

ORDINANCE NO. 2

Series 1992

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, ENACTING REVISED REGULATIONS FOR THE CONTROL OF DOGS, INCLUDING PROVISIONS CONCERNING RUNNING-AT-LARGE, LICENSING, AND RABIES VACCINATIONS; AND FURTHER PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING PREVIOUS ORDINANCES PROVIDING FOR CONTROL OF DOGS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

SECTION 1. REPEAL:

Ordinance No. 3, Series 1979, of the Town of Lake City and all other ordinances of a general and permanent nature providing for the control and regulation of dogs, and any provision of any ordinance in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 2.

Chapter 13 of the Lake City Municipal Code is amended by the addition of a new Section 6 to read as follows:

CHAPTER 13

Section 6

DOGS AND ANIMALS

13.6-1: General Provisions:

(A) For purposes of this Section "custodian" shall mean any person possessing, harboring, keeping or exercising control over any dog.

(B) For the purpose of this Section "Town" shall mean the Town of Lake City, Colorado, and any officer, agent or employee thereof authorized by the Board of Trustees to administer and enforce the provisions of this Section.

(C) The Board of Trustees may issue such additional regulations as may be necessary for the enforcement, administration, and interpretation of this Section and any amendment hereto, and may provide for dog control as deemed appropriate.

(D) The purpose of this Section 6 is to enact regulations to control and protect dogs and other animals and to protect the public health, safety and welfare.

13.6-2: Running-at-Large Prohibited:

(A) It shall be unlawful for any owner or custodian of any dog to fail to confine it or cause it to be confined to the premises of said owner or custodian, unless the dog is under effective and immediate verbal or physical control of the owner or custodian.

(B) It shall be unlawful for any owner or custodian of any dog to fail to have the dog under effective and immediate verbal or physical control at all times that such dog is within the Town, unless the dog is upon the premises of said owner or custodian.

(C) It is the purpose of this Subsection 13.6-2 to impose strict liability on the owner or custodian of any dog with respect to running-at-large.

13.6-3: Impoundment:

(A) Any animal in violation of Subsection 13.6-2 may be impounded or caused to be impounded by the Town, but the dog shall be returned instead to its owner or custodian if such person can be identified and located.

(B) The Town may provide for a dog pound to be operated by the Town or for the Town, by contract, either within or without the Town.

(C) Within 24 hours of impounding any dog, a written notice of impoundment shall be posted on a bulletin board in the Town Hall describing the dog. The notice shall remain posted until the dog is either reclaimed, destroyed, sold, or otherwise removed from the pound.

(D) The owner or custodian of any dog so impounded may reclaim the dog within 5 working days from the date the notice is posted in Town Hall, upon payment of impoundment fees, plus any veterinary charges, feeding charges, and license fee, if applicable. No dog will be released to the owner or custodian without a license and rabies vaccination for the dog, if required.

(E) If any dog so impounded has not been reclaimed after the expiration of 5 working days from the date the notice is posted, the dog may be destroyed or disposed of by sale or adoption. No unclaimed dog shall be sold or adopted without being vaccinated for rabies and licensed, if required, and without arrangements being made to neuter or spay the dog.

13.6-4: Vicious Dogs:

(A) For purposes of this Subsection a "vicious dog" is any dog that any owner or custodian knows or reasonably should have known has inflicted or is likely to inflict an unprovoked bite or attack upon any person or any other animal.

(B) The owner or custodian of a vicious dog shall post a warning of the presence of such dog at the entrances to the building or enclosure in which the dog is kept.

(C) It shall be unlawful for the owner or custodian of any vicious animal to fail to confine such animal in a building or secure enclosure, or to have the dog securely muzzled and caged or on a leash or other restraining device no more than 8 feet in length capable of providing effective and positive restraint and control at all times the dog is not confined in a building or secure enclosure.

(D) A vicious dog is hereby declared to be a nuisance and may be abated in accordance with law by the Town.

13.6-5: Rabies Control:

(A) It shall be unlawful to own or have custody of any dog 6 months of age or older, unless such dog has been vaccinated against rabies with an approved vaccine by a licensed veterinarian, and such vaccination is not over 2 years old. Rabies vaccination is required for a dog brought temporarily within the Town for a period of less than 30 days, if said dog is currently licensed by another governmental licensing authority.

(B) The rabies vaccination required by this Section must be obtained within 5 days of acquiring or bringing into Town any dog over 6 months of age.

(C) It shall be unlawful for any person who owns or has custody of any dog to fail to produce or refuse to produce a Certificate of Vaccination upon request by the Town.

(D) It shall be unlawful for any person to make use of or have in his possession or control a stolen, counterfeit, or

forged rabies vaccination certificate, or to present a certificate with respect to licensing a dog other than the dog for which the certificate was issued.

13.5-6: Licenses Required:

(A) It shall be unlawful to own or have custody of any dog within the Town, 6 months of age or over, unless a current dog license has been obtained from the Town. A license shall be obtained within 30 days of acquiring any dog or 30 days after first bringing the dog into Town. This Section shall not apply to a person visiting in Town for a period not exceeding 30 days.

(B) License fees are as follows:

Neutered male and spayed female: \$ 5.00/year

Unneutered male and unspayed female: \$15.00/year

(C) All licenses shall expire on the last day of February of each year.

(D) No license shall be issued without proof of rabies vaccination and submission of an application on forms provided by the Town.

(E) The license tag issued shall be attached to a collar or harness upon the dog. Duplicate tags may be issued upon proof of loss of the original.

(F) It shall be unlawful to make use of or have any stolen or counterfeit tag or to use any tag on any dog except the dog for which the tag was issued.

(G) Licenses shall be issued by the Sheriff or other designated Town representative.

13.6-7: Dog Attacks and Rabies:

(A) Anyone having knowledge of any case of an attack or bite by any dog within the Town of Lake City, shall notify the Town within 12 hours after discovery of the attack or bite.

(B) Any dog which is known to have bitten or injured any person causing an abrasion or cut of the skin shall be quarantined for a period of not less than 10 days from the date of the incident. It is unlawful for any person to refuse to produce such a dog for quarantine.

(C) A dog shall be quarantined on either the owner's or custodian's premises or at a veterinary clinic or hospital or other location, as the Town determines is necessary for proper observation. Such confinement shall be at the expense of the owner or custodian. A stray dog whose owner cannot be located may be confined at any veterinary clinic or hospital, pound, or other premises.

(D) The owner or custodian of the dog shall be liable for the costs of confinement, and the dog shall not be returned until such costs are paid. The dog may be sold or destroyed if such costs are not paid by the owner or custodian.

(E) Any animal suspected of being infected with rabies or other dangerous contagious disease may be confined on the order of the Town for observation at the expense of the owner or custodian for a period and at a location as necessary in the Town's discretion to protect the public health. Any dog determined to be infected with rabies shall be destroyed.

13.6-8: Nuisance:

(A) Any dog which produces or creates any unreasonable disturbance by excessive or continual barking or other noise, or which habitually threatens or molests persons, chases vehicles, attacks other animals, damages property, or is at-large without control, is hereby declared to be a nuisance.

(B) It is unlawful for the owner or custodian of any animal to allow it to become a nuisance or to create a nuisance, or to have custody of any animal which is a nuisance.

(C) The Town may abate any such nuisance by an action in a court of proper jurisdiction or otherwise in accordance with law.

13.6-9: Interference with Enforcement:

(A) It shall be unlawful for any person to interfere with, molest, hinder or obstruct any officer, agent or employee of the Town in the discharge of their official duties in the administration and enforcement of this Section.

(B) It shall be unlawful for any person to release any dog without the Town's authorization from any place of quarantine, observation or impoundment.

(C) It shall be unlawful for any person to release a dog from the owner's or custodian's confinement or control without the authorization of the owner, custodian or Town.

13.6-10: Cruelty to Animals:

It shall be unlawful for any person knowingly or with criminal negligence to

(A) fail to provide food, water, protection from the elements, or other care generally considered to be normal, usual, or accepted for an animal's health and well-being consistent with the species, breed and type of animal;

(B) overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, carry or confine in or upon any vehicle in a cruel or reckless manner, or having the charge of custody of any animal fail to provide it with proper food, drink or protection from the weather, or kill any animal except in defense of persons or property, for agricultural purposes, for humane reasons or as authorized in this Section.

(C) cause or unreasonably permit by any act or omission the continuation of unnecessary or unjustifiable pain or suffering of an animal; or

(D) abandon an animal.

13.6-11: Penalty:

(A) Any person convicted of a violation of any provision of this Section shall be punished by a fine not to exceed \$300, or by imprisonment of not more than 90 days, or by both such fine and imprisonment; provided, however, that no person under the age of 18 years may be sentenced to any term of imprisonment.

(B) The minimum penalty imposed for a first offense shall be a fine of \$25.00, no portion of which may be suspended.

(C) Upon conviction of a violation of any provision of this Section for an offense which was committed within 1 year of the date of a previous conviction for a violation of a provision of this Section or of the previously effective dog control ordinance, the minimum penalty shall be a fine of \$50.00, no portion of which may be suspended.

(D) As part of any sentence, the Court may order Community Service to be performed.

SECTION 3. Severability:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED, READ and ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, the 24 day of May, 1992.

TOWN OF LAKE CITY, COLORADO

By Robert E. Hall
Mayor

ATTEST:

Michelle L. Loran
Town Clerk