

ORDINANCE NO. 20-A

AN ORDINANCE PERTAINING TO THE REGULATION, LICENSING, INOCULATION, RESTRAINT, AND IMPOUNDING OF DOGS AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, KIT CARSON COUNTY, COLORADO:

Section 1. Repeal and Re-Enactment. Ordinance No. 4, Ordinance No. 98 and Ordinance No. 6-A and all other Ordinances or parts of Ordinances of the Town of Stratton, Colorado, inconsistent herewith are hereby repealed and re-enacted to read as re-enacted as follows:

Section 2. Dogs Must Be Licensed. It shall be unlawful for any person who is the owner or custodian of any dog to keep or permit the same to be within the Incorporated limits of the Town of Stratton, Colorado, without first obtaining a license therefor:

Section 3. License Fee.

A. There is by these presents hereby imposed a license fee for the keeping of dogs within the Town of stratton, Colorado, such license fee to be charged as follows:

1. For each female dog the sum of \$5.00 per year.
2. For each spayed female dog the sum of \$3.00 per year.
3. For each male dog the sum of \$3.00 per year.

B. The annual license fee imposed herein shall be for a fiscal year beginning May 1st and ending the following May 1st and there shall be no proration of the license fee.

Section 4. Rabies Inoculation. It shall be the duty of the owner of custodian of any dog kept in said Town of Stratton to have the dog inoculated against rabies once every two years, and no license shall be issued for any dog, unless the applicant exhibits a certificate by a veterinarian showing compliance with the provision of this section.

Section 5. License and Tag Issued. Upon written application to the Town Marshal of Stratton, Colorado, a certificate of a veterinarian showing that the dog has been inoculated against rabies, and the payment of the required fee, the Town Marshal shall cause to be issued to the owner or custodian of a dog a license in the form of a metal tag which shall be securely attached to a collar to be worn at all times by the dog to be licensed.

Section 6. Leash Law. It shall be unlawful for the owner or custodian of any dog in the Town of Stratton 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 or custodian thereof and not under the control of such owner or custodian, or his agent, or servant or a member of his immediate family, either by leash, cord, or chain, not more than ten (10) feet in length.

Section 7. Nuisance. It shall be unlawful for any owner or

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or custodian to fail to exercise proper care and control of his dogs or prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, trespassing upon school grounds or private property in such manner as to damage property shall be deemed a nuisance.

Section 8. Impounding of Dog.

A. When dogs are found running at large and their owner or custodian is known to the Town Marshal such dogs need not be impounded, but the Marshal may, at his discretion, cite the owner or custodian of such dogs to appear in Court to answer to charges of violation of this Ordinance.

B. The duly appointed, qualified and acting Town Marshal of Stratton, Colorado, and other persons designated by resolution of the Board of Trustees of said Town, may take up and impound in a suitable place to be designated as the Town Dog Pound, the following dogs:

1. All unlicensed dogs;
2. Any dog which does not have attached to its collar a tag showing that the dog is licensed for the current fiscal year;
3. All dogs found to be dangerous and/or a nuisance as defined in section 7 of this Ordinance.

Section 9. Record of Dogs Impounded -- Notice. The person so impounding any dog as herein provided, may make a record of the dog impounded and the reason for impounding the said animal and may attempt to find the owner or custodian of said dog and may make a reasonable inquiry concerning the same. Any dog so impounded may be impounded for a period of at least six days unless otherwise claimed by the owner or custodian thereof. When the owner or custodian of any animal so impounded has been determined then in that event written notice will be mailed to the said owner or custodian by depositing the same in the United States Post Office, postage prepaid and addressed to the said owner or custodian. Mailing of such notice shall constitute valid notice for the purpose of this Ordinance. In the event that no owner or custodian can be determined then and in that event the person so impounding any animal will cause written notice to be posted in at least two conspicuous places within the corporate limits of the Town of stratton setting forth the description of the animal and the place and time that it was captured. In the event that no animal is claimed within a period of six days from the date of the impounding or within at least two days from the giving of notice as required herein such animals will be deemed unclaimed.

Section 10. Claiming of Impounded Dogs.

A. If within six days from the date of impounding any such dog or within two days after notice has been given or posted as required herein the owner of such dog shall appear and claim such animal and

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Will pay to the Town Clerk the license fee, if unpaid, and all costs and charges incurred by the Town for impounding and maintaining such dog, the dog will be returned to the owner unless the said dog is so diseased as to be a menace to the health and welfare of the general public.

B. The claiming of any dog under the terms of this ordinance will be prima facie evidence only of the violation of the terms of this ordinance, and if such evidence is not overcome, the owner of the animal will be subject, in addition to any licensing fee unpaid, the sum of \$15.00 as a penalty and fine for the violation of Section 5 of this ordinance.

Section 11. Disposition of Unclaimed Dogs. If at the expiration of the six days from the date that such dog is impounded or at the expiration of two days after notice has been given as required herein any dog impounded under provisions of this ordinance will be disposed of or destroyed at the discretion of the persons so impounding the said animal. In the event that any animal is destroyed under the provisions of this ordinance the destruction of said animal shall be handled in a humane manner. Any dog which appears to be suffering from any disease which would be injurious to the health of the general public shall be inspected by a veterinarian if the same shall be available in order to determine the disease prior to the destruction of any such animal.

Section 12. Penalty. Any person who shall violate Section 6 and 7 or this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than Fifteen Dollars (\$15.00) nor more than Three Hundred Dollars (\$300.00) for each violation.

Section 13. The Board of Trustees finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety, affects the public peace, health and safety, and, therefore, an emergency exists, and that this Ordinance shall become effective five (5) days after the publication thereof.

READ, ADOPTED AND ORDERED PUBLISHED, by two-thirds vote of said Board of Trustees, this 2nd day of August, 1979.

E. L. KERL, MAYOR

(SEAL)

ATTEST: JACKIE L. GARRETT, TOWN CLERK