

ORDINANCE # 6, SERIES 1997

AN ORDINANCE PROVIDING FOR REGULATIONS APPLICABLE TO THE KEEPING, TREATMENT, AND CONTROL OF ANIMALS WITHIN THE TOWN

WHEREAS, the Town is experiencing increasing complaints and concerns with regard to the keeping, treatment and control of animals within its limits; and

WHEREAS, no Town ordinance has been enacted or revised concerning the keeping, treatment, and control of animals since 1964, 1970 and 1976 respectively and many sections of these ordinances are out of date; and

WHEREAS, pursuant to CRS 30-15-401(2)(a), the Town may elect by ordinance to have the County animal control ordinance apply within the Town limits; and

WHEREAS, it is desirable that the Town has current and appropriate ordinances to control the keeping, treatment and running at large of animals.

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

Article I - Purpose, Authority and Definitions

Section 1. Purpose: The purpose of this ordinance is to protect the health, safety and welfare of the citizens of Jamestown as well as to accommodate those whose lifestyles include the keeping of pets or other animals for predominantly recreational or social purposes.

Section 2. Authority and Applicability: This ordinance is authorized by Section 31-15-401(1)(m), C.R.S., which provides that the Town Board shall have the power to provide for the regulation and control of dogs and other animals, in order to provide for the protection of the health, safety and welfare of the community. This ordinance is not intended to nullify or put aside applicable Boulder County Health Department regulations.

Article II - General Requirements

Section 1. Keeping of Nuisance Animals and Activities:

- a.) The keeping of swine or hogs or maintaining any corral, pigsty, barn or other building for the purpose of raising or maintaining hogs or pigs shall be deemed a nuisance and is prohibited.
- b.) Any corral, barn, stable, pen or other building where animals are harbored or kept shall be maintained in accordance with applicable regulations of the Boulder County Health Department or other county, state or federal entity having jurisdiction.
- (c.) It shall be unlawful for any person to drive or lead any horse or other large animal on or over any lawn or shrubs or private property without the permission of the owner.
- (d.) It shall be unlawful for any owner to permit any animal or fowl to trespass upon any garden or field of growing crops.
- (e.) No slaughterhouse or other place for slaughtering animals shall be kept within the Town.
- (f.) It shall be unlawful for any person to keep within the limits of the Town, for a period exceeding 24 hours, any green, unsalted hides.

(g.) When any animal shall die within the town, it shall be the duty of the owner to promptly dispose of the body through removal, or in the case of small animals, burial or other lawful and hygienic means.

Section 2. Cruelty to Animals:

Pursuant to Boulder County Ordinance 97-1, which pursuant to this Ordinance shall apply within the Town, it shall be unlawful for a person to knowingly or with criminal negligence to overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry in or upon any vehicle in a cruel manner, or otherwise mistreat or neglect any animal or cause or procure it to be done, or having charge and custody of any animal, fail to provide it with proper food, drink or protection from the weather, or abandon it. In addition:

- (a.) It shall be unlawful for any person to shoot at, wound, kill, capture, ensnare, net, capture, or in any manner, molest any robin, lark, whippoorwill, sparrow, finch, thrush, martin, swallow or any songbird or insectivorous bird.
- (b.) The capture, keeping or taming of any wild animal shall be prohibited. Except that the capture, and removal of nuisance or potentially dangerous wild animals shall be deemed lawful.
- (c.) Any officer of the Town, peace officer, animal control officer, or officer or agent of the County or State Humane Society may lawfully interfere to prevent the perpetration of any act of cruelty committed in his presence. It shall be unlawful for any person to obstruct, interfere with, or resist any officer or agent engaged in the discharge of his duties.

Section 3. Running at Large: It shall be unlawful for any owner to permit any animal or fowl, except a cat, to run at large in the Town. This section shall not be interpreted as extending or enlarging upon the specifications for dogs or the restrictions imposed upon owners of dogs prescribed in Article III of this Ordinance.

- (a.) Any person who keeps doves, turkeys, chickens or other domestic fowl, shall maintain such fowl on the owners premises and shall not permit such fowl to go upon the premises of the Town or of others.
- (b.) Animals running at large in violation of this article shall be ordered impounded and turned over to the appropriate county or state agency. The costs of impoundment shall be borne by the owner.

Article III - Specifications for the Keeping of Dogs and Cats

Section 1. Adoption of Boulder County Ordinance: Pursuant to CRS 30-15-401(2)(a), the Board of Trustees hereby elects, on behalf of the Town to have the provisions of Boulder County Ordinance 97-1, as amended or revised from time to time, apply to and within the Town.

Section 2. Enforcement: Enforcement of Ordinance No. 97-1 shall be provided by the Boulder County Sheriff's Department, Boulder County Animal Control Officer, or other Boulder County enforcement officials as authorized by the County Board of Commissioners.

Section 3. Further Acts: The Mayor is authorized to negotiate and execute on behalf of the Town, any agreements or amendments to existing agreements concerning enforcement of Ordinance No. 97-1, provided such agreements or amendments are substantially similar to the existing Intergovernmental Agreement, dated July 10, 1989.

Article IV - Violation, Penalty, Severability and Repeal

Section 1. Violation: Any person who violates Article III of this ordinance shall be punished in accordance

with the provisions of County Ordinance 97-1 as revised or amended from time to time. Any person who violates any other provision of this Ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not to exceed ten (10) days or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted by any such person shall be deemed a separate offense.

Section 2. Severability: If any portion of this Ordinance, or application thereof to any person or circumstances, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. No Impairment: The repeal or modification of any provision of the Municipal Code of the Town of Jamestown by this Ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings or prosecutions.

Section 4. Repeal: All ordinances or parts of ordinances, of the Town of Jamestown, Colorado in conflict herewith and specifically:

Ordinance No. 3, Series 1964 in its entirety.

Ordinance No. 3, Series 1970 in its entirety.

Ordinance No. 2, Series 1976 in its entirety.

are hereby repealed.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL THIS 7th DAY OF July, 1997.

s/James Argenio
JAMES ARGENIO, MAYOR

S/Mary Ellen Burch
MARY ELLEN BURCH, TOWN CLERK