

ORDINANCE NO. 252

AN ORDINANCE TO PROHIBIT THE KEEPING OF ANY CATTLE, HORSES, MULES, SHEEP, GOATS, SWINE, OR OTHER HARD HOOFED ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF HUGO, COUNTY OF LINCOLN, COLORADO, AND TO REGULATE AND LIMIT THE KEEPING AND NUMBER OF FOWL WITHIN THE CORPORATE LIMITS OF THE TOWN OF HUGO, COUNTY OF LINCOLN, COLORADO

Whereas, Colorado Revised Statute 31-15-401(1)(b) gives to the governing body of a municipality the power to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

Whereas, Colorado Revised Statute 31-15-401(1)(m)(I) gives to the governing body of a municipality the power to regulate and to prohibit the running at large and the keeping of animals, including fowl, within the municipality and to otherwise provide for the regulation and control of such animals, including, but not limited to, licensing, impoundment, and disposition of impounded animals; and

Whereas, the Board of Trustees of the Town of Hugo, hereinafter referred to as the "Board" has determined that the keeping of livestock including, but not limited to cattle, horses, mules, sheep, goats, swine, and other hard hoofed animals within the corporate limits of the Town is a menace to the health of the residents because of the propagation of flies and other insects caused by the keeping of such animals and that it is necessary to the preservation of the health of the residents of the Town that the keeping of such animals within the limits of the Town should be prohibited; and

Whereas, the Board has further determined that Ordinance No. 51, previously adopted by the Board in 1921 concerning the prohibition against chickens and other domestic fowls from running at large, should be repealed and restated herein to not only prohibit the running at large of fowl, but to also limit the number of fowl, per household, and to provide a remedy for the violation of this Ordinance.

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

Section 1. Certain Animals Prohibited within the Town Boundaries. It shall be unlawful for any resident, property owner, or any person or persons residing or situated in the Town, at any time, to board, harbor, or keep any species of livestock within the corporate limits of the Town or to allow the boarding, harboring, or keeping of any species of livestock within the corporate limits of the Town. The term "livestock" shall include, but not be limited to, cattle, horses, mules, sheep, goats, swine, and other hard hoofed animals.

Section 2. Certain Animals Regulated within the Town Boundaries. It shall be unlawful for any resident, property owner, or any person or persons residing or situated in the Town, to own or harbor more than eight (8) fowl, the term "fowl" to including chickens, ducks, geese, turkeys, pigeons, or other domestic birds. It shall also be unlawful for any resident, property owner, or person or persons residing or situated in the Town, to own or harbor roosters. The fowl shall be kept in adequate enclosures. No resident, owner, or harborer of domestic fowl shall allow or permit the same to run or go at large upon any of the streets, alleys, avenues, or other public places, or to run or go upon the premises of any other person within the Town at any time.

Section 3. Penalties and Costs. Any person or persons violating this Ordinance shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for each day of violation of the Ordinance. Further, said person or persons shall be assessed the costs of transporting, keeping, or impounding the livestock / animals, and the expenses incurred by the Town in obtaining appropriate orders and / or injunctions, as may be needed to enforce this Ordinance.

Section 4. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 5. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This Ordinance, upon adoption and passage, shall specifically rescind Ordinance No. 51.

Section 6. Recording and Authentication. Immediately upon its passage, this Ordinance shall be recorded in the Town of Hugo Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, and shall be published as required by law. This Ordinance shall take effect thirty days after publication.

Adopted and Approved this 13th day of August, 2018.

Mayor

ATTEST:

Town Clerk

(S E A L)