

Chapter 3
KEEPING OF LIVESTOCK WITHIN CITY LIMITS²

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6-3-1: Findings

The Board of Trustees of the Town of Westcliffe finds that the keeping of livestock in areas of the Town other than in the A-Agriculture District is an obnoxious nuisance to other persons living or working in such areas and a hazard to the public health. (Ord. 5-1973, 2-19-1973, 12-2002 eff. 1/2/2003)

6-3-2: Definitions

“Livestock” means horses, pigs, cattle, sheep, goats, mules, donkeys, and all other beasts. The plural includes the singular, and the singular includes the plural. (Ord. 5-1973, 2-19-1973, 12-2002 eff. 1/2/2003)

“Lot” means a parcel or portion of land separated from other parcels or portions by legal description and intended for transfer or ownership or building development. (Ord. 5-1973, 2-19-1973, 12-2002 eff. 1/2/2003)

6-3-3: Keeping Of Livestock

No person shall keep any livestock on any private lot or lots within the Town of Westcliffe, unless such lot or lots have an area of at least five contiguous acres. No person shall keep any livestock on any public property or way within the Town of Westcliffe. (Ord. 5-1973, 2-19-1973, 12-2002 eff. 1/2/2003)

² Title 6, Chapter 3, Sections 1 through 7 repealed and reenacted. (Ord. 5-1973, 2-19-1973, 12-2002 eff. 1/2/2003)

6-3-4: Violation and Penalties

Failure to comply with all the provisions of this ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor punishable by a fine not exceeding three hundred dollars (\$300.00) but not less than twenty-five dollars (\$25.00)¹, or by imprisonment for a period not more than ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. (Ord. 5-1973, 2-19-1973, Ord. 6-1986, 10-7-1986, 12-2002 eff. 1-3-2003)

6-3-5: Presumptions

The presence of any livestock on any lot, property or way within the Town for a period in excess of seventy-two hours shall create a rebuttable presumption that such livestock is being kept on such lot, property or way. There shall be a rebuttable presumption that any such livestock is being kept by and with a violation continues to exist shall constitute a separate offense. (Ord. 5-1973, 2-19-1973, 12-2002 eff 1-2-2003)

6-3-6: Exceptions

Nothing in this ordinance shall prohibit the otherwise lawful keeping of any dog, cat, or other household pet in any household within the Town of Westcliffe and nothing herein shall prohibit the otherwise lawful riding of any horse through the Town of Westcliffe on any public way. (Ord. 5-1973, 2-19-1973, 12-2002 eff 1-2-2003)

6-3-7 Discontinuance of Legal, Nonconforming Keeping of Livestock

Any keeping of livestock on any lot or lots which would be in violation of the terms of this ordinance at the time of its passage may continue to keep the livestock on the lot or lots unless any of the following occurs, in which event the keeping of livestock shall terminate:

- A. Ownership of the lot or lots is transferred to any other person, except to a member of the owner's family or to any other firm or entity;
- B. A tenant keeping the livestock terminates the tenancy; or
- C. A subdivision as defined in the Land Use Code is created on any lot or lots upon which the livestock is kept. (Ord. 5-1973, 1-19-1973, 12-2002 eff. 1-2-2003)

¹ Title 6, Chapter 3, Section 4 is amended by adding the statement not less than \$25.00 (Ord. 6-1986, 10-7-1986)