

TOWN OF LA JARA, COLORADO

ORDINANCE NO. 1990- 5

AN ORDINANCE AMENDING ORDINANCE NO. 1975-1 CONCERNING THE LICENSING OF DOGS, PROVIDING FOR THE CONTROL AND RESTRAINT OF DOGS, PROVIDING FOR THE FEE FOR THE LICENSING OF DOGS; PRESCRIBING THE DUTIES OF THE OWNERS OF DOGS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING ANY AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on the 14th day of January, 1975, the Board of Trustees of the Town of La Jara adopted Ordinance No. 1975-1, an Ordinance Concerning the Licensing of Dogs, Providing for the Fee for the Licensing of Dog; Prescribing the Duties of the Owners of Dogs, Providing a Penalty for the violation thereof, and Repealing any and all Ordinances and Parts of Ordinances in Conflict Therewith, and,

WHEREAS, the matter of wide-spread noncompliance by the general public with respect to the terms and provisions of said Ordinance, including, but not necessarily limited to, dogs still being permitted to run at large, the failure to have dogs vaccinated against rabies, failure to register and license dogs, the keeping and harboring dogs that are vicious and/or are nuisances are matters of increasing concern to the Board of Trustees of the Town of La Jara, and

WHEREAS, since the adoption of said Ordinance, the Board of Trustees of the Town of La Jara has determined it to be in the best interest, convenience, and necessity to amend such Ordinance in part, particularly those portions dealing with the penalty provisions thereof,

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

Section 1. Amendment: All of subparagraph (b) of Section 9 of Ordinance No. 1975-1 as hereinabove referenced and now reading as follows:

"SECTION 9. SAFETY PROVISIONS.

(b) Penalties. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished according to the following schedule:

1. Permitting a dog to run at large:
 - (a) First offense. \$15.00
 - (b) Second offense within a 12-month period 20.00
 - (c) Third offense within a 12-month period. 25.00
 - (d) The Municipal Judge may, upon conviction for the fourth time of any person on the charge of permitting a dog to run at large within a 12-month period, order the dog to be destroyed as a public nuisance.
2. Failure to have a dog vaccinated against rabies. 25.00
3. Failure to register and license the dog with the Town Clerk 10.00
4. Failure to place collar and registration tag upon the dog 10.00
5. Unlawful removal of dog from Town Pound 50.00
6. Failure to produce the dog reported as having inflicted a bite. 20.00
7. Keeping or harboring a dog which is a nuisance. 10.00
8. Keeping or harboring a vicious dog in violation of the provisions of this Ordinance as herein provide:--a fine not to exceed \$300.00 or by confinement in jail for not more than 30 days, or by both such fine and imprisonment.
9. Violation of any other provision of this Ordinance not specifically set forth in

Section 9(b)(1) through (8) inclusive:--a fine not to exceed \$300.00 or by confinement in jail for not more than 30 days, or by both such fine and imprisonment."

is hereby repealed and the following is enacted in replacement thereof:

"SECTION 9. SAFETY PROVISIONS.

(b) Penalties. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished according to the following schedule:

- 1. Permitting a dog to run at large:
 - (a) First offense. \$30.00
 - (b) Second offense within a 12-month period . 40.00
 - (c) Third offense within a 12-month period. . 50.00
 - (d) The Municipal Judge may, upon conviction for the fourth time of any person on the charge of permitting a dog to run at large within a 12-month period, order the dog to be destroyed as a public nuisance.
- 2. Failure to have a dog vaccinated against rabies. 50.00
- 3. Failure to register and license the dog with the Town Clerk 20.00
- 4. Failure to place collar and registration tag upon the dog 20.00
- 5. Unlawful removal of dog from Town Pound . . . 100.00
- 6. Failure to produce the dog reported as having inflicted a bite. 40.00
- 7. Keeping or harboring a dog which is a nuisance. 20.00
- 8. Keeping or harboring a vicious dog in violation of the provisions of this Ordinance as herein provide:--a fine not to exceed \$300.00 or by confinement in jail for not more than 30 days, or by both such fine and imprisonment.
- 9. Violation of any other provision of this Ordinance not specifically set forth in Section 9(b)(1) through (8) inclusive:--a fine not to exceed \$300.00 or by confinement in jail for not more than 30 days, or by both such fine and imprisonment."

Section 2. Retention: - All of the terms and provisions of Ordinance No. 1975-1 not otherwise amended by any Ordinance of the Board of Trustees of the Town of La Jara with respect thereto subsequent to the initial adoption of said Ordinance No. 1975-1, or by this Ordinance, shall remain in full force and effect without deletion or amendment thereto.

Section 3. Savings Clause: If any part, section, or subsection of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining section of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Repeal: Any and all ordinances or parts of ordinances of the Town of La Jara, Colorado, in conflict or inconsistent therewith, are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara, Colorado, shall not revive any other section of any ordinance or ordinances heretofore repealed or superceded.

Section 5. Publication: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be published, as provided by law, and shall cause copies of this Ordinance to be attached to each copy of the previously adopted Ordinance No. 1975-1.

Section 7. Effective Date: This Ordinance shall be in full force and effect 30 days after its final passage and publication as provided by law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED at a regularly scheduled meeting of the Board of Trustees of the Town of La Jara, Colorado, at which a quorum was present the 11th day of October, 1990.

TOWN OF LA JARA

BY: James T. DeGoyler
James T. DeGoyler, Mayor

(S E A L)

ATTEST:

Helen J. Hutchins
Helen J. Hutchins, Town Clerk

FIRST PUBLICATION: _____