

## ORDINANCE NO. 1302

### AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, AMENDING THE BERTHOUD MUNICIPAL CODE WITH RESPECT TO WEEDS, BRUSH, AND ANIMAL CONTROL

**WHEREAS**, the Town of Berthoud (the "Town") is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Board of Trustees of the Town of Berthoud (the "Board") has authority pursuant to C.R.S. § 31-15-401(1)(d) to provide for and compel the removal of weeds, brush, and rubbish of all kinds from lots and tracts of land within the Town and from the alleys behind and from the sidewalk areas in front of such property; and

**WHEREAS**, the Board of Trustees of the Town of Berthoud (the "Board") has authority pursuant to C.R.S. § 31-15-401(1)(m) to regulate and to prohibit the running at large and keeping of animals, including fowl, within the municipality and to otherwise provide for the regulation and control of such animals; and

**WHEREAS**, the Municipal Code amendment has been submitted to the Board of Trustees in writing and the Board of Trustees has determined that the amendment should be adopted as herein set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE FOLLOWING CHANGES ARE HEREBY INCORPORATED INTO THE MUNICIPAL CODE:**

**Section 1.** The definitions of "Rubbish or refuse" and "Weed" in Chapter 16, Section 16.1 of the Berthoud Municipal Code are hereby amended and the definition of "Vegetation" is hereby added to read as follows:

#### **16.1 Definitions**

As used in this chapter:

...

*Rubbish or refuse* means any waste product, leaves, or cut branches not completely enclosed in a building or receptacle, in public view, and not in accordance with the trash pickup provisions of this Code. Such terms shall extend to motor vehicles or trailers not currently licensed or operable, due to either missing parts or non-functional parts, and not repaired and licensed within 60 days after becoming inoperable.

...

*Vegetation* means any plant that is not defined as brush pursuant to this Chapter 16.

**Section 2.** Chapter 16, Section 16.8 of the Berthoud Municipal Code is hereby amended to read as follows:

**16.8 Cutting and Removal of Brush**

It shall be unlawful for the person in charge of real property to allow or permit the growth of any brush or vegetation to obscure traffic signs, or impede pedestrian or vehicular travel. Brush and vegetation must be trimmed or maintained to be a minimum of eight feet above any sidewalk or 14 feet above any street. Brush and vegetation shall be maintained behind the edge of any public sidewalk and shall be maintained to less than 30 inches in height for a minimum of 25 feet both ways from the corner of any street intersection.

**Section 3.** The definition of “Animal Control Officer” in Chapter 18, Section 18.1 of the Berthoud Municipal Code is hereby amended to read as follows:

**18.1 Definitions**

For the purpose of this chapter the following words and phrases shall be defined as set out below:

...

*Animal Control Officer* — Shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the Town pertaining to animals, which may include police officers, reserve police officers, neighborhood services officers and employees of the Humane Society for Larimer County.

...

**Section 4.** Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

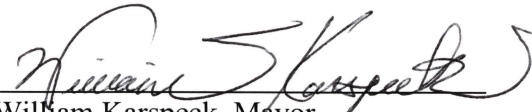
**Section 5.** Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 6.** Effective Date. Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on \_\_\_\_\_, 2021.


INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN

FULL on this 8<sup>th</sup> day of March, 2022.

TOWN OF BERTHOUD

By:   
William Karspeck, Mayor

ATTEST:

By:   
Christian Samora, Town Clerk

