

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE I

Administration and Abatement of Nuisances

Sec. 7-1-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Littering means the scattering, leaving or dropping of rubbish, trash or other matter (organic or mineral).

Rubbish means any type of debris, trash, waste and rejected or accumulated matter, including but not limited to large pieces of wood, large cardboard boxes or parts, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, scrap metal, bedsprings, water heaters, furniture (other than furniture specifically designed and intended for outdoor use), all other household goods or items and any other accumulation of items or materials not designed for outdoor decoration purposes or uses.

Trash means any worn-out, broken up, used or worthless matter or material and any refuse, rubbish, topping, twigs and leaves of trees. (Prior code 7-1; Ord. 2006-1236 §1; Ord. 2008-1317)

Sec. 7-1-20. Conditions constituting nuisances.

Whenever there shall be in or upon any lot or piece of ground within the Town limits any damaged merchandise, litter, trash, rubbish, garbage, dead animals, weeds, brush, trees or an accumulation of any junk of any type, or any conditions established as a nuisance by this Chapter, upon any private or public property, except in areas specifically zoned by Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall be unlawful and shall constitute a nuisance. (Prior code 7-2; Ord. 2006-1236 §1)

Sec. 7-1-30. Nuisances prohibited.

(a) No person being the owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits shall maintain or allow any nuisance to be or remain therein.

(b) It is unlawful for any owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits to fail to maintain the property in a neat, tidy, methodical, systematic, clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended. (Prior code 7-3; Ord. 2006-1236 §1)

Sec. 7-1-40. Notice to owner; failure to comply.

(a) Except as provided in Subsection (e) below, the Town shall give notice to every person owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a nuisance exists in violation of the provisions of this Chapter. Said notice shall direct the person to comply with the provisions of this Article within five (5) days after the date of such notice if

the property owner resides within the Town and seven (7) days if the property owner resides outside the Town.

(b) Any notice given pursuant to this Article shall state that, if the work required is not done within the time specified, the Town shall cause the same to be done at the expense of the property owner and that the Town may, at its sole election, go upon and enter private premises in order to remove the nuisance or cause for violation at said person's expense. The cost of such work to the Town shall constitute a lien upon such property as provided in Section 7-1-50 below.

(c) Except as provided in Section 7-1-50 below with respect to perfection of any lien, any written notice issued pursuant to this Section may be served by mailing via regular United States mail a copy of the notice to the record owner of such property. Service on one (1) owner of the property shall be deemed service on all owners.

(d) If any property owner shall fail to comply with the notice requirements of Subsection (a) above within the time limits as set forth in the notice as provided, said failure shall be deemed consent of such owner that the Town may direct that the nuisance or violation be abated, the Town shall remove or cause to be removed said nuisance or cause for violation, and the Town employees or contractors acting upon behalf of the Town shall have the right to go upon and enter private premises in order to remove the nuisance or cause for violation.

(e) Written notice to the owner shall not be required under the following circumstances:

(1) A law enforcement officer certifies in writing that, upon a date certain, he or she has verbally notified the owner by telephone or in person of a violation of this Article, of the need to remove any nuisance described herein and of the Town's right to undertake nuisance abatement measures at the owner's expense; and

(2) The property is conspicuously posted with a written notice of a violation, which posted notice shall state that, if the work required is not done within the time specified therein, the Town may cause the same to be done at the expense of the property owner and the Town may go upon and enter private premises in order to remove the nuisance or cause for violation at said person's expense. (Prior code 7-4, Ord. 2006-1236 §1; Ord. 2008-1317)

Sec. 7-1-50. Lien for nuisance abatement costs.

(a) The Chief of Police shall certify in writing the costs associated with nuisance abatement measures undertaken pursuant to Section 7-1-40 above, and such certification shall be mailed by certified mail, return receipt requested, to both the owner of the property and to the property address if different from the owner's address. The Chief of Police shall under oath swear in writing to the date and addressees of such mailing, and such sworn statement shall constitute proof of notice to the property owner for all intents and purposes hereunder.

(b) The owner of any property subject to a nuisance abatement lien under this Article shall have the right to request a hearing before the Municipal Court. Such request shall be in writing, shall contain the requestor's mailing address and shall be delivered in person to the Police Department within ten (10) days of the mailing specified in Subsection (a) above. Upon receipt of a request for a hearing, the Chief of Police shall schedule a hearing before the Municipal Court and provide written

notice of the same to the requesting party by first-class mail, postage prepaid, to the address appearing on the request for hearing. Failure to request a hearing as provided in this Subsection shall be deemed a waiver of any objections to the lien for nuisance abatement measures established in this Article.

(c) If a hearing is timely requested by the property owner, the sole question at the hearing shall be the cost incurred by the Town for nuisance abatement measures associated with the subject property. The Chief of Police shall present any evidence in support of the costs associated with the nuisance abatement measures in question. The property owner shall have a right to present evidence and argument in opposition. The Municipal Judge shall determine all evidentiary questions and shall render a written order within thirty (30) days of the hearing containing findings and conclusions as to the amount of the lien. The written order shall be mailed to the property owner and a copy provided to the Chief of Police.

(d) Any lien established under this Section shall constitute a perpetual lien on the property upon which nuisance abatement measures were undertaken in accordance with this Section.

(e) The attachment of such lien is not dependent on the recording of written notice, and the lien is prior and superior to all other liens, claims, titles and encumbrances, whether or not prior in time, except liens for general taxes. The lien remains attached to the property from the date the nuisance abatement costs are incurred until all nuisance abatement costs, together with simple interest at the rate of eight percent (8%) per annum from the date the costs were incurred, are paid.

(f) The Town is not required to seek payment of nuisance abatement costs from any person other than the owner of the property. No change of ownership, occupancy or possession affects the application of this Section, and the failure of any owner to discover that property was purchased against which a lien for nuisance abatement costs exists in no way affects such owner's liability for payment in full.

(g) The Town may enforce its lien by a suit for foreclosure and sale of the property subject to the lien. The proceeds of the sale shall be applied to the unpaid nuisance abatement costs and allowable court costs in the manner provided for foreclosure of statutory liens.

(h) The lien may also be enforced by certification of assessment upon the property to the treasurer of the county wherein the property is located for collection by the county in the same manner as delinquent general taxes and special assessments upon such property are collected or by any other means provided by law.

(i) Unpaid nuisance abatement costs, together with simple interest at eight percent (8% per annum and costs of collection, may also be collected by civil suit against the owner of the property, commenced at any time after the charges become due.

(j) The remedies provided under this Section are cumulative and supplemental to each other.

(k) This Section shall apply to all nuisance abatement costs incurred by the Town on or after January 1, 2008. (Ord. 2008-1317)

ARTICLE II

Specific Nuisances

Sec. 7-2-10. Abandoned containers, wells or cisterns.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device. (Prior code 7-21; Ord. 2006-1236 §1)

Sec. 7-2-20. Stagnant water.

The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance. (Prior code 7-22; Ord. 2006-1236 §1)

Sec. 7-2-30. Littering.

No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste materials, refuse, garbage, trash, debris or other foreign substances, nor shall any person owning or occupying any lot of ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds. (Prior code 7-23; Ord. 2006-1236 §1)

Sec. 7-2-40. False alarms.

- (a) As used in this Section, the following terms shall have the meanings indicated:

Alarm or *alarm system* shall mean any mechanical or electrical device or system which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for the detection of fire or other hazard to life or property, or used for mechanically or electronically alerting others by an externally audible or visual signal to the commission of an unlawful act, whether installed inside or outside a building.

False alarm shall mean an alarm signal necessitating a response by the Police Department alone or in conjunction with other emergency agencies, where an emergency situation does not exist. *False alarm* shall not include alarms occasioned by natural or man-made disasters or power failures which are beyond the control of the owner or occupier of the premises.

- (b) Excessive false alarms. False alarms shall be deemed excessive wherein more than three (3) of such alarms occur within any one-year (365-day) period. For each false alarm which exceeds the maximum allowable as set forth herein, to which the Police Department responds, the owner or

occupant of the premises wherein the alarm originates shall be liable to the Town in the amount of fifty dollars (\$50.00).

(c) Payment and collection of costs for excessive false alarms. Upon the occurrence of an excessive false alarm, written notice shall be given by the Police Department to the owner or occupant of the premises wherein the alarm originated. Said notice shall contain the following information:

(1) Date and time of the false alarm;

(2) Confirmation that the alarm constituted an excessive false alarm as defined herein; and

(3) Assessment of a fifty-dollar charge for such alarm, requiring that said charge be paid in full to the Town Clerk within ten (10) days of the date of the written notice.

Said written notice shall be signed by the Chief of Police or any officer of the Police Department.

(d) Assessment of cost against property. In the event the owner or occupier of the premises wherein the excessive false alarm occurred fails to pay the fifty-dollar cost within ten (10) days, such cost may be assessed against the property. (Prior code 7-24; Ord. 2006-1236 §1; Ord. 2008-1317)

Sec. 7-2-50. Sump pump discharge.

Effective March 1, 2000, it shall be unlawful for any property owner to allow the discharge from a sump pump to drain across a driveway or sidewalk in the Town. (Prior code 7-25; Ord. 2006-1236 §1)

ARTICLE III

Weeds and Brush

Sec. 7-3-10. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

Brush means any unsightly, useless, troublesome or injurious volunteer growth of bushes or shrubbery, which shall include all cuttings from said bushes and shrubbery.

Weed means any unsightly, useless, troublesome or injurious herbaceous plant including, but not limited to, those undesirable plants commonly known as tumbleweed (*salsola iberica*), puncture vine/goat head (*tribulus terrestris* or *cenchrus pauciflores*), field windweed (*convolvulus arvensis*), sandbur (*cenchrus longispinus*), leafy spurge (*euphorbia esula*), knapweed-diffuse (*centaurea diffusa*), knapweed-Russian (*centaurea repens*), knapweed-spotted (*centaurea maculosa*), Canadian thistle (*cirsium arvense*) and musk thistle (*cirsium arvense*). (Prior code 7-41; Ord. 2006-1236 §1)

Sec. 7-3-20. Declaration of nuisance.

Any weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds or brush to grow or remain in any such place. (Prior code 7-42; Ord. 2006-1236 §1)

Sec. 7-3-30. Duty of property owner to cut.

It shall be the duty of each and every person, corporation or association owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground and remove all weeds and brush. (Prior code 7-43; Ord. 7-43; Ord. 2006-1236 §1)

Sec. 7-3-40. Abatement of weed and brush nuisance.

(a) The Town shall give notice to every person owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a weed and brush nuisance exists in violation of the provisions of this Article. Said notice shall direct the person to comply with the provisions of this Article within five (5) days after such notice if the property owner resides within the Town and within seven (7) days if the property owner resides outside the Town. Written notice to the owner shall not be required under the following circumstances:

(1) A law enforcement officer certifies in writing that, upon a date certain, he or she has verbally notified the owner by telephone or in person of a violation of this Article, of the need to remove any nuisance described herein and of the Town's right to undertake weed and brush abatement measures at the owner's expense; and

(2) The property is conspicuously posted with a written notice of a violation, which posted notice shall state that, if the work required is not done within the time specified therein, the Town may cause the same to be done at the expense of the property owner, and the Town may go upon and enter private premises in order to remove the weed and brush nuisance or cause for violation at said person's expense.

(b) Any notice given pursuant to this Article shall state that, if the work required is not done within the time specified, the Town may cause the same to be done at the expense of the property owner and, if said person owning said lots, tracts, parcels or any structure does not permit entry, the Town may, if necessary, go upon and enter private premises in order to remove the weed and brush nuisance or cause for violation at said person's expense.

(c) Except as provided in Section 7-3-50 below with respect to perfection of any lien, any written notice issued pursuant to this Section may be served by mailing via regular United States mail a copy of the notice to the record owner of such property. Service on one (1) owner of the property shall be deemed service on all owners.

(d) If any property owner shall fail to comply with the requirements of this Section after first being provided notice as provided herein and within the time limits as set forth in such notice, said failure shall be deemed consent that the Town may direct that the weed and brush nuisance or violation be abated, the Town may remove or cause to be removed said weed and brush nuisance or cause for violation, and the Town employees or contractors, acting upon behalf of the Town, shall

have the right to go upon and enter private premises in order to remove the weed and brush nuisance or cause for violation at the owner's expense.

(e) The Town shall not be required to issue more than one (1) notice under Subsection (a) above during any one (1) calendar year under the following circumstances: the owner continues his or her failure to comply with this Article following the Town's abatement of such weed and brush nuisance pursuant to the prior notice. In the event of a continuing violation of this Article as provided in this Subsection, the Town shall have the continuing right to go upon and enter the premises in order to remove the weed and brush nuisance or cause for violation without further notice to the owner and at the owner's continued cost.

(f) Any work performed by the Town to abate a weed and brush nuisance under this Article shall be done at the expense of the owner of such lots, tracts or parcels of land, and the cost of such work shall constitute a lien upon such property as provided in Section 7-3-50 below. (Ord. 2008-1317)

Sec. 7-3-50. Lien for weed and brush nuisance abatement costs.

(a) The Chief of Police shall certify in writing the costs associated with weed and brush nuisance abatement measures undertaken pursuant to Section 7-3-40 above, and such certification shall be mailed by certified mail, return receipt requested, to both the owner of the property and to the property address if different from the owner's address. The Chief of Police shall under oath swear in writing to the date and addressees of such mailing, and such sworn statement shall constitute proof of notice to the property owner for all intents and purposes hereunder.

(b) The owner of any property subject to a weed and brush nuisance abatement lien under this Article shall have the right to request a hearing before the Municipal Court. Such request shall be in writing, shall contain the requestor's mailing address and shall be delivered in person to the Police Department within ten (10) days of the mailing specified in Subsection (a) above. Upon receipt of a request for a hearing, the Chief of Police shall schedule a hearing before the Municipal Court and provide written notice of the same to the requesting party by first-class mail, postage prepaid, to the address appearing on the request for hearing. Failure to request a hearing as provided in this Subsection shall be deemed a waiver of any objections to the lien for weed and brush nuisance abatement measures established in this Article.

(c) If a hearing is timely requested by the property owner, the sole question at the hearing shall be the cost incurred by the Town for weed and brush nuisance abatement measures associated with the subject property. The Chief of Police shall present any evidence in support of the costs associated with the weed and brush nuisance abatement measures in question. The property owner shall have a right to present evidence and argument in opposition. The Municipal Judge shall determine all evidentiary questions and shall render a written order within thirty (30) days of the hearing containing findings and conclusions as to the amount of the lien. The written order shall be mailed to the property owner and a copy provided to the Chief of Police.

(d) Any lien established under this Section shall constitute a perpetual lien on the property upon which weed and brush nuisance abatement measures were undertaken in accordance with this Section.

(e) The attachment of such lien is not dependent on the recording of written notice, and the lien is prior and superior to all other liens, claims, titles and encumbrances, whether or not prior in time,

except liens for general taxes. The lien remains attached to the property from the date the weed and brush nuisance abatement costs are incurred until all such nuisance abatement costs, together with simple interest at the rate of eight percent (8%) per annum from the date the costs were incurred, are paid.

(f) The Town is not required to seek payment of weed and brush nuisance abatement costs from any person other than the owner of the property. No change of ownership, occupancy or possession affects the application of this Section, and the failure of any owner to discover that property was purchased against which a lien for weed and brush nuisance abatement costs exists in no way affects such owner's liability for payment in full.

(g) The Town may enforce its lien by a suit for foreclosure and sale of the property subject to the lien. The proceeds of the sale shall be applied to the unpaid weed and brush nuisance abatement costs and allowable court costs in the manner provided for foreclosure of statutory liens.

(h) The lien may also be enforced by certification of assessment upon the property to the treasurer of the county wherein the property is located for collection by the county in the same manner as delinquent general taxes and special assessments upon such property are collected or by any other means provided by law.

(i) Unpaid weed and brush nuisance abatement costs, together with simple interest at eight percent (8%) per annum and costs of collection, may also be collected by civil suit against the owner of the property, commenced at any time after the charges become due.

(j) The remedies provided under this Section are cumulative and supplemental to each other.

(k) This Section shall apply to all weed and brush nuisance abatement costs incurred by the Town on or after January 1, 2008. (Ord. 2008-1317)

Sec. 7-3-60. Removal from Town.

All weeds and brush cut in accordance with Section 7-3-30 hereof shall be, immediately upon being cut, removed from the Town or otherwise entirely destroyed by the owner or occupant of the lot upon which the weeds and brush have been cut. (Prior code 7-44; Ord. 2006-1236 §1; Ord. 2008-1317)

ARTICLE IV

Trees

Sec. 7-4-10. Cotton-bearing cottonwood trees.

(a) It shall be unlawful for any person to sell, plant, transplant, keep or maintain any cotton-bearing cottonwood trees in the Town.

(b) Excluded from the effect of the ordinance codified herein shall be all cotton-bearing cottonwood trees in existence as of October 28, 1991. Determination of the age of a cotton-bearing

cottonwood tree for the purposes of enforcement of the ordinance codified herein shall be under the exclusive control of the Town Forester.

(c) For purposes of the enforcement of the ordinance codified herein, the Town declares cotton-bearing cottonwood trees to be a nuisance and subject to the provisions of this Code with regard to the abatement of nuisances.

(d) The Town Board finds that the lands adjoining the Poudre River in the Town provide a natural and historic habitat for native cotton-bearing cottonwood trees. The Board further finds that the preservation of this habitat is in the best interests of the Town and its citizens. The provisions of the ordinance codified herein shall not apply to any cotton-bearing cottonwood trees located within one hundred fifty (150) feet of the banks of the Poudre River in the Town.

(e) The Town Board finds that the lands adjoining certain irrigation canals, lands containing wetlands and open space lands may likewise provide a natural and historic habitat for cotton-bearing cottonwood trees, and that the preservation of this habitat is also in the best interests of the Town and its citizens. The provisions of the ordinance codified herein shall not apply to any such areas which may be specifically designated by the Town Forester. Any such designations shall be appropriately posted by the Town Forester.

(f) Nothing in the ordinance codified herein shall prevent or supersede the powers of the Town as set forth in this Code to require the trimming or removal of cotton-bearing cottonwood trees which are subsequently declared to constitute a nuisance as dangerous or hazardous trees under the provisions of this Code. (Prior code 7-61; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-4-20. Tree and plant diseases declared a public nuisance; abatement on private property.

(a) The existence of any destructive or communicable disease or other pestilence that endangers the growth, health, life or well-being of trees or plants in the Town, or that is capable of causing an epidemic spread of communicable disease or insect infestation, shall be considered a public nuisance subject to abatement in accordance with the provisions of this Code.

(b) Upon the discovery of any such disease, pestilence or insect infestation, the Town Forester shall cause written notice to be served upon the owner of the property upon which such diseased tree or plant is situated, which notice shall require such property owner to eradicate, remove or otherwise control such condition in accordance with the nuisance abatement provisions of this Code. In the event the property owner fails to comply with the requirements of any such notice, the Town may enter upon the private property and abate the nuisance existing thereon in accordance with the nuisance abatement provisions of this Code. Assessment of any costs against the property for work performed by the Town, or on the Town's behalf, shall likewise be done in accordance with the nuisance abatement provisions of this Code. (Prior code 7-62; Ord. 2006-1236 §1)

Sec. 7-4-30. Permit required for planting, pruning or removing trees in public places.

It shall be unlawful for any person to plant, prune, remove, destroy or cause to be planted, pruned, removed or destroyed, any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town without having first obtained a written permit

therefor from the Town. An approved landscape plan by the Planning Department shall be considered a permit. (Prior code 7-63; Ord. 2006-1236 §1)

Sec. 7-4-40. Application required for planting, pruning or removing trees in public places.

(a) Any person desiring to plant, prune, remove, or destroy any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town shall first make written application at the office of the Parks and Recreation Department. Such application shall set forth the name and address of the applicant, the name and address of the person doing the work, the kind or species of tree or shrub to be planted and the location of the planting, together with such other information as the Parks and Recreation Department may in its discretion require. The Parks and Recreation Department may attach such conditions as may be deemed advisable with regard to the performance of the work authorized by the permit.

(b) No fee shall be required for permits issued pursuant to this Section. (Prior code 7-64; Ord. 2006-1236 §1)

Sec. 7-4-50. Duty of the Town to trim and maintain trees in public places.

It shall be the duty of the Town to trim, prune, remove or destroy any trees, shrubs or hedges in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town. (Prior code 7-65; Ord. 2006-1236 §1)

ARTICLE V

Animals, Fowl and Bees

Sec. 7-5-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Animal or animals means any cattle, horses, mules, sheep, goats, hogs, pigs, swine or other hard-hoofed animals and rabbits.

Domestic fowl means chickens, ducks, geese, turkeys, pigeons and other domestic fowl. Canaries, parakeets and similar birds kept solely as pets are excluded from this term.

Person means any person, firm, partnership, corporation or association. (Prior code 7-81; Ord. 2006-1236 §1; Ord. 2008-1335 § 1)

Sec. 7-5-20. Keeping of animals, domestic fowl and bees prohibited.

Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to keep, harbor, maintain or allow to run or fly at will any animals, domestic fowl or bees within the Town. (Prior code 7-82; Ord. 2006-1236 §1)

Sec. 7-5-30. Exceptions.

(a) This Article shall not be applicable to the display of domestic fowl or 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, who is otherwise authorized by this Code and governed by applicable state regulations. The keeping of animals or domestic fowl in connection with the operation of such businesses shall not exceed seventy-two (72) hours.

(c) This Article shall not be applicable to the keeping or maintaining of one (1) pet rabbit upon any lot in the Single-Family Residential SF-1 District zone, or to the keeping or maintaining of one (1) pet rabbit or other animal in the Estate Residential E District, as defined in Chapter 16 hereof. A permit shall be obtained from the Town, identifying the rabbit by breed, color, sex and identifying ear tattoo number as a condition of compliance with this Subsection. The Town Clerk shall charge a fee to be established by resolution of the Town Board. (Prior code 7-83; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE VI

Dogs

*Division 1
General Provisions*

Sec. 7-6-10. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings unless the context indicates otherwise:

At-large, presumed-dangerous dog means any dog which is observed outside of a fence or other enclosure that restrains the dog to particular premises, and not under the control, by leash, of the owner or other authorized person capable of restraining the dog and that has been determined by law enforcement or code enforcement personnel to demonstrate tendencies that would cause a reasonable person to believe that the dog may attempt to bite or claw any person, may attempt to bite another animal or may, in a vicious or terrorizing manner, approach any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

Current certificate of rabies vaccination. For the purposes of licensing dogs under this Article, a *current certificate of rabies vaccination* shall mean a certificate issued by a licensed veterinarian establishing conferred immunity for a period of not less than twenty-four (24) months.

Dog means any animal of the canine species, regardless of sex.

Dog, neutered means any dog, whether male or female, which is incapable of reproduction because of surgery which has been performed on the reproductive organs of such dog.

Dog, stray means any licensed or unlicensed dog found off the premises of its owner and not restrained by leash.

Dwelling unit means one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family for living and cooking purposes.

Impound means the confinement of a dog at an establishment the primary purpose of which is the confinement of dogs seized under the provisions of this Article or otherwise.

Kennel means any establishment wherein or whereon the business of boarding, training, selling or breeding dogs for sale is carried on, not, however, including veterinary hospitals, veterinary clinics, veterinary offices or pet shops. If the occupants of any dwelling unit harbor more than four (4) dogs over the age of six (6) months, such occupants shall be deemed to be operating a kennel.

Leash means a thong, cord, rope, chain or similar device which holds a dog in restraint and which is not more than six (6) feet in length.

Owner means every person who is in possession of or harboring any dog or who suffers any dog to remain about his or her premises for a period of ten (10) days.

Pound means an establishment for the confinement of dogs seized under the provisions of this Article or otherwise.

Presumed-dangerous dog means any dog that has been determined by law enforcement or code enforcement personnel to demonstrate tendencies that would cause a reasonable person to believe that the dog may attempt to bite or claw any person, may attempt to bite another animal or may in a vicious or terrorizing manner approach any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

Rabies means a communicable disease of both wild and domestic animals transmittable to humans as defined by the State Department of Health; and a specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation, as by bite of an infected animal, and due to a filterable virus as defined in *Dorland's Medical Dictionary*.

Rabies vaccination means the inoculation of a dog with a live or killed rabies vaccine by a licensed veterinarian and conferring immunity for a period of not less than thirty-six (36) months.

Run at large means to be outside of a fence or other enclosure which restrains the dog to particular premises, and not under the control, by leash, of the owner or other authorized person capable of restraining the dog. (Prior code 7-101; Ord. 2004-1193 §1; Ord. 2006-1235 §1; Ord. 2006-1236 §1)

Sec. 7-6-20. License required; expiration.

The owner of any dog over six (6) months of age within the Town shall annually secure a license for such dog. Dogs brought into the Town shall be licensed within thirty (30) days of being brought into the Town. Each license shall be valid for one (1) year from the date of purchase or, in the case of

license renewals, one (1) year from the previous expiration date. (Prior code 7-102; Ord. 2006-1236 §1)

Sec. 7-6-30. License fees.

The fees for dog licenses shall be set by resolution of the Town Board from time to time. (Prior code 7-103; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-6-40. Registration.

At the time of application for a license, the applicant shall furnish the following information, upon forms to be furnished by the Town:

- (1) The owner's name, telephone number and address.
- (2) The name, breed, color and sex of the dog.
- (3) The number of the dog's rabies tag.
- (4) The date the rabies vaccination was given.
- (5) The name, address and telephone number of the veterinarian issuing the dog's current certificate of rabies vaccination. (Prior code 7-104; Ord. 2006-1236 §1)

Sec. 7-6-50. License tag.

Upon compliance with the requirements of this Article for the licensing and registration of a dog, the Town shall issue a numbered metallic dog license tag for each dog so licensed and registered. The owner of every dog in the Town shall provide each such dog with a collar or harness to which the tag shall be securely affixed. All dogs within the Town shall at all times wear such collar or harness with the license tag for such dog securely affixed thereto. If any dog is found to be off the premises of its owner without its license tag affixed as provided herein, the owner shall be presumed to have violated the provisions of this Article. (Prior code 7-105; Ord. 2006-1236 §1)

Sec. 7-6-60. Records; duplicate tags; transfer.

The Town shall keep a record of each dog registered and licensed in the Town and the tag number for such dog. If any tag is lost or destroyed, a duplicate tag may be obtained from the Town. In the event ownership or possession of a dog is changed, the dog shall be relicensed and registered in the new owner's name. Fees for such tags shall be established by resolution of the Town Board. Dog license tags shall not be transferable from one (1) dog to another. The ownership shown by the registration records of the Town shall be prima facie evidence of the ownership of any dog in the Town. (Prior code 7-106; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-6-70. Rabies vaccination.

All dogs within the Town over the age of six (6) months shall be vaccinated by a licensed veterinarian, with a live or killed rabies vaccine. It shall be a violation of this Article for the owner of

any dog over the age of six (6) months to allow such dog in the Town unless the dog has been so vaccinated. The Town shall not license or register any dog unless the applicant exhibits a current certificate of rabies vaccination for such dog duly issued by a licensed veterinarian. If any dog is found in the Town without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog shall be presumed to have violated the provisions of this Article. (Prior code 7-107; Ord. 2006-1236 §1)

Sec. 7-6-80. Confinement of dogs suspected to have rabies.

(a) If any dog is suspected of having rabies or has bitten any person, such dog shall be confined by leash, chain or cage on its owner's premises or at the Town dog pound or other facility authorized by the Town, and shall be placed under the observation of a licensed veterinarian or public health official, all at the expense of its owner, for a period of days equal to the confinement period required by the County Department of Public Health. If any dog has been bitten by a dog suspected of having rabies, it shall likewise be so confined and placed under such observation, at the expense of the owner or such dog, for a period of six (6) months. The owner of any dog so exposed to rabies shall report such fact to the Ordinance Enforcement Officer or Police Department. The Ordinance Enforcement Officer shall have the power, in his or her discretion, to have the dog suspected of having rabies, or of being exposed to rabies, removed from the owner's premises to a veterinary hospital, dog pound or other facility authorized by the Town, and there placed under observation for a period of up to six (6) months, at the expense of the owner, provided that the owner may elect in lieu thereof to have such dog destroyed. In the event the owner elects to have the dog destroyed before the end of the observation period, such owner shall cause appropriate samples of brain tissue from the destroyed dog to be submitted to a diagnostic laboratory to determine the existence of rabies. Such samples shall be taken by a licensed veterinarian and submitted to the diagnostic laboratory through the offices of the veterinarian. All expenses incurred in the collection, submission and testing of the sample shall be the responsibility of the owner. Failure to obey a lawful order of the Ordinance Enforcement Officer made pursuant hereto or failure to comply with any provision of this Section shall be a violation of this Article.

(b) It shall be unlawful for the owner of any dog, knowing or suspecting that said dog has rabies or has been bitten by a dog suspected of rabies, or for the owner of any dog with or without a current rabies vaccination, which dog has bitten any person, to allow such dog to be taken off his or her premises or beyond the limits of the Town without the written permission of the Ordinance Enforcement Officer. Every owner of a dog or other person, upon ascertaining that a dog has rabies, shall immediately notify the Ordinance Enforcement Officer or Police Department. Upon receiving such notice, the Ordinance Enforcement Officer or Police Department shall forthwith remove such dog either to the Town dog pound or a veterinary hospital. (Prior code 7-108; Ord. 2006-1236 §1)

Sec. 7-6-90. Powers of Ordinance Enforcement Officer.

The Ordinance Enforcement Officer shall be specifically empowered to perform any of those duties specifically set forth in this Article. Nothing contained in this Code shall prohibit the Ordinance Enforcement Officer from assuming and performing other functions for the Town as directed by the Chief of Police or the Town Manager. (Prior code 7-109; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-6-100. Running at large.

(a) Any person owning, keeping or supervising any dog in the Town shall prevent the animal from being off the premises of the owner, keeper or supervisor and beyond such person's control.

(b) It shall be presumed to be a violation of this Section to be at large unless a dog found off the premises of its owner, keeper or supervisor is:

- (1) On a leash held by a person; or
- (2) Within a vehicle or similarly physically confined and without access to passersby.

(c) If a court of appropriate jurisdiction finds that the lack of control of the dog was made possible by forces and events outside the common experience of dog owners, keepers or supervisors and could not have been anticipated or prevented, the court may suspend all of the fine for the first offense and up to one-half (½) the fine for the second and subsequent offenses. (Prior code 7-110; Ord. 2006-1236 §1)

Sec. 7-6-110. Disturbance of peace and quiet.

No owner of a dog in the Town shall permit such dog to disturb the peace and quiet of any family, individual or neighborhood by excessive barking or howling. Consistent barking or howling for longer than ten (10) minutes in duration shall be prima facie evidence of disturbing the peace. If any dog does so disturb the peace and quiet, its owner shall be deemed guilty of a violation of this Article, provided that no such owner shall be charged in Municipal Court with a violation of this Section unless he or she or a member of his or her household over the age of eighteen (18) years has received a warning from the Town of a previous complaint at least once within the preceding twelve (12) months. (Prior code 7-111; Ord. 2006-1236 §1)

Sec. 7-6-120. Impoundment.

The Ordinance Enforcement Officer and any police officer of the Town may apprehend any dog running at large in the Town or otherwise in violation of this Article and may impound such dog in the Town pound or other suitable place. A complete registry shall be maintained by the Ordinance Enforcement Officer, showing the breed, color and sex of each dog so impounded. In addition, the registry shall show the number of the license tag and the owner's name and address if such dog is found wearing a Town dog license tag. Licensed dogs shall be separated from unlicensed dogs in the pound. Any other person in the Town shall have the power to impound any dog found at large on his or her property or on property subject to his or her control, provided that such person shall forthwith notify the Ordinance Enforcement Officer or Police Department of such impoundment. (Prior code 7-112; Ord. 2006-1236 §1)

Sec. 7-6-130. Notice of impoundment.

Within twenty-four (24) hours after impoundment of any dog, the Ordinance Enforcement Officer shall contact, by telephone or in person, any known owner of such dog and notify such owner of the impoundment of such dog. A log shall be kept by the Ordinance Enforcement Officer showing all such contacts. If any owner cannot be notified in this manner, notice of impoundment shall be mailed

by the Ordinance Enforcement Officer by regular mail, postage prepaid, addressed to the owner of the dog as shown on the dog registration records of the Town. A log shall likewise be maintained by the Ordinance Enforcement Officer of all such notices mailed. (Prior code 7-113; Ord. 2006-1236 §1)

Sec. 7-6-140. Release of impounded dogs.

(a) Impounded dogs shall be released to their owners upon payment of an amount equal to the total costs incurred by the Town for impoundment, including, but not limited to, boarding fees and transportation costs. Prior to such release, the owner shall also show proof of payment of any fines due because of the violation of the provisions of this Article or evidence of a citation for the owner to appear in Municipal Court to answer charges for violation of the provisions of this Article.

(b) In addition, if said dog is not licensed, the owner thereof must duly license the dog and present evidence thereof to the person in charge of the pound. If said dog does not have a current rabies vaccination tag, then, in addition, the owner shall present a current rabies vaccination certificate for such dog duly issued by a licensed veterinarian, or, in lieu thereof, the owner may place a cash deposit, established by resolution of the Town Board, with the Town to be refunded to the owner upon presenting, within five (5) working days thereafter, proof of rabies vaccination. No dog held for observation on account of suspicion of rabies shall be released until the observation period is over. (Prior code 7-114; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-6-150. Disposal of unclaimed dogs.

(a) It shall be the duty of the Ordinance Enforcement Officer or person in charge of the dog pound to keep any impounded dog for a period of at least seventy-two (72) hours after notice of impoundment is given to the owner of the dog as provided in this Article; provided that, in cases where notice was given by mail, the holding period shall be increased by twenty-four (24) hours, and in cases where no notice can be given to the owner because the dog does not wear identifying tags, the holding period shall be one hundred twenty (120) hours from the time of impoundment. If any dog is not reclaimed within such time, the owner's rights in said dog shall be terminated and the dog may be redeemed by any person upon paying the same fees and charges which would have been required from the owner to reclaim such dog, or the dog may be destroyed or otherwise disposed of. The owner or owners of any dog destroyed or otherwise disposed of under the provisions of this Section shall be responsible for all costs related to such action, and the Town is hereby empowered to collect such costs through all lawful means.

(b) The provisions of this Section shall be subject to all additional confinement periods provided for by this Code, where any dog is suspected of harboring rabies. (Prior code 7-115; Ord. 2006-1236 §1)

Sec. 7-6-160. Trapping by Town authorized.

It shall be lawful for the Town to place approved, humane traps for the purpose of capturing stray dogs or other animals running at large on any property in the Town at the written request of the owner of such property. (Prior code 7-116; Ord. 2006-1236 §1)

Sec. 7-6-170. Poisoning prohibited.

It shall be unlawful for any person to poison any dog or dogs or to distribute poison in any manner whatsoever with the intent or for the propose of poisoning any dog or dogs within the Town. (Prior code 7-117; Ord. 2006-1236 §1)

Sec. 7-6-180. Residency of owner.

The provisions of this Article regarding licensing of dogs shall not apply to any dog brought into the Town by a nonresident for no longer than thirty (30) days. Except for the foregoing exception, this Article shall apply to all dogs within the Town regardless of the place of residence of the owner of such dog. (Prior code 7-118; Ord. 2006-1236 §1)

Sec. 7-6-190. Interference with enforcement officers.

It shall be unlawful for any person to interfere with, molest, injure or prevent the Ordinance Enforcement Officer or any police officer in the discharge of his or her duties pursuant to this Article. (Prior code 7-119; Ord. 2006-1236 §1)

Sec. 7-6-200. Right of entry.

The Ordinance Enforcement Officer and any police officer are hereby authorized to enter upon any premises in the Town for the purpose of impounding dogs which they are authorized hereunder to impound or for any other purpose authorized under this Article. (Prior code 7-120; Ord. 2006-1236 §1)

Sec. 7-6-210. Fine schedule.

Fines shall be set by resolution of the Town Board. (Prior code 7-121; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 7-6-220. Removal of dog waste required.

The owner, keeper or person in control of any dog shall be responsible for the immediate removal of any feces deposited by such dog on any property, public or private, not owned or exclusively occupied by the owner or keeper. The owner or keeper of any dog shall also be responsible for the periodic removal of feces deposited by such animal on property owned or occupied by such owner or keeper so as to prevent the creation of a public nuisance within the meaning of Section 7-6-230. (Prior code 7-122; Ord. 2006-1236 §1)

Sec. 7-6-230. Public nuisance prohibited.

It shall be unlawful for any owner or keeper to fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. For the purposes of this Section, a public nuisance includes a dog which is a safety or health hazard, which damages or destroys the property of another, or which creates offensive odors that materially interfere with or disrupt another person in the conduct of lawful activities. (Prior code 7-123; Ord. 2006-1236 §1)

Division 2
Dangerous Dogs

Sec. 7-6-310. Impoundment of at-large, presumed-dangerous dog.

(a) Any law enforcement or code enforcement official may apprehend and impound any at-large, presumed-dangerous dog pursuant to the provisions of this Division, and shall release any at-large, presumed-dangerous dog only as provided herein.

(b) If the owner of any at-large, presumed-dangerous dog or any other person fails to permit law enforcement or code enforcement personnel to apprehend and impound any such at-large, presumed-dangerous dog, the owner shall be issued a citation pursuant to Section 7-6-100 of this Article, and the code enforcement or law enforcement official may forthwith apply *ex parte* to the Municipal Court for an order determining whether the dog is a presumed-dangerous dog and providing for measures necessary to assure the safety of the public with respect to such dog. Such measures shall include the immediate seizure and impoundment of such dog, and may include a requirement that the dog, when outside of the confinement called for in this Section, be leashed and muzzled.

(c) In the event that an owner or any other person violates or prevents the enforcement of an order entered by the Municipal Court for the seizure and impoundment of a presumed-dangerous dog, the Municipal Court may, upon application of the Municipal Prosecutor and an appropriate showing of necessity, enter an *ex parte* order requiring the immediate seizure and destruction of such dog pursuant to this Article. (Ord. 2006-1235 §1; Ord. 2006-1236 §1)

Sec. 7-6-320. Notification to owner of presumed-dangerous dog.

(a) Upon the apprehension and impoundment of any presumed-dangerous dog, law enforcement or code enforcement personnel shall, within twenty-four (24) hours, take reasonable steps to notify the dog's owner (if such owner can be ascertained) of the impoundment and the following conditions for release of the presumed-dangerous dog:

(1) Satisfaction of all requirements of Section 7-6-140 of this Article;

(2) If the owner of the presumed-dangerous dog is at the time of the dog's proposed release charged with any violation of Part 2 of Article 9 of Title 18, C.R.S., he or she shall deposit in advance an amount determined necessary for the continued impoundment of the presumed-dangerous dog pending the resolution of such charges pursuant to state law; and

(3) Compliance with the confinement requirements set forth in Section 7-6-330 below.

(b) Any portion of the deposit required under Paragraph (a)(2) above not necessary to pay actual impoundment fees under this Article or any other applicable Town ordinance shall be refunded following the conclusion of the criminal prosecution referenced in Paragraph (a)(2). (Ord. 2006-1235 §1; Ord. 2006-1236 §1)

Sec. 7-6-330. Confinement requirements.

A presumed-dangerous dog shall not be released from impoundment until the financial requirements of Section 7-6-320 above have been met, and until its owner proves to the satisfaction of law enforcement or code enforcement personnel that reasonable measures are in place for the safe, secure and uninterrupted confinement of the presumed-dangerous dog, such that there remains no risk that a presumed-dangerous dog will escape confinement or run at large in the future. No presumed-dangerous dog will be released from impoundment until the requirements of this Section are met. (Ord. 2006-1235 §1; Ord. 2006-1236 §1)

Sec. 7-6-340. Escalation of fines.

The fines for the second or subsequent impoundment of a dog determined to be an at-large, presumed-dangerous dog shall be established and shall escalate upon a schedule adopted by the Town Board by resolution. (Ord. 2006-1235 §1; Ord. 2006-1236 §1)

Sec. 7-6-350. Provisions cumulative.

The provisions of this Division shall be cumulative and shall not supersede any other provisions of this Article or any other state law with respect to the ownership of dogs considered dangerous. (Ord. 2006-1235 §1; Ord. 2006-1236 §1)

ARTICLE VII

Bees and Beekeeping

Sec. 7-7-10. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them below:

Apiary shall mean a place where bee colonies are kept.

Bee shall mean any stage of the common domestic honey bee, *apis mellifera* species.

Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Hive shall mean a structure intended for the housing of a bee colony.

Tract shall mean a contiguous parcel of land under common ownership.

Undeveloped property shall mean any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use or occupancy, and the grounds maintained in association therewith. The term shall be deemed to include property

developed exclusively as a street or highway or property used for commercial agricultural purposes. (Ord. 2008-1335 §2)

Sec. 7-7-20. General purpose; declaration of unlawful conduct.

(a) The general purpose of this Article is to establish certain requirements for sound beekeeping practices within the Town, which are intended to avoid problems which may otherwise be associated with the keeping of bees in populated areas.

(b) Notwithstanding compliance with the various requirements of this Article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others. (Ord. 2008-1335 §2)

Sec. 7-7-30. Hives.

All bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition. (Ord. 2008-1335 §2)

Sec. 7-7-40. Fencing of flyways.

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. It is a defense to prosecution under this Section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract. (Ord. 2008-1335 §2)

Sec. 7-7-50. Water.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, birdbaths, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. (Ord. 2008-1335 §2)

Sec. 7-7-60. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure. (Ord. 2008-1335 §2)

Sec. 7-7-70. Queen bees.

In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics. (Ord. 2008-1335 §2)

Sec. 7-7-80. Colony densities.

(a) It shall be unlawful to keep more than the following number of colonies on any lot or tract within the Town, based upon the size or configuration of the lot or tract upon which the apiary is situated:

(1) One-quarter ($\frac{1}{4}$) acre or less tract or lot size – two (2) colonies.

(2) More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract or lot size – four (4) colonies.

(3) More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract or lot size – six (6) colonies.

(4) One (1) acre or larger tract or lot size – eight (8) colonies.

(5) Regardless of tract or lot size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract or lot on which the apiary is situated, there shall be no limit to the number of colonies.

(b) For each two (2) colonies authorized under the colony densities set forth in Subsection (a) above, there may be maintained upon the same tract or lot one (1) nucleus colony in a hive structure not exceeding one (1) standard nine-and-five-eighths-inch depth, ten-frame hive body, with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired. (Ord. 2008-1335 §2)

Sec. 7-7-90. Marking hives; presumption of beekeeping.

(a) In apiaries, the name and telephone number of the beekeeper shall be branded, painted or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this Subsection that a colony is kept on the same tract or lot upon which the owner resides.

(b) Unless marked in accordance with Subsection (a) above, it shall be presumed for purposes of this Article that the beekeeper is the person who owns or otherwise has the present right of possession and control of the tract or lot upon which a hive is situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract or lot, setting forth the name, address and telephone number of the other person who is acting as the beekeeper. (Ord. 2008-1335 §2)

Sec. 7-7-100. Inspection.

The Town Manager shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper who resides at the apiary or whose name is marked on the hives. Notice need not be in writing under this Section. (Ord. 2008-1335 §2)

Sec. 7-7-110. Declaration of nuisance.

(a) The keeping by any person of bee colonies in the Town not in strict compliance with this Article is declared to be a menace to the health and safety of the residents of the Town, is hereby declared to be a nuisance and is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, any swarm of bees or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the Town, is hereby declared to be a nuisance and is prohibited. Any bee colonies kept in the Town not in compliance with this Article or otherwise declared to be a nuisance pursuant to this Section may be summarily destroyed or removed from the Town by the Town Manager. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall, upon the beekeeper's request, be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

(b) The Town Manager or the Chief of Police may pursue remedies pursuant to the applicable provisions of Article I of this Chapter with respect to any nuisance declared under this Article. (Ord. 2008-1335 §2)

Sec. 7-7-120. Enforcement.

The Town Manager shall be charged with enforcement of this Article. (Ord. 2008-1335 §2)