

AN ORDINANCE RELATING TO AND REGULATING DOGS; PROVIDING FOR VACCINATION AND LICENSING THEREOF; REPEALING ORDINANCES NO. 4 AND NO. 57 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado as follows:

SECTION 1. DEFINITIONS. For the purpose of this ordinance certain words and terms are defined as follows:

- 1.1 Dog: Any animal of the canine species without regard to sex.
- 1.2 Dog Owner: Any person in possession of or harboring any dog or any person who shall suffer any such dog to remain about his premises for a period of 15 days. The head of any household having a dog in it's possession shall be deemed the dog owner.
- 1.3 Running at Large: Any dog shall be deemed running at large when off or away from the premises or vehicle of the dog owner and not under the control of the dog owner, family member or agent of the dog owner, either by leash, cord or chain of a length greater than 8 (eight) feet.
- 1.4 Stray Dog: Any licensed or unlicensed dog running at large.
- 1.5 Vicious Dog: Any dog which bites or attacks human beings or other animals or in a vicious or terrorizing manner attacks or approaches in an apparent attitude of attack upon a human being, animal, bicycle or motor vehicle. Any dog which is not running at large and demonstrates vicious attitudes in the defense of either the dog owner, the dog owner's property or the dog owner's immediate family will not be considered a vicious dog.

SECTION 2. REGULATION OF DOGS WITHIN THE TOWN OF ARRIBA, COLORADO. The Board of Trustee of the Town of Arriba, Colorado hereby finds, determines, and declares that the following actions of Dogs and Dog Owner's are detrimental to the public health, safety and welfare of the inhabitants of the Town of Arriba, Colorado and hereby declare that it shall be unlawful to or for:

- 2.1 A dog owner to possess a dog running at large within the corporate limits of the Town of Arriba, Colorado.
- 2.2 A dog owner to possess a vicious dog.

- 2.3 A dog owner to possess a dog which makes noise in a manner which, under non-mitigating circumstances could be considered by reasonable persons of ordinary sensibilities, as excessive or continuous.
- 2.4 A dog owner to possess an unlicensed dog.
- 2.5 A dog owner to deny entry to any property or vehicle by a duly authorized agent of the Town of Arriba, Colorado for the sole purpose of apprehending a dog running at large and or checking for a valid dog licence or tag.
- 2.6 A dog owner to allow his or her dog to defecate upon public property or private property not owned by the dog owner, and such excretia is not immediately removed by the dog owner.
- 2.7 A dog owner to fail to produce proof of a valid dog licence for inspection by a duly authorized agent of the Town of Arriba, Colorado upon the agent's demand.
- 2.8 A dog owner to falsify any information required in the issuance of a dog license.
- 2.9 A dog owner to interfere with, molest, hinder, or obstruct a duly authorized agent of the Town of Arriba, Colorado in the discharge of their official duties under this Ordinance.

SECTION 3. TO PROVIDE FOR THE VACCINATION OF DOGS IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF COLORADO AND PROVIDE REQUIREMENTS FOR THE LICENSING AND TAGGING OF DOGS.

- 3.1 Each dog owner within the Town of Arriba, Colorado shall have each of his or her dog or dogs inoculated by a regularly licensed veterinarian of the State of Colorado and obtain a certificate of inoculation from said veterinarian, setting out the type and description of the inoculation, a physical description of the dog, breed, notification as being neutered or spayed and date of next inoculation.
- 3.2 The Town Clerk for the Town of Arriba, Colorado will issue a license, for each dog, to the dog owner upon presentation to the Town Clerk a valid certificate of inoculation for each dog, and payment to the Town Clerk of the license fee as set forth:
  - 3.2-1.0 Each neutered male or spayed female \$ 4.00
  - 3.2-2.0 Each non-neutered male \$ 5.00
  - 3.2-3.0 Each non-spayed female \$ 7.50
- 3.3 Each dog owner within the Town of Arriba, Colorado shall secure a license for each dog he or she possess, from the Town Clerk on or before the first day of July each year or within fifteen (15) days after the dog reaches the age of six (6) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of July in any calendar year, shall be licensed within fifteen (15) days after such acquisition, or within fifteen (15) days after the dog reaches the age of six (6) months. New residents to the Town shall have fifteen (15) days



- in which to secure a license for his or her dog or dogs.
- 3.4 The license shall be in the form of a receipt which states the name of the dog owner, date of issuance, date and number of the certificate of inoculation, physical description of the dog and if the dog is neutered or spayed, breed, color, age, and sex. This receipt shall be signed and dated by the dog owner at the time of issuance.
- 3.5 Each dog owner shall attach a tag, which is issued by Clerk of the Town of Arriba, Colorado, evidencing the licensing and inoculation of each dog, to the collar or harness of said dog and such collar or harness shall be worn by said dog at all times.

SECTION 4. INSPECTION OF LICENSES, DETENTION OF STRAY DOGS, DISPOSAL OF DOGS, QUARANTINE OF DOGS AND DESIGNATION OF AUTHORIZED AGENT.

- 4.1 A duly authorized agent of the Town of Arriba, Colorado is any person or persons, appointed by the Board of Trustees. Any Trustee, The Mayor, Town Clerk, and Town Maintenance Man are authorized agents for the enforcement of this ordinance.
- 4.2 It is the duty of the authorized agent of the Town of Arriba, Colorado to immediately institute proceedings in behalf of the Town against the dog owner, charging the dog owner with violations of the appropriate sections of this Ordinance. Nothing herein contained shall be construed as preventing any person from instituting a proceeding in the Municipal Court for violations of this Ordinance when a written complaint has been signed and filed with the Clerk of the Municipal Court.
- 4.3 It is the duty of the authorized agent for the Town to impound any dog found running at large and ownership of the dog is of question. If after a period of two (2) days, the owner of the dog in question has failed to claim possession of said dog, the dog will be disposed of in any humane manner prescribed by an agent of the Town.
- 4.4 Any dog owner desiring to redeem his or her dog from the pound shall pay an impoundment fee of ten (10) dollars plus all expenses incurred by the Town of Arriba, Colorado arising from said impoundment, prior to redemption of said dog from the pound.
- 4.5 Any dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a dog, which in the opinion of the authorized agent or any veterinarian licensed by the State of Colorado, appears to be afflicted with rabies, will be removed to the care of any veterinarian licensed by the State of Colorado by the dogs owner and at the expense of the dog owner and will not be returned to the dog owners premises until such time said veterinarian issues, to the authorized

agent, a certificate stating said dog is not afflicted with rabies. If the ownership of said dog is in question, the authorized agent will cause the dog to be removed to the care of any veterinarian licensed by the State of Colorado, at the expense of the Town of Arriba, Colorado until such time said veterinarian issues, to the authorized agent, a certificate stating said dog is not afflicted with rabies. Upon receiving said certificate, the authorized agent will act as if said dog was running at large and refer to Sections 4.3 and Section 4.4 of this Ordinance in any further action concerning said dog.

#### SECTION 5. NOTICE OF KNOWLEDGE OF VIOLATION NOT NECESSARY FOR PROSECUTION OF DOG OWNERS

- 5.1 For the purpose of prosecution for violations of this Ordinance, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of the dog in question that said dog was violating any of the provisions of this Ordinance at the time and place charged, it being the intent of this Ordinance to impose strict liability upon the dog owner for the action, conduct, and condition of his or her dog.

SECTION 6. PENALTY. Any person violating any provision of this Ordinance, except Section 4.5, upon conviction in the Municipal Court for the Town of Arriba, Colorado, be assessed according to the following schedule of fines:

- 6.1 The first offense, a fine of not less than ten (10) dollars nor more than fifty (50) dollars.
- 6.2 The second offense within any consecutive 365 day period, a fine not less than twenty (20) dollars nor more than one hundred (100) dollars.
- 6.3 The third offense within any consecutive 365 day period, a fine of not less than forty (40) dollars nor more than two hundred (200) dollars.
- 6.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars for each violation.
- 6.5 Any person violating Section 4.5 of this Ordinance, shall be fined not less than two hundred (200) dollars nor more than five hundred (500) dollars for each violation.
- 6.6 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 7. SEVERABILITY. If any one or more of the sections or subsections of this Ordinance shall be adjudged



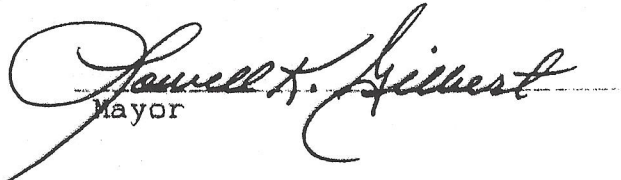
unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intent that the various provisions hereof are severable.

SECTION 8. REPEALER. All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. Ordinance Number 4 and Ordinance Number 57 are specifically repealed in their entirety.

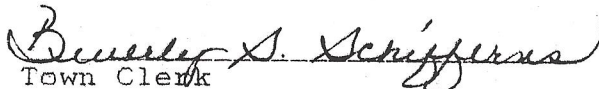
IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO THAT THIS ORDINANCE IS necessary for the immediate protection and preservation of the public health, safety, and welfare and it is enacted for that purpose and shall be in full force and effect after final passage and publication.

Approved, adopted, and ordered published on third reading by the Board of Trustees of the Town of Arriba, Colorado on this

6<sup>th</sup> day of May, 1991

  
Mayor

ATTEST:

  
Town Clerk