUNITY AGRICULTURE AND ANIMALS IN THE CITY OF MANITOU SPRINGS**

**WHEREAS**, the City desires to update its regulations concerning community agriculture and animals.

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

**Section 1:** Section 18.60.010 of the of the Manitou Springs Municipal Code is hereby amended to revise the definition of “Farmers market” and to add a new definition of “Work goat” to read as follows:

"Farmers market" means a seasonal open air market where local (within Colorado or no greater than 300 miles from Manitou Springs measured in a straight line radius from 606 Manitou Avenue, Manitou Springs, Colorado, 80829) fresh fruits, produce, flowers and value added food products like jams, jellies, pickles, sauces or baked goods, in addition to arts and craft items are sold directly to consumers. Farmers markets are intended to provide a venue for food producers and artisans to sell directly to consumers. The sale of second hand or any commercially produced goods is prohibited.

“Work Goat” means a goat brought onto property containing a CSA or crop production farm for the purpose of clearing weeds, hauling materials or otherwise providing labor for the benefit of the CSA or crop production farm.

**Section 2:** Sections 18.07.010(C) and (D) of the Manitou Springs Municipal Code are hereby amended to read as follows:

C. Special Provisions For Crop Production Farms, Farmers Markets and Produce Stands.

Crop Production Farms:

1. Permanent Structures. Accessory buildings are allowed when a crop production farm is the principal land use. Accessory structures are limited to a total of 2 structures and cannot exceed one thousand square feet of aggregate floor area. Additional development and design standards may apply depending on the zoning district (Historic District approval). In addition, building permits may be required. The Planning Department can provide additional information on a case by case basis.

2. Distribution of produce to CSA owners of shares in the farm is permitted. It is the responsibility of the farm to manage and limit any impacts to the surrounding community during distribution.
3. At CSA distribution sites, the frequency of deliveries shall be no more than once a week, between the hours of 7:00 a.m. and 7:00 p.m. The pick-up window for CSA shareholders shall be limited to once a week, during one consecutive three hour period between 8:00 a.m. and 8:00 p.m.

**Farmers Markets:**

A site plan submitted to the Planning Department for review is required, applications determined by the Planning Director to be inconsistent with established restrictions or locations that have inadequate access due to conditions such as road width, grade, or surface condition that will result in a potentially hazardous situation will be required to submit for a conditional use permit. Refer to Chapter 18.30, Conditional Use Requirements and Procedures.

**Produce Stands:**

Produce stands may operate year round; however, when a produce stand is not in use, it must be either removed from the property or not within the front yard of the property. Produce stands stored on any property should be stored in accordance with permanent setback requirements. Reference Chapter 18.64.020, Development Standards. Produce stands must not be located within any street right of way and may not be erected on any public land.

**D. Agricultural Animals.**

**Keeping of Bees (Apiculture):**

1. Bees are a valuable addition to a backyard garden for several reasons. Besides producing honey, bees will help pollinate fruits and vegetables. Private beekeeping is allowed on any land in Manitou Springs, regardless of the zoning, as long as it follows the requirements found below:

**Maximum Number of Colonies Allowed Per Tract**

Size of Tract	Maximum Number of Colonies Allowed <sup>(i)</sup>
One quarter acre or less	Two (2) colonies
More than one-quarter acre up to and including one-half acre.	Four (4) colonies.

Size of Tract	Maximum Number of Colonies Allowed <sup>(i)</sup>
More than one-half acre up to and including one acre.	Six (6) colonies.
More than one acre.	Eight (8) colonies.
Regardless of tract size, where all hive boxes are situated at least two hundred feet in every direction from all property lines of the tract on which the apiary is located, there shall be no limit to the number of colonies which may be located thereon.	

(i) Hives shall be kept in the rear yard, and shall be setback at least five feet from the rear and side property lines.

2. Beekeepers shall follow sound and responsible beekeeping practices, including without limitation the following:
  - a. Flyway barriers located within five feet of the hive, extending at least 2 feet on either side, and at least six feet in height and placed in front of hive entrance. No flyway barrier is required if beehives are located at least twenty-five feet from all property lines and for beehives that a relocated on porches or balconies at least ten feet above grade and more than five feet from a property line.
  - b. A fresh supply of water must be maintained nearby to prevent bees congregating in neighboring water sources.
  - c. Africanized bees are prohibited.

**Section 3:** Section 7.04.020 of the Manitou Springs Municipal Code is hereby amended to read follows:

**Sec. 7.04.020 - Livestock within the city limits.**

It is unlawful to keep or maintain livestock (cattle, sheep, swine or goats) within this city except:

1. Work goats may be permitted and housed in any zone district with an operating CSA farm or crop production farm. The number of working goats shall not exceed four (4) per acre. The working goats must be located within a secure and enclosed shelter during the overnight hours. Setback requirements apply for permanent structures based on each of the applicable zoning districts; see Chapter 18.64.020, Development Standards.

2. Goats shall not be permitted as pets within the city of Manitou Springs and shall only be permitted for work on a CSA or crop production farm.

**Section 4:** Section 7.04.105 of the Manitou Springs Municipal Code is hereby amended to read follows:

**7.04.105 – Micro-Vietnamese pot-bellied pigs.**

Micro-Vietnamese pot-bellied pigs are exempted from the provisions of this chapter upon the following conditions being met:

- A. Any such pig must be licensed and have been examined by a veterinary physician licensed to practice within the state of Colorado, and said veterinary physician must certify in writing that such pig is a Micro-Vietnamese pot-bellied pig and has received all injections required for the animal to be in good health and not to constitute a health threat to other animals or to the public.

**Section 5:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 6:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 21<sup>st</sup> day of February, 2017.

/s/ Donna Kast  
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the March 7<sup>th</sup>, 2017, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: February 23<sup>rd</sup>, 2017 (in full)  
*City's Official Website and City Hall*

Passed on second reading and adopted by Council this 7<sup>th</sup> day of March, 2017.

/s/ Nicole Nicoletta  
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast  
City Clerk, Donna Kast

Published: March 9<sup>th</sup>, 2017 (in full)  
*City's Official Website and City Hall*