

ORDINANCE NO. 102

AN ORDINANCE RELATING TO THE KEEPING OF CERTAIN ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF ARRIBA; PROVIDING FOR PERMITS FOR SUCH ANIMALS; PROVIDING PENALTIES FOR VIOLATION; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO:

Section 1. Definitions.

The word "animal" or "animals" as used herein shall include any cattle, horses, mules, sheep, goats or other hard-hoofed animals. The word "person" when used herein shall mean any person, persons, firm, partnership, corporation or association.

Section 2. Permit Required.

No person shall permit an animal kept or maintained by such person to be at large within the corporate limits of the Town of Arriba.

Except as provided by Section 4 of this Ordinance, no person shall keep or maintain animals within the corporate limits of the Town of Arriba unless such person has a valid permit to do so.

Application for a permit to keep animals shall be made in writing to the Board of Trustees, shall designate the premises for which a permit is sought, and the number and kind of animals to be kept thereat. Following application, the Board of Trustees shall cause the premises to be inspected by any person designated by the Board of Trustees, and if all conditions hereinafter provided are complied with, shall direct the Town Clerk to issue the permit. A permit shall be valid to the end of the calendar year in which issued, unless revoked as hereinafter provided, shall be issued upon the payment of a permit or application fee for \$2.00, shall be valid only for the premises described on the face thereof, and shall designate the maximum number and kind of animals that may be kept at the designated premises.

Section 3. Permit Conditions.

The Board of Trustees shall authorize issuance of a permit to any person to keep animals upon certain described premises within the Town of Arriba upon determination that the following conditions or requirements are complied with:

- (a) There shall be at least 14,000 sq. ft. of land for animals exclusive of any residences and/or business buildings situate on the premises.
- (b) The number of animals to be kept shall not exceed one animal per 14,000 sq.ft.
- (c) All manure shall be removed daily from the Town of Arriba or shall be stored daily in fly-tight containers. Such containers shall be kept tightly closed at all times except when being filled or when the contents thereof are being removed. The contents of said fly-tight containers shall be removed from said town at least once each week; provided, however, that this provision shall not apply to or prohibit the use of manure spread as fertilizer on cultivated ground or lawns.
- (d) Drinking facilities shall be provided with adequate overflow drainage to prevent saturation of surrounding soil.
- (e) Spillage and leftovers from animal feedings must be removed or so disposed of as to prevent fly or rodent propagation or creation of odors.
- (f) The shed, shelter, pen or enclosure for animals shall not be closer than 100 feet to any dwelling house, place of business or street.

(g) All sheds or other shelters for animals shall be kept free of rodents, and shall be thoroughly sprayed with insect spray at intervals of not less than once each week during the months of June to September, both inclusive, of each year, and shall be kept in good repair and a fresh covering of straw, weed shavings or corn cobs shall be placed on the floor each day.

#### Section 4. Exclusions.

A. This ordinance shall not be applicable to the display of animals by entrants in any show or fair authorized by the town, nor to the temporary maintenance of animals by a licensed veterinarian during the time necessary for treatment.

B. This ordinance shall not be applicable to any person engaged in operating a packing house or slaughter house governed by the Colorado Health Department regulations, and keeping animals for a temporary period of time, not to exceed seventy-two hours, in connection with the operation of such business.

#### Section 5. Hardship Permit.

Notwithstanding the provisions heretofore set forth, any person who considers such provisions, or any of them, unreasonable in his instance may apply to the Board of Trustees for a "Hardship Permit". In determining whether such permit shall be authorized the Board of Trustees shall be guided by the conditions hereinbefore set forth, the size of the premises, the population density of the area, and health, peace and welfare of the neighbors of the applicant. The fee for a hardship permit, method of revocation and hearings shall be the same as in the case of other permits. The Board of Trustees shall cause to be noted on each hardship permit granted the permit conditions which have been waived, and the owner of a hardship permit shall comply with all other permit conditions not thus expressly waived.

#### Section 6. Revocation or Denial.

A. Any person designated by the Board of Trustees for the purpose of making the inspections required by this ordinance may recommend the revocation of any permit on satisfactory evidence that the permittee is violating or has violated any of the conditions set forth in this ordinance. Upon such recommendation being filed with the Town Clerk, the Town Clerk shall cause written notice thereof to be mailed to the permittee, notifying said permittee that a hearing on such recommendation will be held at a meeting of the Board of Trustees to be held not less than ten days from the date of mailing such notice, specifying the time and place of said hearing. If upon such hearing the Board of Trustees finds that the permittee has violated conditions herein provided for such permit, the Board of Trustees shall revoke said permit and the permittee shall be allowed forty-eight hours within which to rid the premises of such animals.

B. Upon the denial of an application for a permit under the provisions of this ordinance, the Town Clerk shall cause written notice of such denial to be mailed to the applicant, notifying the applicant thereof. An applicant desiring to appeal such denial shall within ten days of receipt of such denial notify the Town Clerk, in writing, requesting a hearing before the Board of Trustees. On receipt of such request for a hearing, the Town Clerk shall give notice of the hearing to the applicant in the manner provided in paragraph A of this section concerning hearings upon revocation. Upon any such hearing of a denial of a permit, the Board of Trustees shall within twenty-four hours following the conclusion of such hearing either direct that the permit be issued as requested, issue a hardship permit as provided in Section 5, or affirm the denial of the permit.

#### Section 7. Swine.

Notwithstanding the provisions heretofore set forth, except under the provisions of Section 4 of this ordinance, no swine shall be kept by any person within the corporate limits of the Town of Arriba.



Section 8. Sanitary Regulations and Inspections.

The premises upon which animals are kept shall be maintained in a sanitary condition and shall be subject to inspection by representatives of the town at all reasonable hours. It shall be unlawful for any person to refuse such inspection.

Section 9. Penalties.

Violation of any of the requirements of this ordinance, or failure to continue to comply with any conditions herein set forth, shall constitute a misdemeanor. Any person upon a conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$300.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder.

In the event that any animals are, or are proposed to be kept or maintained or any land is used or proposed to be used in violation of any of the provisions of this ordinance or any amendment thereof, the Board of Trustees of the Town of Arriba and State of Colorado, or any owner of real estate within the incorporated limits of the Town of Arriba and State of Colorado, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any such unlawful keeping, maintenance or use.

Section 10. Repeal.

All ordinances or parts of ordinances of the Town of Arriba in conflict herewith are hereby repealed.

Section 11. Severance.

Provisions of this ordinance are severable, and if any part of this ordinance shall be held invalid by a court of competent jurisdiction the remainder of this ordinance shall remain valid and enforceable.

WHEREAS, the keeping of animals in business and residential areas without sanitary regulation promotes the breeding of flies and rodents and increases the possibility of disease, the Board of Trustees is of the opinion and finds that an emergency exists, and therefore this ordinance is necessary for the immediate preservation of the public peace, health and safety.

THEREFORE, this ordinance shall be in full force and effect five days after its final passage and posting.

Introduced, read in full, passed, adopted, and ordered posted this 6<sup>th</sup> day of December, 1976.

Ida Salinas  
Mayor

Attest:

Beverly Schifferns  
Town Clerk