

A Policy of the Town of Berthoud The Right to Farm

The Town of Berthoud is a unique community located within an agricultural area that provides many benefits to the Town and a variety of agricultural products to the people of the State of Colorado. Agribusiness is an important part of our State's economy. The Town of Berthoud recognizes that without the farmers and ranchers in the area, the Town would not maintain its small town character, lifestyle and appeal. Therefore, it becomes imperative to educate people moving to this area relative to the day to day activities and events that occur in areas of Larimer and Weld Counties adjacent to residential areas of the Town.

The laws of Colorado classify it as a "Right to Farm" state. New and existing residents of the Town of Berthoud and those to whom the Town supplies municipal services should understand that all of us benefit from the large areas of open farmlands and fields that surround our community. In order for these lands to remain productive, the farming and ranching operations on these properties must continue. Therefore, it is the responsibility of the neighboring property owners to understand and research the area they are considering moving into, and fully understand and accept the activities, sights, sounds and smells of agricultural operations are normal facts of life when living in the areas within and around the Town of Berthoud.

Some individuals may not appreciate these agricultural operations and may perceive them as annoyances, eyesores or nuisances. State law and Town resolutions recognize that ranching, farming or other agricultural activities and operations within the areas surrounding Berthoud shall not be considered to be nuisances so long as they are operated in conformance with the law in a non-negligent manner. Therefore, local residents should be prepared to encounter noises, 24 hour operations, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock, storage and disposal of feed and manure, the application of spraying of other chemical fertilizers, soil amendments, herbicides and pesticides, any one or more of which may normally occur as part of legal and non-negligent agricultural operations.

In addition, Colorado law states that Colorado is an Open Range State. Property owners must fence livestock out of their property, and not within it. There are also ordinances which require that your pets be leashed and maintained on your property. Therefore, pet owners must comply with all laws pertaining to leash laws and animal control regulations.

Owners of easements and rights-of-way for ditches and utilities must have reasonable access to burn, control weeds, maintain and service their lines and ditches. These ditches and easements are not for public use and may not be used without written consent of the ditch owner. The water contained in these ditches is private property and any use of this water without written consent is to be considered theft. Residents and landowners are encouraged to learn more about these rights and responsibilities and the position of the State of Colorado and this Town have adopted regarding these issues. The Town believes that farming and ranching operations can provide many benefits to local residents and that agriculture and residential use can coexist.

For additional information please refer to Larimer County's "*The Code of the West*," and Weld County's 'Right to Farm Covenant.'
Adopted May 1997