

ORDINANCE NO. 139

AN ORDINANCE REPLACING ORDINANCE 111 – PERTAINING TO DOGS IN THE MUNICIPAL CODE OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO.

Whereas, regulations concerning dogs within the Town of Arriba were adopted with Town of Arriba Ordinance No. 111 and;

Whereas, recent legislation adopted in H.B. 1225 requires certain specific changes to the hearing process and fee reviews for the impoundment of dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO:

1. DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

“DOG, OWNERS” shall mean any person over eighteen years of age, emancipated minor under the age of eighteen without direct adult supervision, parent guardian, or custodian of any child under the age of eighteen, firm, corporation, or organization, owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a dog, aggressive dog, or dangerous dog

DOG: Any animal of canine species regardless of sex.

“AT RISK DOG” – A dog that is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
A dog that causes physical injury to any domestic animal while at large
A dog that repeatedly runs at large.

“DOG, AGGRESSIVE” means any dog that barks, growls, charges at, jumps upon, or has demonstrated tendencies, without provocation, in a menacing manner, that would lead a reasonable person to believe that the dog may inflict bodily injury upon or cause the death of any person or domestic animal, or has engaged in or been trained for fighting as described and prohibited in Colorado Revised Statute 18-9-204. For

purposes of this definition, “domestic animal” shall mean any other dog, cat, or livestock that may be permitted to be within the Town boundaries.

“Dog, Dangerous” means any dog that has inflicted bodily injury or serious bodily injury upon or has caused the death of a person or domestic animal

“Dog Bite” means any bruising of the skin or break in the skin caused by any contact with the tooth or mouth of a dog.

“Dog, Harboring” means the act of keeping or caring for a dog or providing premises to which a dog returns for food, shelter, or care, or the act of providing refuge to a dog in order to evade the impoundment of the dog by lawful authority.

DOG, MALE: Any dog of masculine gender, not castrated.

DOG, NEUTERED: Any male dog which has been castrated by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

DOG, FEMALE: Any dog of the female gender on which no alternative surgery of the genital organs has been performed.

DOG, SPAYED FEMALE: Any female dog on which an ovariectomy or ovariectomy has been performed by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

DOG, STRAY: Any unlicensed or licensed dog found unattached or loose anywhere within the town limits.

BODILY INJURY: means any physical injury that results in bruising, muscle tears, or skin laceration.

RABIES: A communicable disease of both wild and domestic animals transmittable to humans, as defined by the "Public Health Department." "Specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite of infected animal and due to a filterable virus" as defined in Dorland's Medical Dictionary.

SERIOUS BODILY INJURY: means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or second or third degree burns requiring professional medical treatment, or any physical injury that requires corrective or cosmetic surgery.

VACCINATIONS or VACCINATION FOR RABIES: Inoculation of a dog with standard rabies vaccine.

2. REGULATION OF DOGS WITHIN THE TOWN LIMITS. The Board of Trustees hereby finds, determines and declares that the following actions of dogs are detrimental to the public health, safety and welfare of the inhabitants of the Town of Arriba, and hereby declares that it shall be unlawful for any dog owner to allow his dog, as hereinabove defined, to:

2.1. Run at large in the Town of Arriba unless said dog is under reasonable control of the owner. For the purpose of this ordinance, a dog shall be deemed under such reasonable control when said dog is accompanied by its owner, or, some member of the owner's family, or with some employee or agent of the owner, with the dog attached to a leash. For the purposes of this ordinance, a dog shall be deemed not under reasonable control when, (1) said

dog inflicts damage or injury (by biting, jumping upon, pollution of vegetation, or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family or property; (2) in the case of any unspayed female dog not securely confined in the owner's yard, pen or other enclosure.

2.2. Bark, whine, howl or make other noise in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous.

2.3. Attract other animals and cause them to congregate or remain on or about any premises because of being a female in heat and because of the nature of its confinement or lack of the same.

2.4. Damage public property or private property not owned by the owner.

2.5. Be abandoned.

2.6. Be tied or otherwise physically fastened to any object on public property when the owner has departed from the immediate vicinity of the location where the animal has been physically fastened; or be tied or otherwise physically fastened on private property so as to create an immediate danger to the physical wellbeing of the animal or any person.

2.7. Be on premises open to the public where food or beverages are prepared, stored or sold; however, this paragraph does not apply to seeingeye dogs or dogs trained as ears for the deaf and in such premises for such purposes at the time.

2.8. Be found unleashed in a public park, provided, however, this subsection does not apply to seeingeye dogs, government owned animals or animals participating in shows or exhibits authorized by the Board of Trustees.

2.9. Defecate upon public property or private property not owned by the owner, and such excreta is not immediately removed by the owner at that time.

3. AT RISK DOGS. An at risk dog is one that 1) menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person.
2) causes physical injury to any domestic animal while at large
3) repeatedly runs at large.

3.1 Procedure for classifying a dog as “at risk”:

3.1.2 The Code Enforcer or his representative shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to The Arriba Board of Trustees, and to the Municipal Judge and to the dog owner. If the Court deems the dog to be at risk, the dog owner has the option of filing an appeal with the Arriba Board of Trustees or Court or accepting the designation.

3.1.3 Notwithstanding the above, the Code Enforcer or his representative shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged

in the specified behaviors, if it can be determined that the behavior was

(i) the result of the victim abusing or tormenting the dog;

(ii) was directed towards a trespasser or a person committing or attempting to commit a

crime; or

(iii) involved other similar mitigating or extenuating circumstances.

3.2 Sanctions for owning an at risk dog:

1) The owner must provide secure fencing to keep the dog confined on his own property. When off the owner’s property, the dog must be kept on a secure leash of no more than four feet in length and under control of a legally responsible person. The owner must also place photos of the dog on file with the Arriba Town Clerk, *microchip the dog for identification, and provide proof of liability insurance that covers injuries.* (Owners should have the option of self-insuring against an incident.)

2) *The court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a*

responsible ownership class. These additional requirements will be at the expense of the owner.

3.3 Repeated violations

Repeated violations that would earn an at risk designation will result in classification of the dog as dangerous.

3.4 Procedure for removal from the at risk dog list:

If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the court or the animal control board for removal of the designation

4. OWNERSHIP OF DANGEROUS DOGS PROHIBITED.

A dog owner, as defined herein, commits ownership of a dangerous dog if such person or entity owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.

4.1 Upon conviction of owning a dangerous dog, and upon consideration of all relevant factors, including the known past history of the dangerous dog, the Municipal Court Judge, in addition to considering all other penalties available under Ordinance 139, shall have the following additional options:

4.1.1. To order the convicted owner to make restitution to any person who suffers injury whether such injury be to the person, property, or domestic animal of the injured person. Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in the treating of the person or the animal and any actual costs incurred in replacing the injured or destroyed animal or other personal property.

4.1.2. To order the owner of a dangerous dog who has been convicted of a violation of this section to confine such dangerous dog in a building or enclosure

designed to be escape proof and, whenever such dog is outside of such building or enclosure, keep the dog under such owner's control by use of a leash or a muzzle as the Court may direct.

4.1.3. To order in the event of bodily or serious bodily injury or death to a person or domestic animal, or in the event of a second or subsequent violation of this section, the dangerous dog to be immediately confiscated and placed in a public animal shelter and, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this section, to require the dangerous dog to be destroyed by lethal injection administered by a licensed veterinarian. The owner, in such event, shall be responsible for the costs incurred by the Town in the confiscation, impoundment, and veterinary treatment of the dangerous dog, as well as any other costs associated with the enforcement of this Code and the Court's orders.

4.1.4. To order, within ten days of the conviction, to obtain and present to the Arriba Town Clerk written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to specifically cover any future damage or injury that may be caused by the subject dangerous dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

4.2 It shall be an affirmative defense to the charge of owning a dangerous dog if the dangerous dog, while confined to the dangerous dog owner's property, injures a domestic animal which was at large as defined by section 2.1 of this Ordinance, or injures a person who is on the dangerous dog owner's property for the purpose of attempting or committing a criminal offense, other than a petty offense, against the dangerous dog's owner or the dangerous dog owner's property, or if the injured person while on the dangerous dog owner's property

tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner as to result in the dog attack.

5. OWNERSHIP OF AGGRESSIVE DOGS PROHIBITED. Ownership of an aggressive dog, as defined herein, is prohibited except under the conditions set forth in Section 4.1 below.

5.1 A dog owner or one who harbors a dog, as defined herein, is guilty of ownership of an aggressive dog if he or she owns or harbors a dog which engages in any of the following conduct within the Town of Arriba:

5.1.1. The dog approaches any person or persons, without provocation, in a menacing and threatening manner, whether or not an attack by the dog upon the person or persons actually occurred.

5.1.2. The dog, in an attacking, menacing, or threatening manner encroaches over, through, or under a fence onto public property or the private property of another; or

5.1.3. The dog inflicts a dog bite, or a puncture wound, abrasion, or other wound caused by the aggressive dog's teeth upon a person or a domestic animal in which the injury does not meet the definition of bodily injury or serious bodily injury.

5.2 Upon conviction of owning an aggressive dog, and upon consideration of all relevant factors, including the known past history of the aggressive dog, the Municipal Court Judge, in addition to considering all other penalties available under Ordinance 139, shall have the following additional options:

5.2.1. To order, that when the dog is leashed, the owner may not use an extension style leash or leash the dog to any permanent inanimate object. Rather the dog shall be in a secure fenced area or be on a short leash under the constant supervision and surveillance of the owner.

5.2.2. The owner shall successfully complete a court approved animal obedience training, behavior modification, pet management class, and / or any other treatment program that the Court may deem to be appropriate. The owner shall bear the entire cost of all programs, classes, or trainings.

5.2.3. The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide written proof from a licensed veterinarian to the Arriba Town Clerk that the sterilization has been performed.

5.2.4. To order, within ten days of the conviction, to obtain and present to the Arriba Town Clerk written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to specifically cover any future damage or injury that may be caused by the subject aggressive dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

5.2.5. To order removal of the aggressive dog from the Town of Arriba.

5.3 It shall be an affirmative defense to the charge of Ownership of an Aggressive Dog, if the aggressive dog while confined to the aggressive dog owner's property, is aggressive to a person or domestic animal that is on the aggressive dog owner's property for the purpose of committing a criminal offense against the aggressive dog's owner, the aggressive dog owner's property, or if the aggressive dog, while on the aggressive dog owner's property is tormented, provoked, abused or inflicted injury upon, in such a manner as to result in the dog being made aggressive.

6. ANNUAL VACCINATION AND LICENSING OF DOGS REQUIRED.

It shall be the duty of every person who owns or harbors any dog or dogs in the

Town of Arriba, Colorado, to have such dog or dogs inoculated by a regularly licensed veterinarian of the State of Colorado and to obtain a certificate from said veterinarian, setting out the fact of such vaccination and also to obtain from the Town Clerk of the Town of Arriba, Colorado, a license for each dog. The owner, possessor or keeper of any dog within the Town of Arriba shall secure a license for such dog from the Town Clerk on or before the first day of July each year or within 30 days after dog reaches the age of four (4) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of July in any calendar year shall be licensed within 30 days after such acquisition, or within 30 days after the dog reaches the age of four (4) months. New residents of the town shall have 30 days after becoming residents to secure a license hereunder. The license, which may be in the form of a receipt, shall state the name of the owner, the date of issuance and date of inoculation, and a description of the dog.

7. PERSONS AUTHORIZED TO INOCULATE AND ISSUE LICENSES.

Inoculation of dogs under this ordinance may be performed by any licensed veterinarian of the State of Colorado and licenses for dogs shall be issued by the Town Clerk of the Town of Arriba, Colorado. The owner or harbinger of every dog, so inoculated shall pay the veterinarian inoculating same his fee therefor and shall pay a license fee to the Town of Arriba as follows:

7.1. Each neutered male or each spayed female \$ 5.00

7.2. Each unneutered male or each unspayed female \$10.00

7.3. Any license obtained outside the time limitations herein set forth shall bear a penalty of \$10.00, which penalty shall be in addition to the license fee and paid to the Town Clerk at the time of license purchase.

8. DUTY OF PERSONS PERFORMING VACCINATION AND LICENSING.

Every veterinarian performing vaccination shall furnish the owner of any dog vaccinated, a certificate of such vaccination, which shall be presented to the Town Clerk who upon

payment of the Town license fee, shall issue the license provided for in Section 6, retaining a record thereof in his office. No license shall be issued for any dog without the production of certificate of vaccination and payment of license fee.

9. INFORMATION ON LICENSES AND TAGS. The Town Clerk shall issue a license to the owner or harborer of each dog, the receipt for which shall contain the following information: (a) the name and address of the owner, or harborer of any inoculated and licensed dog; (b) the date of inoculation and date of license; (c) the year and series number of the dog tag; (d) the breed, age, color and sex of the inoculated dog. The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which it is issued and the series number of the license and tag. Such tags shall also be prepared and distributed by the Town Clerk.

10. TAG TO BE ATTACHED TO DOG AND LICENSE RETAINED BY OWNER. Every owner or harborer of a dog shall attach the tag evidencing the licensing and inoculation with antirabies vaccine to the collar or harness of the inoculated and licensed dog and such collar or harness shall be worn by said dog at all times.

The license shall be retained by the owner or harborer of the inoculated and licensed dog for inspection by any employee of the Town of Arriba, at any time.

11. REGISTRATION. Period of validity for license and tag. Such inoculation and licensing shall be valid for each calendar year in which same is had and for first six (6) months of the following year.

12. QUARANTINE OF DOGS. A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a dog which in the opinion of an employee of the Town of Arriba, a member of the Arriba Town Council or of any licensed veterinarian of the State of Colorado, appears to be afflicted with rabies, shall be closely confined by its owner in accordance with the directions of a member of the Police Department, for a period of not less than fourteen (14) days.

If the owner of such dog or dogs referred to in this section, cannot be determined or located, then an employee of the Town of Arriba shall otherwise confine said dog or dogs for a period of not less than fourteen days. If the owner of said dog is not determined, located or the dog claimed from confinement within said fourteen days, then the Mayor of Arriba may order said dog destroyed. Provided, however, that all costs incurred for the confinement of a dog under this section shall be paid for by the owner or owners of said dog. If, however, after fourteen days confinement, the said dog is not claimed or the owner determined or located, then the cost of confinement shall be borne by the Town of Arriba. If said dog is determined, by a veterinarian, to be suffering from rabies it shall be destroyed forthwith.

It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the Town without the written permission of the poundmaster. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the poundmaster or a policeman who shall either remove the dog to the pound or summarily destroy it.

13. IMPORTED DOGS. All dogs which are brought into the Town of Arriba, shall be in compliance with the laws and rules of regulations of the State of Colorado regarding the handling of the animals, and shall have been vaccinated not less than thirty days, nor more than twelve months prior to importation. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and shall be evidence of compliance with this section.

If said imported dog remains in the Town of Arriba more than thirty days, said dog shall be licensed in accordance with the provisions of this ordinance. A certificate of vaccination issued by the licensed veterinarian to the owner or harborer of a dog within the current year by any municipality, county or state, shall be exchanged for a current inoculation and license tag of the Town of Arriba and a transfer fee of \$1.00 imposed thereon for a male or spayed female and \$3.00 for an unspayed female.

14. UNLAWFUL POSSESSION OF LICENSES. Only those persons who own or harbor a dog duly vaccinated and licensed in accordance with the provisions of this ordinance shall be permitted to possess the licenses and tags provided for herein. No person may affix a tag evidencing vaccination and licensing, to the collar or harness of any dog, except the tag issued for that dog at the time of licensing.

15. IMPOUNDMENT GENERALLY. It shall be the duty of any Town Employee or Member of the Arriba Town Council or other dog enforcement officers to impound any dog which is not wearing a dog tag as herein provided and 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 any Town Employee or Member of the Arriba Town Council or other dog enforcement officer to go upon private property for the purpose of catching any dog to be impounded.

16. ESTABLISHMENT AND OPERATION OF POUND. The Town shall have the right to establish a dog pound for the Town, to be operated by Town personnel, or at their election, they may, subject to the approval of the Board of Trustees, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town.

17. PROCEEDINGS IN MUNICIPAL COURT AGAINST OWNER OR KEEPER OF IMPOUNDED DOG. If a dog is impounded, it shall be the duty of a Town Employee or other dog enforcement officer immediately to institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this ordinance. Nothing herein contained shall be construed as preventing the Town Employee from instituting a proceeding in the Municipal Court for violation of this ordinance where there is no impoundment.

18. NOTICE TO OWNER OR KEEPER OF DOG. Not later than two (2) days after impoundment, the Arriba Town Clerk shall cause to be posted in a conspicuous place at the Town Hall for three (3) consecutive

days a notice of impoundment. The notice posted shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. In the case of impoundment of a dog wearing the tag described in Section 7 hereof, the Arriba Town Clerk shall also use other reasonable means in a diligent effort to notify the owner, possessor or keeper of said dog.

19. RIGHT OF EXAMINATION BY VET. The Town of Arriba must allow a licensed veterinarian of the owner's choosing to examine the impounded animal at the owner's expense within 72 hours after impoundment.

20. PROCEDURE FOR RELEASE OF IMPOUNDED DOG AND/OR DESTRUCTION OF DOG. If a complaint has been filed in the Municipal Court of the Town against the owner, possessor or keeper of any impounded dog for a violation of this ordinance, then such dog shall not be released from impoundment except when requirements of this ordinance are met. In addition to any penalties which may be provided for in this ordinance for violation hereof, the Arriba Town Clerk shall require such owner, possessor or keeper to pay the fees herein provided for in Section 20 hereof.

20.1 DISPOSAL OF DOG WHOSE OWNER OR KEEPER CANNOT BE LOCATED. If a complaint has not been filed in Municipal Court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five (5) days for an untagged dog and ten (10) days for a tagged dog from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by Town Employees or by persons so authorized to do so by the Mayor. When possible the dog will be taken to a no-kill shelter for re-homing; provided, however, that in the case of a dog wearing a tag as described in Section 7 hereof when impounded, it may be disposed of only after ten (10) days of impoundment, not counting the first day of impoundment, and upon the Town Employees certification of the diligent effort to notify the owner, possessor or keeper of

the dog of its impoundment, and that same has been unsuccessful.

20.2 Should a suitable location be found for adoption of the animal that option will be taken at the discretion of the Arriba Town Clerk. If adoption of the animal is the method of release selected, except as provided in § 35-80-106.4(3)(a), (b),(c) and (d), it shall be unlawful to sell, transfer, or adopt any dog or cat that is not already spayed or neutered prior to leaving the facility unless the prospective owner has paid a deposit of \$50.00 to the adopting shelter and signed a written agreement with the shelter to have the animal spayed or neutered.

20.2.1. The deposit may be reclaimed upon presentation of written correspondence from a licensed veterinarian that the animal has been spayed or neutered within 90 days of adoption, sale or transfer. The facility may extend the 90 day requirement upon presentation of written correspondence from a licensed veterinarian stating that the life or health of the adopted pet may be jeopardized by sterilization. If the deposit is not reclaimed after 90 days, it becomes the property of the adopting agency and will be deposited annually upon license renewal with the Pet Overpopulation Fund or a local dedicated spay and neuter fund.

20.2.2. The written agreement to have the animals spayed or neutered will include: age, sex, species, breed, and general description of the animal; date of adoption and date by which the animal must be sterilized; adopting party's name, address, and phone number, and signature; and facility name, address, and phone number.

21. IMPOUNDMENT FEES. Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town the sum of \$20.00 as an impoundment fee together with the sum of \$15.00 for each day of impoundment for cost of care and any and all license or rabies inoculation fees provided for in this ordinance.

21.1 Impoundment fees shall be paid by the owner or shall request a

hearing in a criminal court of competent jurisdiction to contest the costs within ten (10) days after impoundment. The District Attorney shall be properly notified by the owner of said request. Said hearing shall be held within ten (10) days after such request has been made.

21.2 All costs associated with the impoundment fees will be itemized by the Town prior to the hearing.

The owner shall pay all costs and fees associated with the impoundment at the hearing after a finding of probable cause. If the court finds probable cause and the owner does not pay the reasonable costs, the court will release the animal to the Town for disposition.

If the owner is acquitted at the trial a refund of all payments made for the impoundment will be promptly returned to the owner, any unpaid charges will be eliminated and the animal will promptly be returned to the owner.

22. INTERFERENCE WITH TOWN EMPLOYEES OR DOG ENFORCEMENT OFFICER IN PERFORMING DUTIES. It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Town Employees, or member of the Arriba Town Council or other dog enforcement officer in the discharge of their official duties under this ordinance.

23. MUZZLING AND CONFINEMENT. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies and displaying vicious propensities, shall be killed by the poundmaster without notice to the Owner. Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of impounding charges provided for in Section 18. If unclaimed after that

period, such dog may be summarily destroyed.

Vicious dogs and any dogs required to be confined under the provisions of this ordinance shall be kept upon the premises of the owner of such place as to be least dangerous to persons lawfully upon said premises.

24. VACCINATION. It shall be unlawful for the owner of any dog to keep, maintain, or allow such dog to run at large unless it shall have been vaccinated by a licensed veterinary surgeon with antirabies vaccine, within one year preceding the date on which such dog is kept, maintained or allowed to run at large.

25. LIMIT OF NUMBER OF DOGS ALLOWED PER HOUSEHOLD. It shall be unlawful for any person to keep, harbor, possess or own within the corporate limits of the Town, more than four (4) adult dogs, at any one time. Further, regardless of ownership, no residence or building within the corporate limits of the Town shall contain or house more than four (4) adult dogs at any one time. Puppies composing a litter born to an adult dog may be kept for a period of time not to exceed four (4) months from the date of birth.

26. FEMALE DOGS IN HEAT. Any unsprayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure, which shall be so construed or situated as to prevent other dogs from gaining access thereto.

27. NOTICE OR KNOWLEDGE OF VIOLATION NOT NECESSARY FOR PROSECUTION OF OWNER OR KEEPER. 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, possessor or keeper 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, possessor or keeper of any dog for the action, conduct and condition of such dog.

28. UNLAWFUL TO POISON DOG. It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the Town of Arriba.

29. PENALTY FOR VIOLATION. Any person violating any provision of this ordinance shall upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense.

30. ENFORCEMENT. The provisions of this ordinance shall be enforced by the Employees of the Town of Arriba or by a poundmaster appointed by the Mayor.

Section 2. Severability. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

Section 3. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

Section 4. Recording And Authentication. Immediately upon its passage, this Ordinance shall be recorded in the Town of Arriba Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, and shall be published as required by law.

Adopted and Approved this 13th day of October, 2014.

Signed: Alex Flores, Mayor

Attest: Josie Hart, Town Clerk

SEAL