ORDINANCE NO. 2014-7

AN ORDINANCE 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 ALL DOG ORDINANCES AND PARTS OF DOG ORDINANCES IN EFFECT PRIOR TO ADOPTION OF ORDINANCE 2014-6.

Be It Ordained By The Board Of Trustees Of The Town Of La Jara, Colorado

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

a) Dog: The word "dog" shall refer to any animal of the canine species, regardless of sex.

b) Dog, Female: The term "dog, female" shall mean any dog of the female gender on which no alternative surgery of the genital organs has been performed.

c) Dog, Male: The term "dog, male" shall mean any dog of masculine gender, not castrated.

d) Dog ,Castrated Male: The term "dog castrated male" shall mean any male dog on which alternative surgery of the genital organs has been performed by a licensed veterinarian so that such dog is no longer capable of reproducing.

e) Dog, Spayed Female: The term "dog, spayed female" shall mean any female dog on which an ovariectomy or ovarohysterectomy has been performed by a licensed veterinarian.

f) Owner: The term "owner" shall mean every person in possession of or who harbors or keeps any dog or who shall suffer any dog to remain about his premises.

g) Vicious Dog: The term "vicious dog" shall mean any dog that inflicts unprovoked bites or otherwise attacks any person, either on public or private property; acts in a vicious or terrorizing manner, or in apparent attitude of attack; approaches any person in such manner when said dog is upon the streets, sidewalks or any public ground or place within the Town. Any dog that bites or attacks a person who is unlawfully trespassing upon, breaking in to or otherwise destroying or defacing its owner's property shall be deemed to be provoked within the meaning of this Ordinance.

h) Running At Large: The term "running at large" shall mean to be off the premises of the owner and not under control of the owner or an authorized person, either by leash, chain or cord not to exceed 10 feet in length. A dog within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

e) Designation of Qualified Person: All veterinarians who are duly registered and licensed as such by the State of Colorado and who also have an established practice within the State of Colorado, are hereby designated as authorized to vaccinate dogs against rabies and to execute certificates of vaccination as provided by law.

f) Proof: It shall be unlawful for any person who owns or harbors any dog to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with enforcement of this Ordinance.

g) In the event that a dog is of such age that it cannot be vaccinated prior to obtaining a license, the owner shall obtain from a veterinarian, qualified and authorized to vaccinate dogs against rabies, a statement that such dog is not of age to be vaccinated and stating that when such dog may be vaccinated, and the owner shall present satisfactory evidence to the Town Clerk that said dog has been so vaccinated within ten (10) days after the date certified by said Veterinarian.

Section 3: Reporting Dog Bites

a) Duty to Report: Any person having knowledge of a dog bite shall immediately report the incident to the Police Department of the Town of La Jara, or to the Public Health Veterinary Section of the Colorado Department of Health.

b) Quarantine of Dogs: Any dog who 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 Town of La Jara's Town Manager. Confinement shall be in the Town of La Jara's designated Pound. Such confinement shall be at the expense of the owner. Stray dogs whose owners cannot be located shall be confined in the Town of La Jara's designated Pound. The owner of any dog that has been reported as having inflicted a bite on any person shall on demand produce said dog for quarantine as prescribed in this section. Refusal to produce said dog constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.

c) Removal of Dogs From Quarantine: It shall be unlawful for any person to remove from any place of isolation or quarantine any dog which has been isolated or quarantined as authorized, without the consent of the impounding authority.

Section 4: Dog License

a) All dogs kept, harbored or maintained by their owners in the Town of La Jara shall be licensed and registered annually on or before January 1st of each year, and each owner shall annually pay to the Town Clerk , for the use and benefit of the Town, the following license fees:

I.	Female Dogs:.....	$15.00
II.	Male Dogs:.....	$15.00
III.	Spayed Female Dogs:.....	$5.00
IV.	Castrated Male Dogs:.....	$5.00

The owner shall state at the time of application for a license, and upon printed forms provided for such purposes by the Town, his name and address, telephone number, and the name, breed,

c) Nuisance; It shall be unlawful for any dog owner or keeper to harbor, maintain or permit on any lot, parcel of land or premises under his control any dog which by any sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

d) Running on Owner's Premises: The provisions of this ordinance do not prohibit dogs from running at large on the premises of the owner or person having charge of such dog.

e) Abandonment of Dogs: It shall be unlawful for any person, firm or corporation to abandon any dog within the Town of La Jara, or cause such to be done.

Section 6: Impound Generally

a) It shall be lawful for all police officers and such other persons duly authorized by the Town Manager of the Town of La Jara to impound any dog which is not wearing proper license and rabies tags as herein provided, or any dog which is running at large and is not under leash control, or any dog which they reasonably feel to be in violation of any of the provisions of this Ordinance whether such dog is wearing a dog tag or not. It shall be lawful for the police officer or any person duly authorized to impound dogs to go upon private property for the purpose of catching any dog to be impounded. Any person authorized to capture and impound a dog under the provisions of the Ordinance is authorized to use such means as are reasonably necessary to capture such dog, provided, however, that tranquilizer guns or other tranquilizing devices shall be used only as a last resort when a dog cannot be safely caught and impounded because of its dangerous or vicious propensities, such dog may be summarily slain.

b) Notice to Owner or Harborer of Dog: Upon the impounding of any dog it shall be the duty of the person impounding such dog to notify the owner thereof, if known. If the owner is not known, there shall be posted at the bulletin board of the Town Hall, for a period of not less than five (5) days, a notice containing a description of the dog impounded.

c) Procedure for Release of Vicious Dog When Complaint Has Been Filed; Authority of Municipal Judge to Order Destruction of Dog: If a vicious dog complaint has been filed in the Municipal Court of the Town of La Jara against the owner or harborer of any impounded dog for a violation of this Ordinance, then such dog shall not be released from impoundment except on order from the La Jara Municipal Judge. In addition to any penalties which may be provided for in this Ordinance, for a violation of this Ordinance, the Municipal Judge shall require such owner or harborer of the said dog to pay the fees herein provided for in this Section as well as all fees that pertain to the boarding of such dog, and shall have the authority, upon making a finding that such dog constitutes a clear and present danger to the citizens of the community, to order that such dog be destroyed in a humane manner by a licensed veterinarian.

d) Disposal of Dog Whose Owner or Harborer Cannot be Located: If a complaint has not been filed in Municipal Court because the owner or harborer of an impounded dog is not known or cannot be located and such dog has not been claimed within five (3) days from the date of impoundment, not counting the first day of impoundment, the dog may be destroyed in any humane manner by licensed veterinarian or it may be put up for adoption only to persons not

a) A suitable dog pound shall be provided by the Town of La Jara, within or without the city limits. All dogs that are detained for whatever reason shall be immediately transported to (or done as soon as applicable) to the appointed pound or shelter for the purpose of boarding and caring for any dog impounded under the provisions of this Ordinance

Section 9: Maximum Number of Dogs

a) The Maximum number of dogs at any one residence shall be limited to 3 per residence. Any additional dogs will be assessed an additional cost as set by this Ordinance.
b) Puppies under the age of 5 months shall be considered exempt from this provision; however after the age of 5 months and one day they shall be deemed to be of such an age to be required to have a license and all applicable vaccinations that pertain to other provisions in this Ordinance as well as to be considered in the maximum number of dogs per residence.

Section 10: Safety Provisions

a) Interference with Officers: It shall be unlawful for any person to interfere with, molest, hinder or obstruct the police officer, pound master, or any other person duly authorized to perform official duties under this Ordinance.

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

i. Permitting a Dog to Run at Large:
   a. First Offense..... $50.00
   b. Second Offense within a 12 month period..... $100.00
   c. Third Offense within a 12 month period..... $250.00
   d. The Municipal Judge shall, upon conviction for the third 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 or order the dog to be set for adoption by anyone except a resident of the Town of La Jara.
ii. Failure To Have a Dog Vaccinated Against Rabies..... $40.00
iii. Failure to Register and License the Dog With the Town Clerk....$40.00
iv. Failure to Place Collar and Registration Tag Upon the Dog.....$20.00
v. Unlawful Removal of Dog from Town Pound.....$500.00
vi. Failure to Produce the Dog Reported as Having Inflicted a Bite...$200.00
vii. Keeping or Harboring a Dog which is a Nuisance.....$100.00
viii. Over Limit of Three Dogs Per Residence Per Dog.....$25.00
ix. Keeping or Harboring a Vicious Dog in Violation of the Provisions of this Ordinance as Herein Provided, a Fine Not to Exceed $500.00 or By Confinement in Jail for Not More than 30 days, or By Both Such Fine and Imprisonment.
x. Second Offence and All Subsequent Offences for Keeping or Harboring a Vicious Dog Shall Be a $1000.00 Fine and Confinement in Jail for Not Less Than 5 Days or More than 30 Days in Jail.
xi. Violation of Any Other Provision of this Ordinance Not Specifically Set Forth in Section (b)(i) through (x) Inclusive: A Fine Not to Exceed $500.00 or By Confinement in Jail for No More than 30 days, or By Both Such Fine and Imprisonment.

i) Harboring: The term "harboring" shall mean that the occupant of any premises on which a dog is kept or to which it customarily returns for food and care is presumed to be harboring or keeping the dog within the meaning of this ordinance.

j) Abandoned: The term "abandoned" shall mean leaving behind a dog alone or permitting the dog to be deserted in circumstances which would cause the dog to fend for its self and have no human to control or to take care of it. A person commits the crime of dog abandonment if the person, knowingly, unknowingly, recklessly or with criminal negligence leaves a dog at a location without providing minimum care and control of the dog.

k) Vaccination, Inoculation, or Vaccination for Rabies: The term "vaccination", "inoculation" or "vaccination for rabies" shall mean the inoculation of the dog with vaccine approved by the Colorado Department of Health for use in the prevention of rabies.

Section 2: Rabies Control

a) Vaccinations: Every person owning or harboring a dog five(5) months and one(1) day of age or older for thirty (30) or more days shall have such dog vaccinated against rabies with an approved vaccine by a licensed veterinarian. Such vaccination shall be performed immediately following such acquisition or if a puppy upon reaching the age of five (5) months and one (1) day. All rabies vaccinations must be performed by a licensed veterinarian, licensed by the State of Colorado and all appropriate license tags must be attached to the dogs' collar and worn by the dog at all times. In addition, the owner or harborer of said dog must retain all appropriate paper work in regards to the rabies vaccination, with date of vaccination and signed by the aforementioned veterinarian.

b) Certificate of Vaccination: Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of the dog, as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:
   i. The name, address, and telephone number of the owner or harborer of the inoculated dog;
   ii. The date of the inoculation;
   iii. The type of vaccine used;
   iv. The year and series number of the rabies tag; and
   v. The breed, age, color and sex of the inoculated dog.

c) Rabies Tags: Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 2(b), the owner of the dog shall attach to the collar or harness of the vaccinated dog, a metal tag, serially numbered and bearing the year of issuance and the name of the jurisdiction of the state.

d) Duplicate Tags: In the event of loss or destruction of the original rabies tag provided in Section 2(c), the owner of the dog shall obtain a duplicate tag from the veterinarian issuing the original tag.

color, sex, and whether such dog has been spayed or castrated, as is the case may be, for each dog owned or kept by him.

b) All dog licenses issued hereunder shall expire December 31 of each year, and the full amount shall be paid for any fraction of the licensing year if the dog has been kept or harbored by a resident of the Town of La Jara.

c) 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 at all times, and shall not be removed from any dog by an unauthorized person. The original dog license receipt and rabies vaccination certificate shall be retained by the owner or harborer for inspection by any person charged with the enforcement of this Ordinance.

d) Rabies Vaccination: No dog shall be licensed without proof of rabies vaccination as provided in this ordinance.

e) False & Stolen 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 other form issued in accordance with this Ordinance.

f) Transferability: Dog licenses are not transferable and it shall be unlawful for any person to attach any license or rabies tag to any dog other than the dog for which such tag was already issued.

g) Nonapplicability of Provisions: The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the Town of La Jara, nor to certified service dogs, properly trained to assist persons with disabilities, when such dogs are actually being used by persons with disabilities for the purpose of aiding them, provided however, if a dog whose owner is a non-resident shall remain in the Town of La Jara more than thirty days, such dog shall be licensed in accordance with the provisions of this section..

Section 5: Dogs Running At Large

a) It shall be unlawful for any owner or harborer of any dog in the Town of La Jara to permit the same to run at large within the Town. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the control of such owner, possessor or harborer or his agent, servant, or a member of his immediate family, either by leash, cord, chain, not more than ten (10) feet in length.

b) Female Dogs in Heat; It shall be unlawful for the owner or harborer of any female dog to permit the same to create a nuisance by attracting other dogs to the premises, and the same is hereby declared to be a public nuisance. If after notice by the Police Department, the owner or harborer of the said female dog in heat does not abate the nuisance by caring for and properly confining the said female dog, the Police Department may take up and impound the said female dog and the said female dog shall not be released from impoundment unless the owner or harborer establishes that he has the proper facilities for caring for and confining the said female dog.

residing in the City Limits of the Town of La Jara by an approved pound authorized by the Town Manager of the Town of La Jara.

e) Redemption Fees: Any owner or harborer of a dog desiring to redeem such dog from the pound shall pay the Town of La Jara the sum of twenty (20) dollars per day as an impoundment fee, but not including the day of impounding. No dog shall be released from the pound until the owner shall have paid all charges for impounding the dog, the additional charges for maintaining the dog, and until the dog has been licensed , registered, and vaccinated in accordance with this Ordinance.

f) Confinement of Certain dogs: There shall be no release of any vicious dog unless suitable provisions are made for it by its owner to protect the public against these propensities, and no female dog in heat shall be released unless the owner has facilities for caring for and confining such dog.

g) Release Upon Compliance with Provisions of Ordinance: It is the duty of the Town to release any dog from the pound of the Town upon receipt of satisfactory proof of ownership thereof, upon payment of any fee due to the Town, and upon presentation of proof of vaccination for rabies and proper licensing and registration of such dog in accordance with this Ordinance. Any dog that is not picked up by the harborer or the registered owner of said dog after five (5) days, the dog shall be considered abandoned and will be placed for adoption. The only exceptions to this rule shall be if the dog is waiting for a court date under the vicious dog rule, section 6 (f) of this Ordinance.

h) Unlawful Release from Impoundment: It shall be unlawful for any person to release any dog from impoundment except in the manner provided for in this Ordinance and upon the payment of the required fee, or for any person to enter upon the premises where the dogs are impounded except by the permission of and while accompanied by a person duly authorized to perform official duties under this Ordinance.

i) All dogs held by the designated pound for a period of more than five (5) days that are not redeemed by the owner or harborer are considered to be abandoned and may be put up for adoption, but not to any resident of the Town of La Jara.

Section 7: Notice of Knowledge Violation

a) Notice of Knowledge of Violation of this Ordinance Not Necessary for Prosecution of Owner or Harborer: For the purpose of prosecution for violation 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 or harborer of the dog in question that such dog was violating any of the provisions of this Ordinance at the time and place charged, it being the purpose and intent of this Ordinance to impose strict liability upon the owner or harborer of any dog for the actions, conduct, and condition of the dog.

Section 8: Dog Pound

c) Severability: If any provisions of this Ordinance or the application thereof to any person, situation, or circumstance be held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and the provisions of this Ordinance are declared to be severable, the Board of Trustees of the Town of La Jara expressly declaring that it would have passed this Ordinance and every paragraph, subparagraph, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the other paragraphs, subparagraphs, phrases, or words thereof may be declared invalid.

d) Repealer: An Ordinance Concerning Dogs and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed, including but not limited to: An Ordinance Concerning Dogs, Ordinance No.1975-1, Ordinance No.1990-5 Amending Ordinance No.1975-1, Ordinance No.1999-1 Amending Ordinance Nos. 1975-1 & 1990-5, and Ordinance No. 2001-1 Amending Ordinance Nos. 1975-1 & 1990-5.

e) Enactment: Whereas, in the opinion of the Board of Trustees of the Town of La Jara, an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare, this Ordinance shall be in full force and effect upon the expiration of five (5) days after its final passage and publication as provided by law.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO AT WHICH A QUORUM WAS PRESENT THIS 13th DAY OF NOVEMBER,2014.

THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO

ATTEST:

Larry Zaragoza

Larry Zaragoza, Mayor

Shawn Pagnotta

Shawn Pagnotta, Town Clerk

Date of Publication: _____, _____