

ORDINANCE NO. 1  
Series 1997

AN ORDINANCE OF THE TOWN OF LAKE CITY,  
COLORADO REPEALING AND REENACTING SUBSECTIONS  
13.6-2 AND 13.6-8 OF THE LAKE CITY, COLORADO  
MUNICIPAL CODE REGARDING DOG CONTROL AND  
NUISANCES; AND AMENDING SUBSECTION 13.6-1  
THEREOF TO PROHIBIT DOGS IN THE TOWN PARK.

WHEREAS, the Board of Trustees of the Town of Lake City,  
Colorado views behavior of inadequately controlled dogs to be an  
increasing threat to public health, safety and welfare,  
particularly within the Town's primary commercial area,

NOW, THEREFORE, be it ordained by the Board of Trustees of  
the Town of Lake City, Colorado, as follows:

Section 1. Subsection 13.6-1 of the Lake City, Colorado  
Municipal Code is hereby amended to add the following additional  
general provision:

(E) Notwithstanding any other provision of this Section 6  
to the contrary, dogs are not permitted at any time, whether  
or not properly controlled by its owner or custodian, within  
the area known as the Town Park located at the intersection  
of 3rd and Silver Streets in the Town.

Section 2. Subsection 13.6-2 of the Lake City, Colorado  
Municipal Code is hereby repealed and reenacted to provide as  
follows:

13.6-2: Running-at-large prohibited/localized leash  
requirement:

(A) Within Town limits, it is unlawful for any owner or  
custodian of any dog to fail to confine it to the premises  
of said owner or custodian, except when the dog is either  
contained within the owner's or custodian's motor vehicle or  
is otherwise under the effective and immediate control of  
the owner or custodian.

(B) Within Town limits, it is unlawful for any owner or  
custodian of any dog to fail to have the dog under his or  
her effective and immediate control, unless the dog is upon  
the premises of said owner or custodian or kept within the  
confines of the vehicle of said owner or custodian.

(C) As used herein, the term "effective and immediate  
control" shall be strictly construed to require the owner or  
custodian of a dog to observe the following:

(1) Within the Town's primary commercial area  
circumscribed by the outer limits of 2nd and 5th Streets and

Bluff and Gunnison Avenues, a dog must at all times be controlled by a means of an adequate leash of not more than 16 feet in total length.

(2) Elsewhere within the Town, other than in the aforementioned primary commercial area, any dog which is not leashed must nevertheless be under the control of its owner or custodian by verbal command, remote-controlled electronic device or other means actually sufficient to control the dog. It shall be *prima facie* evidence of a violation of this subsection if any dog, that is not leashed or that is not on the premises or within the vehicle of its owner or custodian, is more than 90 feet from its owner or custodian.

Section 3. Subsection 13.6-8 of the Lake City, Colorado Municipal Code is hereby repealed and reenacted to provide as follows:

13.6-8: Nuisances:

(A) Any dog which produces or creates any unreasonable disturbance by excessive or continual barking or other noise, or which attacks, molests or physically threatens persons, chases vehicles, attacks other animals, damages property, or is found "running-at-large", as such term is defined by the preceding subsection 13.6-2, is hereby declared to be a nuisance.

(B) Any dog which defecates upon any privately or publicly owned real or personal property, other than that belonging to its owner or custodian, is hereby declared to be a nuisance in all such situations except those in which the owner or custodian of the dog immediately and effectively removes the waste from the affected property area, encloses such waste in a plastic bag or other sealed container and completes disposal of the waste in a proper refuse container.

(C) 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.

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

Section 4. Subject to the amendments set forth hereinabove, the remainder of Chapter 13, Section 6 of the Lake City, Colorado Municipal Code is hereby ratified and confirmed as previously enacted.