

ORDINANCE NO. 24-A

AN ORDINANCE PERTAINING TO THE REGULATION, LICENSING, INOCULATION, RESTRAINT, AND IMPOUNDING OF DOGS AND CATS 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 20-A, and all other ordinances or parts of Ordinances of the Town of Stratton, Colorado inconsistent herewith are hereby repealed and re-enacted as follows:

Section 2. Rabies Inoculation. It shall be the duty of the owner or custodian of any dog or cat kept in the Town of Stratton to have the dog or cat inoculated against rabies once every year, and no license shall be issued for any dog or cat, unless the applicant exhibits a certificate by a veterinarian showing compliance with the provision of this section.

Section 3. 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 4. License Fees.

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 April 30th and there shall be no proration of the license fee.

Section 5. License and Tag Issued. Upon written application to the Town Marshal or City Clerk of the Town of Stratton, a certificate of a veterinarian showing that the dog has been inoculated against rabies, as hereinabove provided, and the payment of the required fee, the Town Marshal or City Clerk shall cause to be issued to the owner or custodian of a dog license in the form of a metal tag which shall be securely attached to the collar and which shall 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 member of his immediate family, either by leash,

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license said animal, in applicable, upon payment of an impoundment fee of \$10.00 per day and costs incurred by the Town for the impounding and maintaining of such animal, the animal will be returned to the owner unless the said animal is so diseased as to be a menace to the health and welfare of the general public.

B. The claiming of any animal 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 to licensing fee unpaid, and the penalties as herein provided.

Section 11. Disposition of Unclaimed Animals. If at the expiration of the seven days from the date that such animal is impounded or at the expiration of two days after notice has been given as required herein any animal impounded under provisions of this ordinance will be disposed of or destroyed at the discretion of the persons so impounding 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 animal 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. At the discretion of the Town Marshal or the Animal Control Officer, said unclaimed animal may be placed for adoption. There shall be assessed as adoption fee for the person so adopting said animal in the amount of \$25.00. The individual adopting said animal shall evidence, prior to adoption of said animal that the applicable provisions as contained herein have been complied with, including but not limited to the obtaining of the proper license and inoculations.

Section 12. Penalties.

A. Any person who shall violate any of the provisions of this Ordinance, as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of at least \$15.00 for the first violation within one calendar year, \$40.00 in the event of a second conviction for violation of this Ordinance within one calendar year, and at least \$60.00 for the third conviction within one calendar year, and in no event shall be fined more than \$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 publication thereof.

READ, ADOPTED AND ORDERED PUBLISHED by the two-thirds vote of said Board of Trustees, this 1st day of April, 1982.

E. L. KERL, MAYOR

(SEAL)

ATTEST: JACKIE L. GARRETT, TOWN CLERK

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cord, or chain not more than ten (10) feet in length.

Section 7. Nuisance. It shall be unlawful for any owner or custodian of any dog or cat to fail to exercise proper care and control of his dog or cat to 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 Dogs or Cats.

A. When dogs or cats are found running at large and their owner or custodian is known to the Town Marshal or Animal Control Officer, such dogs or cats need not be impounded, but the Town Marshal or Animal Control Officer may, at his discretion, cite the owner or custodian of such dogs or cats to appear in the Municipal Court of the Town 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 or cats.

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 or Cats Impounded -- Notice. The person so impounding any dog or cat as herein provided, may make a record of the dog or cat impounded and the reason for impounding the said animal and may attempt to find the owner or custodian of said dog or cat and may make a reasonable inquiry concerning the same. Any dog or cat so impounded may be impounded for a period of at least seven days unless otherwise claimed by the owner or custodian thereof. When the owner or custodian of any animal so impounded has been determined the, 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 the notice shall constitute valid notice for the purposes 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 any animal is not claimed within a period of seven days from the date of the impounding or within at least two days from the giving of notice as required herein such animal shall be deemed unclaimed.

Section 10. Claiming of Impounded Animals.

A. If within seven days from the date of impounding of any such animal or within two days after notice has been given or posted as required herein, the owner of such animal shall appear and claim such animal and pay the license fee to the Town Clerk, and shall properly