

ORDINANCE NO. 7-2002

An Ordinance Regulating the keeping of Livestock, Poultry and Pets and Providing Punishment and Civil Penalties for Violation Thereof.

WHEREAS, a Petition was submitted to the Town requesting regulation of and prohibition against the keeping of certain types of animal life within the limits of the Town of Peetz; and

WHEREAS, growth of population in the Town has resulted in greater numbers of residential improvements both within, and immediately outside of the Town limits; and

WHEREAS, the keeping of certain livestock is not consistent with the health, safety, prosperity, order, comfort, convenience, and welfare of inhabitants residing within, or persons doing business within the Town; and

WHEREAS, the Town has the power to regulate and prohibit the running at large and keeping of animals pursuant to s31-15-501 (1) (m) (I) and to regulate certain businesses pursuant to s31-15-501 (I) (a), 9 C.R.S. (2001); and

WHEREAS, notice of hearing concerning this Ordinance was duly posted pursuant to s24-6-402 (2) (c), 7 C.R.S. (2001), as applicable to the Town;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PEETZ, COLORADO:

Section 1. Definitions. For the purposes of this Ordinance, "Livestock," or "poultry" includes cattle, horses, sheep, chickens, swine, ducks, geese, and all fowl, rabbits, and all animals of any kind which are usually kept penned, but does not include small animals and fowl kept as pets, such as cats or dogs: or small, non-predatory or non-carrion-eating birds normally kept in household cages.

Section 2. No livestock of any kind, or poultry of any kind, as defined herein, shall be allowed to run at large within the corporate limits of the Town of Peetz. No livestock or poultry shall be kept or maintained within the corporate limits of the Town of Peetz.

Section 3. Landowners, inhabitants, or residents now keeping livestock, or poultry within the limits of the Town must remove the same not later than September 30, 2002, unless a permit for such livestock was issued by the board prior to March 1, 2002. Such permits will be honored up to their expiration date. Thereafter, the permitted livestock or poultry must be removed within ninety days of the expiration of the permit. Upon removal pursuant to this Ordinance, the owner or occupant of the property where

the livestock or poultry had been kept shall clean the yards, pens, and the buildings used to house said animals; shall remove all manure from the premises; shall remove cans, boxes, lumber piles, fencing material, feed boxes, and any other unused debris not later than thirty days thereafter. Failure to comply with the terms of this Section shall be considered a violation of this Ordinance and shall subject the person or persons responsible to the criminal or civil penalties set forth in Section 5. Further, the Board of Trustees may enter upon the premises in order to effect the removal of any livestock or poultry or the cleanup of the property as required herein, and shall be authorized to collect the entire expense thereof from the owner or occupant of the property. In the event the owner or occupant fails to make payment to the Town within thirty days after demand, all amounts owed may be collected from the owner or occupant by means of a civil judgment, a mechanic's lien proceeding, or by means of a civil judgment, a mechanic's lien proceeding, or by means of certification to the Treasurer of the County for the purpose of collection as a lien or assessment as provided by applicable statutes. In any such proceeding, the Town shall be entitled to recover its reasonable attorneys fees incurred in the collection of all balances owing.

Section 4. Penalty. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a petty offense, and shall be fined not less than ten dollars nor more than one hundred fifty dollars, and court cost. Each day a person remains in violation hereof shall be considered a separate violation. Jurisdiction hereof shall be considered a separate violation. Jurisdiction for the commencement of proceedings to enforce this Section shall lie with the municipal court of the Town of Peetz, if any. If no municipal court has been established by the Board of Trustees, a violation of the provisions of this Ordinance may, at the election of the Town, be treated as a civil matter. In such event, such violation shall entitle the Town to collect a civil penalty of not less than ten dollars nor more than one hundred fifty dollars, together with court costs and reasonable attorneys fees. Such penalty shall be in addition to the damages described in Section 3.

Section 5. Exemption. Nothing in this Ordinance shall be construed to prohibit the temporary presence within the Town of livestock or poultry which is loaded in or upon motor vehicles or rail cars for the purpose of transporting the same to market.

Section 6. The Clerk to the Board is hereby authorized and directed to cause this Ordinance to be filed of record with the permanent ordinances of the Town.

Section 7. The Clerk to the Board is hereby authorized and directed to cause this Ordinance to be published in the Sterling Journal -Advocate by title as required by s31-16-105, 9 C.R.S. (2001).

Introduced and approved on first reading by the Board of Trustees of the Town Of Peetz, Colorado this 8 day of July, 2002.