

ORDINANCE NO. 1-2005

AN ORDINANCE FOR THE PURPOSE OF LIVESTOCK WITHIN THE TOWN OF ECKLEY.

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

Section 1. Definitions. As used in this ordinance:

- (a) The term “livestock” shall mean any goat, sheep, swine, cattle, buffalo, cattalo, horse, mule, ass, ducks, geese, turkeys, chickens, and domestic fowl.
- (b) The term “animals unit” shall mean a unit of measurement used to determine the animal capacity of animals grazing and/or confined in the Town of Eckley. The animals of each species by the appropriate equivalency factor resulting totals for all animal species contained in the operation.
- (c) The term “grandfather” shall mean any resident at present having livestock will not be affected unless said livestock is removed for thirty consecutive days or more.

1. The animal unit equivalency factors are as follows:

<u>Animal Species</u>	<u>Equivalency Factor</u>
All cattle, buffalo, cattalo, horses, mules and asses Over the age of 9 months	1.0
All cattle, buffalo, cattalo, horses, mules and asses Under the age of 9 months	0.25
Swine, 55 pounds and over	0.4
Swine, under 55 pounds	0.1
Sheep, goats	0.4
Turkeys, chickens, ducks, and domestic fowl	0.1
Alternative livestock	1.0

- A. Livestock Density: If livestock grazing or confinement is allowed by this code, the animal density shall not be greater than one animal unit per acre, except as follows:
 - 1. Property registered for a nonconforming use to permit grazing or confinement at a greater than one animal unit per acre.
 - 2. Livestock located at any lawful business requiring the confinement of livestock at a rate greater than one animal unit per acre, including, but not limited to, veterinary clinics, meat processing, pack and slaughterhouses, rodeo and equine facilities, and livestock auction facilities.

- B. At large: Every person owning or having charge, care, custody or control of any livestock shall keep the animal under the effective control of a person. Livestock shall be construed to be under the effective control of a person as follows:

1. Confinement in a barn, corral, or within an adequate fence, on property lawfully under the control of said person. For the purposes of the ordinance, "adequate fence" shall be a well constructed three (3) or more, wire fence with substantial posts set at a distance of approximately twenty feet (20') apart, and sufficient to turn the livestock intended to contained, with all gates equally as good as the fence; or, any electric fence, constructed in a manner to turn the livestock intended to be contained.
2. This subsection C shall not apply to the following:
 - a. Livestock used for participation in a parade.
 - b. Livestock used as a means of transportation.
 - c. Livestock originating from a veterinary clinic.
 - d. Livestock used in lawful recreation events.
 - e. It shall be a defense to this subsection C party that the livestock are at large due to the actions of a third party who does not own or have charge, care, custody or control of said livestock.

C. Violations: Violations of any ordinance adopted pursuant to this shall be punished by a fine up to, and including, three hundred dollars (\$300.00) for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, however, failure to pay a fine may result in imprisonment pursuant to Colorado Revised Statues, section 13-10-113.

This ordinance shall be effective _____ of _____, 2005

INTRODUCED, ADOPTED, AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2005.

Michael Leerar, Mayor

ATTEST:

Carolyn J. Copley
Town Clerk-Treasurer