

ORDINANCE NO. 2013-06

AN ORDINANCE CONCERNING OWNERSHIP OF ANIMALS WITHIN THE TOWN LIMITS

THIS ORDINANCE SUPERSEDES ORDINANCES 124 AND 229 IN ENTIRETY AND ANY OTHER LAWS OR ORDINANCES CURRENTLY IN EFFECT THAT WOULD CONTRADICT THE REGULATIONS CONTAINED IN THIS ORDINANCE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO:

Section 1. General Definitions and Terms. The definitions and terms used in this Ordinance, unless the context otherwise indicates, are herewith defined as follows:

- 1.1 ANIMAL OWNER: Every person in possession of or who harbors any animal or who shall suffer any animal to remain about his premises for a period of seven (7) days.
- 1.2 ANIMAL: Shall include both the male and female, neutered or sterilized. Animal, as used in this Ordinance, shall include all warm blooded domesticated mammals.
- 1.3 VICIOUS ANIMAL: Any animal that inflicts unprovoked bites or attacks human beings or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places.
- 1.4 RUNNING AT LARGE: Means to be off the premises of the Owner and not under the control of the owner or an authorized person over twelve (12) years of age, either by leash or other physical restraint. An animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.
- 1.5 HARBORING: The occupant of any premises on which an animal is kept or to which it customarily returns daily for food and care for a period of seven (7) days is presumed to be harboring or keeping the animal within the meaning of this Ordinance.
- 1.6 RABIES VACCINATION: Shall mean the inoculation of a dog, cat, or other animal with a rabies vaccine approved by the Colorado Department of Health
- 1.7 ANNOYANCE OR NUISANCE: Any noise, action or odor that disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with their reasonable and comfortable enjoyment of life or property

Section 2. Rabies Control

- 2.1 VACCINATIONS: Every person owning or harboring a dog or cat six (6) months of age or older, for seven (7) or more days shall have such dog or cat vaccinated against rabies with an approved vaccine by a licensed veterinarian. Such vaccination shall be current at all times. Persons acquiring a dog or cat or other animal that does not have a current vaccination shall immediately following such acquisition, have such dog or cat inoculated. If other species of animals are vaccinated, such vaccination shall be with a vaccine approved by the Colorado Department of Health. The owner will present proof of vaccination for all required animals to the Town Clerk for inspection and validation. If the pet owner's veterinarian determines that a rabies vaccination would contraindicate the existing health condition of the pet, the veterinarian may provide a certificate of exemption from rabies and the pet owner will present that certificate to the Town Clerk for inspection.
- 2.2 RABIES TAG: The owner of an animal requiring a rabies vaccination shall attach to the collar or harness of the vaccinated animal a metal tag, serially numbered and bearing the year of the issuance and the name of the jurisdiction and state.
- 2.3 DESIGNATION OF QUALIFIED PERSONS: All veterinarians who are duly registered and licensed as such by the State of Colorado are hereby designated as authorized to vaccinate animals against rabies and to execute certificates of vaccination as provided by law.

2.4 PROOF: It shall be unlawful for any person who owns or harbors any dog, cat or other animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Ordinance.

Section 3. Reporting Animal Bites

3.1 DUTY TO REPORT: Any person having knowledge of an animal bite shall immediately report the incident to a designated law enforcement official for the Town of Nucla, Colorado or to the Health Veterinary Section of the Colorado Department of Health.

3.2 QUARANTINE OF ANIMALS: Any animal which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer. If the animal is not confined on the owner's premises, confinement shall be in the Town of Nucla Animal Shelter or at any veterinary hospital or veterinary clinic of the owner's choice. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined in the Town of Nucla Animal Shelter or such other suitable facility. The owner of any animal that has been reported as having inflicted a bite upon any person shall on demand produce such animal for quarantine as prescribed in this section. Refusal to produce said animal constitutes a violation of this section and each day of such refusal shall constitute a separate and individual violation.

3.3 REMOVAL OF ANIMALS FROM QUARANTINE: It shall be unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the consent of the impounding agency.

Section 4. Dog and Cat Licenses

4.1 DOG AND CAT LICENSE REQUIRED: A person have custody of any dog or cat six (6) months or age or older, shall within seven (7) days procure a license. License fees shall be paid annually to the Town Clerk of the Town of Nucla, Colorado and shall be due and payable nolater than April 1 of each calendar year. The License fee shall be Five Dollars (\$5.00) per year for spayed or neutered dogs and cats and Ten Dollars (\$10.00) per year for all other dogs and cats. All licenses issued hereunder shall expire April 1 of each year and the full amount of any license fee shall be paid for any fraction of the licensing year. Upon collection of the dog license fee by the Town Clerk of the Town of Nucla, Colorado, a dated receipt shall be issued, stating the name and address of the owner, tag number, description of the animal, together with a Town of Nucla license tag with a serial number which said tag shall also contain the year and town of issuance.

4.2 LICENSE DISPLAYED: The license tag shall be attached to a collar, harness or other device and shall be worn with the rabies tag by the licensed dog or cat at all times, and shall not be removed from any dog or cat by an unauthorized person. The original dog or cat license receipt and rabies vaccination certificate shall be retained by the or harboror for inspection by any person charged with the enforcement of this Ordinance.

4.3 RABIES VACCINATION: No dog or cat shall be licensed without proof of rabies vaccination or without a certificate of exemption from rabies vaccination as provided in this Ordinance.

4.4 DUPLICATE TAGS: In the event of loss or destruction of the original license tag, then the owner of the animal shall obtain a new tag from the Town Clerk. The price of such tag shall be Five Dollars (\$5.00).

4.5 FALSE AND STOLEN LICENSE DOCUMENTS: It shall be unlawful for any person to make use of, or have in his possession, or under his control, a stolen, counterfeit, or forged dog or cat license receipt, dog or cat license tag, rabies vaccination certificate or other form issued in accordance with this Ordinance.

4.6 TRANSFERABILITY: Dog or cat licenses are not transferable and it shall be unlawful for any person to attach any license or rabies tag to any animal other than the animal for which such tag was originally issued.

Section S. Animals Running at Large

5.1 **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any owner, possessor, harbinger or keeper of any dog, cat or other animal in the Town of Nucla, Colorado to permit the same to run at large within the Town of Nucla, Colorado. An animal shall be deemed to be running at large when off or away from the premises of the owner, possessor, harbinger or keeper thereof, and not confined in a motor vehicle or cage or under the control of such person, person, possessor, harbinger or keeper or his agent or servant or a member of his immediate family, over the age of twelve (12), either by leash, cord or chain, not more than ten (10) feet in length. Any animal found to be running at large within the Town of Nucla, Colorado shall be taken up by the appropriate official for such purpose and confined either at the animal shelter or such other secure pen or place as is appropriate under the circumstances. Notice of such confinement shall be posted in a conspicuous place at the Nucla Town Hall, or if the owner of the impounded animal is known, immediate notice shall be given to him. If the animal is not claimed, it shall be disposed of as in this Ordinance is provided. All state stray laws shall, however, be complied with if the type of animal so dictates.

5.2 NUISANCE

5.2.1 It shall be unlawful for any animal owner or keeper to harbor, maintain or permit on any lot, parcel or land or premises under his control, any dog or cat or other animal which by any sound or cry or presence shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with their reasonable and comfortable enjoyment of life or property. A single individual or household may lodge a nuisance complaint. Upon such lodging, the Town Board will investigate the claim. If the Town Board determines that the alleged complaint of nuisance is fair and valid, or if two or more individuals from two or more households lodge a complaint within a 30 day period, the offending owner will be warned to correct the nuisance or cited for failure to correct the nuisance as conditions dictate.

5.2.2 Any pen, yard or premises in or upon which animals including hogs, shoats, pigs, cows, horses, birds, chickens, turkeys, ducks, dogs or other domestic animals shall be kept at any one time, or any place in which any number of swine or other animals shall be so kept as to make such place offensive or an annoyance to any person, or injurious to the public health, is hereby declared to be a nuisance.

5.2.3 Any cow, horse, bull, dog or other animal that shall die within the limits of the Town of Nucla, Colorado and the body or carcass of which shall not be removed to the public dumping ground and burned within twenty four (24) hours after death is hereby declared to be a nuisance, and the owner or keeper thereof shall be held to be the author of such nuisance.

5.3 **INJURED ANIMALS:** Animals injured on public property may be impounded and given adequate veterinary medical treatment at the expense of the owner. This provision, however, shall not be deemed as requiring the Town of Nucla to impound or treat any such animal, and its failure to do so shall not be basis for a claim by the owner of such animal.

5.4 **RUNNING ON OWNER'S PREMISES:** The provisions of this ordinance do not prohibit animals running at large on the premises of the owner or person having charge of such animal.

Section 6. Vicious Animals

6.1 **VICIOUS ANIMALS;** No person shall own, keep or harbor a vicious animal within the Town of Nucla, Colorado. Such animal shall be impounded as a public nuisance. Upon the impoundment of such an animal, notice of impoundment shall be posted in a conspicuous place at the Nucla Town Hall, Nucla, Colorado for seven (7) days. If the owner of the impounded animal is known, immediate notice shall be given to him. If no person objects to disposal of the said animal the Town shall humanely euthanize the same. If any person objects to such disposal, the matter shall be submitted to the Nucla Municipal Court for a determination by the Nucla Town Judge. If the Court should determine that the said animal is

not vicious, it shall be returned to its owner, or if the Court should determine that the animal is vicious, it shall be disposed of as herein provided.

Section 7. Impounded Animals

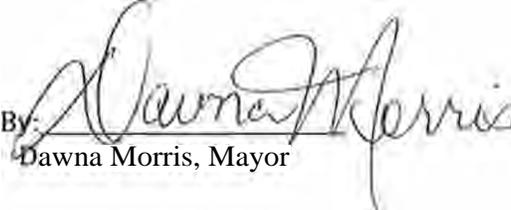
- 7.1 ANIMAL SHELTER: An animal shelter may be provided for the purpose of boarding and caring for any animal impounded under the provisions of this Ordinance, and such shelter may be constructed to facilitate cleaning and sanitizing and may provide fenced runs and adequate shelter and water supply. As an alternative to constructing and/or maintaining this facility, the Town of Nucla may agree with any other city, town, county or entity or with the owner of adequate facilities and services to provide said facilities or services to the Town of Nucla.
- 7.2 REMOVAL OF ANIMALS FROM ANIMAL SHELTER: It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Mayor or other designated official of Nucla, Colorado.
- 7.3 DISPOSITION OF IMPOUNDED LICENSED ANIMALS: As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at the Nucla Town Hall, Nucla, Colorado, for seven (7) days. If the owner of the impounded animal is known, reasonable notice shall be given to him. Any impounded animal which if licensed may be redeemed by the owner upon payment of the impoundment fee, care and feeding charges, veterinary charges and such costs as set by the Town of Nucla. Fines must be paid to the Town Clerk during regular business hours, before the animal may be released. If such animal is not redeemed within seven (7) days, it shall be deemed abandoned and the designated official for the Town of Nucla, may humanely euthanize or adopt out the said animal. The original owner will be liable for all costs associated with the fees and charges arising from the care of said animal.
- 7.4 DISPOSITION OF IMPOUNDED UNLICENSED ANIMALS As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at the Town Hall in Nucla, Colorado, for seven (7) days. If the owner of the impounded animal if known, reasonable notice shall be given to him. Any impounded animal which is not licensed may be redeemed by the owner upon payment of the impoundment fee, care and feeding charges, veterinary charges, and such other costs as set by the Town of Nucla. A summons will be issued to show proof of current rabies vaccination and that the proper tags have been issued by the Town of Nucla, Colorado. Fines must be paid to the Town Clerk during regular business hours, before the animal may be released. If animal is not redeemed within seven (7) days, it shall be deemed abandoned and the designated official for the Town of Nucla may humanely euthanize or adopt out the said animal. The original owner will be liable for all costs associated with the fees and charges arising from the care of said animal.

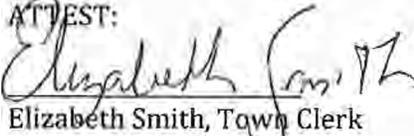
Section 8. Safety Provisions

- 8.1 INTERFERENCE WITH LOCAL AUTHORIZED LAW ENFORCEMENT OF THE TOWN OF NUCLA, COLORADO, OR REPRESENTATIVE: It shall be unlawful for any person to interfere with, molest, hinder or prevent the local authorized law enforcement official or the authorized representative for the Town of Nucla, Colorado, in the discharge of their duties as herein prescribed or to violate any of the provisions of this Ordinance.
- 8.2 EMERGENCIES: DISPOSTITION OF VICIOUS ANIMAL: In the event that the local authorized law enforcement official or the authorized representative for the Town of Nucla, Colorado, should determine the immediate destruction of a vicious animal is necessary in order to protect himself or any other persons or property from damage or destruction, upon making such determination, the said official or his representative may immediately dispose of said animal in the appropriate way. In such event, the said official or his representative shall within twenty-four (24) hours thereafter prepare a police report of the said incident which may be available to any interested party at the Nucla Town Hall.

- 8.3 PENALTY FOR VIOLATION: Except as otherwise herein provided in this paragraph, any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Three-Hundred dollars (\$300.00) or by confinement in the jail for not more than ninety (90) days, or by both such fine and imprisonment. Any person who violates Section 5.1 of this ordinance may be given a warning or citation for a first offense. A citation so given under this section shall consist of a summons to appear together with a written notice to defendant that said defendant may either (1) appear in response to the summons and demand a trial and proof of the complaint; or (2) may plead guilty or no contest to the charge and pay the prescribed fine and costs. No such warning shall be given if within the year previous any such warning has been provided to the person charged or his agent, servant, or member of his immediate family. Upon a conviction for a first offense a fine of Fifty dollars (\$50.00) shall be imposed, and said fine shall double for each conviction of a subsequent violation, except that no single fine in excess of Three Hundred (\$300.00) shall be imposed. Administrative fees will be assessed at Fifteen Dollars (\$15.00) per day or portion thereof for impoundment. Five Dollars (\$5.00) per day or any portion thereof for feed. All fines must be paid to the Nucla Town Clerk before the animal is released. No release of animals outside of regular Nucla Town Hall business hours.
- 8.4 SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance.
- 8.5 REPEALER: Chapter 11, Part V, Division I of the Code of the Town of Nucla, and Division II thereof, and parts of any other ordinance in conflict herewith are hereby repealed.
- 8.6 EFFECTIVE DATE: This act shall take and be in effect on and after May 22, 2013.

ADOPTED THIS 22nd DAY OF April, 2013

By: 
Dawna Morris, Mayor

ATTEST:

Elizabeth Smith, Town Clerk