

ORDINANCE NO. 542

AN ORDINANCE MODIFYING CHAPTER 18 OF THE MUNICIPAL CODE OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, BY AMENDING CHAPTER 18.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

18.1 Definitions: The definitions and terms used in this chapter, unless the context otherwise indicates, are herewith defined as follows:

18.1-1 Dogs and Cats. "Dogs and cats" include males, females, neutered, or sterilized and includes any member of the canine or felidae families.

18.1-2 Animal, female. "Female animal" means an animal of the female gender capable of sexual reproduction.

18.1-3 Animal, male. "Male animal" means an animal of the masculine gender capable of sexual reproduction.

18.1-4 Animal, male, neutered. "Neutered male animal" means any animal of the masculine gender which has been castrated.

18.1-5 Animal, female, spayed. "Spayed female animal" means any animal of the female gender which has had surgery of the genital track to prevent pregnancy.

18.1-6 Dog under control. Means a dog physically controlled by a human being by means of a leash, cord or chain held by the human being, or a dog that is at all times accompanied by a person and at all times immediately responds to sound, mechanical, electrical or other command of its accompanying person. Exceptions are: a dog actually working livestock, locating or retrieving wild game in season for a licensed hunter, or a dog assisting law enforcement officers, or a dog actually being trained for any of the specifically enumerated pursuits herein, or a dog that is within the confines of the real property of its owner or is within a motor vehicle (including an open bed of a truck).

18.1-7 Stray. "Stray" means an animal which continuously does not appear to have an owner or whose owner is unknown and which is unlicensed or does not appear to be licensed.

18.1-8 Owner. "Owner means a person, 18 years of age, who owns, co-owns, boards, controls, keeps or harbors an animal or knowingly permits an animal to remain for seven days on or about property or premises owned, controlled or occupied by him or her.

18.1-9 Person. Any person, 18 years of age or older, firm, partnership, corporation or association.

18.1-10 Vicious dog. A vicious dog means a dog that bites or has bitten without provocation.

18.2-1 Rabies Vaccination and Licensing. Every owner of a dog or cat six (6) months of age or older shall have such animal vaccinated against rabies with a Colorado Department of Health approved vaccine by a licensed veterinarian. Upon vaccination, the veterinarian shall provide the owner with a certificate of vaccination, on a form satisfactory to the town, containing the following information.

- (a) the name, address and telephone number of the owner or harborer of the inoculated animal;
- (b) the date of inoculation;
- (c) the type of vaccine used;
- (d) the year and series number of the rabies tag;
- (e) the breed, age, color and sex of the inoculated animal.

18.2-2 Dogs must be licensed. It shall be unlawful for any person who is the owner or custodian of any dog to keep or permit the same to be in the town without first obtaining a license therefor.

18.2-3 Application for license-rabies inoculation. Each applicant for dog license shall be made to the town clerk upon a form provided for that purpose and it shall be accompanied by a certificate as described in 18.2-1.

18.2-4 License and tag issued. Upon application for a dog license, the furnishing of the required certificate of inoculation, and the payment of the required fee, the town clerk shall issue a dog license. The license shall be numbered and also a metal tag bearing the same number as the license shall be issued.

The tag shall be securely attached to the collar to be worn by the dog so licensed at all times.

18.3-1 Animal bites and quarantine. Any person having knowledge of an animal bite shall immediately report the incident to the town police department, or to the town clerk.

18.3-2 Animal bite-Quarantine. Any animal which has bitten a person shall be observed for a period of ten days from the date of bite. The procedure and place of observation shall be designated by the investigating officer. If the animal is not confined on the owner's premises, confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined in the animal shelter used by the town. The owner of any animal that has been reported as having inflicted a bite on any person shall on demand produce the animal for quarantine as prescribed in this section. Refusal to produce the animal shall be unlawful and constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation.

18.3-3 Quarantine removal. It is unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized without the consent of the impounding agency.

18.3-4 Right of entry. Any police officer, town employee, or health officer is hereby authorized to enter upon any premises in the town for the purpose of impounding animals which they are authorized hereunder to impound or for any other purpose authorized under this chapter.

18.4-1 Violations - enforcement.

(a) It is unlawful for any owner's dog to not be under control within the town. It shall be prima facie evidence that a dog is not under control if such dog shall be out of either the sight, voice command, or off the leash of its owner; or if such dog trespasses upon the property or premises of another person without that person's consent; or if said dog inflicts any damage to a person or property without the consent of such person or the owner of such property.

(b) It is unlawful to harbor or keep a vicious dog within the town.

(c) It is unlawful for any dog owner to permit a dog to habitually disturb the neighborhood; or to bark or howl continuously for a period in excess of 15 minutes in the town any time of the day or night. "Continuously" means occurring in a steady, rapid, but not unbroken succession.

(d) It shall be unlawful for any person to harbor, keep or maintain more than two (2) dogs, four months old or older, within the town, and the harboring, keeping or maintaining of more than two (2) dogs four months old or older is hereby declared to be a nuisance. Any person desiring to except themselves from this ordinance may apply to the town for a variance as provided for in 18.5-1.

18.5-1 Variances.

(a) Any person owning animals desiring to except themselves from the provisions of 18.4-1(d) or Article 7, may apply to the Town of Berthoud for a variance. The application shall be made in writing on a form supplied by the town and accompanied by an application fee of \$25.00.

(b) Any person who boards, trains or grooms animals desiring to except themselves from the provisions of 18.4-1(d) or Article 7 may apply to the Town of Berthoud for a variance on a form supplied by the town.

(c) The form in (a) and (b) shall specify, at a minimum:

- (i) the name, address and telephone number of the owner;
- (ii) the type, breed, age, color and sex of all animals owned by the person or type and number of animals customarily being boarded, trained or groomed;
- (iii) a description of the property where the animals will be kept, the length of time they will be customarily on the premises and the facilities for their care;
- (iv) the reasons for the requested variance and any proposed limitations thereon.

(d) The application shall be reviewed at a public hearing held not sooner than 10 days after all property owners within 300 feet of the application have received a notice of the hearing and a copy of the application form.

(e) The variance, if granted, shall be reviewed at least annually by the Board of Trustees or its designated representative to ensure that the excepted activities are not disturbing the neighborhood or creating a nuisance. It shall be presumed the persons who were previously in compliance with the previous municipal code shall be entitled to a variance of at least one year.

18.6-1 Impoundment of animals. When any animal has been taken up and impounded, the police department shall give notice personally or by telephone or mail of such impoundment to the owner, if known, who may thereupon recover possession of such animal upon payment of all animal registration, impoundment and license fees, and costs of boarding as set forth herein. During the last four (4) days of impoundment of an animal there must be

a notice posted in the police department. The notice shall describe the animal by size, color and sex, as well as any other descriptive information available. The final disposition of the animal and date thereof shall be noted thereon if available. If no owner appears to claim any such animal and to pay the registration, impoundment and license fees, and costs incurred by impoundment within five (5) days of receipt of notice of impoundment, or the mailing thereof, whichever occurs first; or, within five (5) days after such animal is impounded, when said owner is unknown, the animal shall be deemed to have been abandoned and shall be disposed of either by selling, or by giving said animal away, or said animal shall be destroyed as the chief of police or his authorized agent shall from time to time determine.

18.7-1 Definitions. The following definitions shall apply to this Article 7:

(a) Animal or Animals - Any cows, horses, mules, sheep, goats, hogs, pigs, rabbits and other animals not customarily regarded as household pets.

(b) Bees - Honey producing insects of the genus Apis, including all life stages.

(c) Fowl - Chickens, ducks, geese, turkeys, pigeons and other birds. Canaries, parakeets and similar birds kept solely as pets are excluded from this term.

(d) Pet - An animal or fowl that is tamed or domesticated and kept as a favorite and treated with affection excluding animals and fowl which are customarily larger than thirty pounds or classified as carnivores. Pet shall not include dogs and cats.

18.7-2 Keeping of animals, domestic fowl and bees prohibited. Except as a variance is provided for herein, it shall be unlawful for any person to board, feed, keep, harbor, maintain or herd within the corporate limits of the town of Berthoud, any animals, fowl or bees, as defined herein; and no such animals or fowl shall be allowed to run or fly at will.

18.7-3 Training and breeding of animals prohibited. It shall be unlawful for any person to keep, maintain or operate within the town, any kennel, building, or other place of establishment for the purpose of training, boarding, or breeding of animals. The keeping, maintaining or operating of such establishment is hereby declared to be a nuisance.

18.7-4 Pets. It shall be unlawful for any person who owns, harbors or keeps within the corporate limits any pets, to fail to keep the same securely enclosed in a pen or building or to permit the same to run at large or to go upon the premises of another.

18.7-5 Places for animals and fowl kept clean. It shall be unlawful for any person who shall keep an animal, fowl, dog or cat within the town, to permit the yard or place within which the same are kept to become foul, noisome, putrid, malodorous, unwholesome, offensive, or in any way dangerous or detrimental to human health, comfort, or welfare, and any such place is hereby declared to be a nuisance and subject to abatement.

18.7-6 Exceptions.

(a) This article shall not be applicable to the display of domestic fowl or non-domestic animals by entrants in any show or fair authorized by the town, nor to the temporary maintenance by a licensed veterinarian of animals or fowl during the time necessary for treatment.

(b) This article shall not be applicable to any person engaged in operating a packinghouse or slaughterhouse governed by Colorado Health Department regulations, and the keeping of animals or domestic fowl for a temporary period of time, not to exceed seventy-two (72) hours, in connection with the operation of such business.

(c) This article shall not be applicable to the keeping or maintaining a total of two pets. These pets shall be kept entirely within an interior cage or exterior pen or fenced area. A license shall be obtained from the town, identifying the pet by breed, color, and sex as a condition of compliance with this subsection.

(d) This article shall not be applicable to animals kept in an area zoned for agricultural-recreational use.

18.8 Fees. The following fees may be amended at a regularly scheduled meeting of the board of trustees by resolution and shall be effective thirty (30) days after publication.

18.8-1 License Fees.

(a) A fee of \$5.50 for each dog, male or female, which has been spayed or neutered, or is under one year of age.

(b) A fee of \$11.00 for each dog, male or female, which

has not been spayed or neutered.

(c) Except for dogs less than one year old, such licensing shall be renewable biennially on or before the first day of April.

(d) A \$2.00 additional late fee shall be added for licenses renewed after April 1.

(e) \$3.00 for a license for an animal pet licensed pursuant to 18.7-6(c).

18.8-2 The following fees additionally shall be charged by the town for impoundment and quarantine services described:

(a) Impoundment and quarantine fee - \$20.00 for each impoundment;

(b) Board fee - \$3.00 per day or fraction thereof for board fee at the animal shelter. The impound fee and board fee charged by the designated boarding agency shall be \$10.00 and \$5.00 respectively.

18.8-3 The town shall keep a record of the date of issue of each dog tag and the number thereof and the dog owner's name and address. If the dog tag issued in this regulation is lost or destroyed, a duplicate tag may be obtained from the town upon the payment of a fee of \$2.00.

18.9 Penalty. It shall be a violation of this chapter for any person, partnership or corporation to do any act which is forbidden or declared to be unlawful or declared to be a nuisance or to fail to do or perform any act required in the chapter. The penalty for said violation shall not be greater than ninety (90) days in jail or \$300.00 or both such fine and imprisonment.

18.10 Validity If any part or parts of this ordinance are for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

18.11 Repeal Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.


Section 2. Effective Date

The Board of Trustees of the town of Berthoud herewith finds, determines, and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

This Ordinance was introduced and read and a public hearing set for April 26, 1983 by the Board of Trustees of the Town of Berthoud at its meeting held this 12th day of April 1983. After a public hearing, this Ordinance was read, passed, and ordered published by the Board of Trustees at its meeting this 26th day of April, 1983.

TOWN OF BERTHOUD:

ATTEST:


Mayor


TOWN CLERK

Publish
Loveland Daily Reporter Herald