

ORDINANCE NO. 120

THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO, DO HEREBY RESOLVE AND ORDAIN TO ESTABLISH A LICENSING PROCEDURE FOR THE CREATION, MAINTENANCE, AND REGULATION OF DOG KENNELS

Whereas, the Town of Arriba, in the County of Lincoln, State of Colorado, (hereinafter referred to as "Town") is a statutory town as defined by Title 31 of the Colorado Revised Statutes; and

Whereas, Colorado Revised Statutes 31-15-401 gives to the governing bodies of municipalities the authority and power to make regulations necessary or expedient for the promotion of health or the suppressions of disease, to declare what is a nuisance and to abate the same, and to regulate and control animals within the Town boundary including but not limited to licensing of dogs and other animals; and

Whereas, the Board of Trustees of the Town, hereinafter referred to as the "Board" deems that it is preferable to establish an ordinance creating requirements and regulations governing the operation of a kennel within the town limits;

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

Section I - Requirements.

1.1 No person or entity shall own, keep or harbor more than three dogs of more than four months of age, or more than one litter of pups less than four months of age, or engage in the business of breeding, buying, selling, trading, or boarding such dogs within the Town limits without first having obtained a valid kennel license from the Town.

1.2 The holder of a kennel license shall not be allowed to breed, buy, sell, trade, or board any breed of dog not allowed under Ordinance No. 111.

1.3 In no event shall the holder of a kennel license be allowed to maintain within the kennel more than ten dogs of more than four months of age.

1.4 There can be no more than one kennel per square mile within the Town limits unless such requirement is waived for good cause by the Board.

Section II - Application for Kennel License.

2.1 Every person desiring to obtain a kennel license as provided herein shall make written application therefore to the Town Clerk. The application shall include the name, address, and phone number of the applicant together with the proposed location and legal description of the kennel. The application shall include a detailed diagram or drawing of the premises (including outdoor and indoor facilities), and documentation of ownership. Such application shall be accompanied by the written consent of a majority of the persons of legal age residing within one hundred feet of the exterior boundaries of the premises of the proposed kennel.

2.2 Nothing in this ordinance shall excuse the applicant from complying with all other Town ordinances. Particularly, the licensee shall comply with all other regulations and ordinances concerning dogs within the Town of Arriba. Further, the applicant shall comply with all state licensing requirements that may be applicable pursuant to Colorado Revised Statute 35-80-101, et. seq, governing the Pet Animal Care and Facilities Act. The applicant shall be responsible for determining whether his or her proposed kennel comes under the provisions of the Act and complying with such provisions.

Section III - Licenses and Inspection.

3.1 Kennel licenses shall be obtained from the Town Clerk. However, no kennel license shall be issued until the Board, or its authorized agent, has approved the proposed location both as to design and facilities. Further, the kennel license shall not issue until an inspection has been made by the Board or its designated agent and the premises approved in conformance with this Ordinance.

3.2 The license shall specify the maximum number and breed of dog permitted to be kept, handled, or exhibited by the licensee, such number to be no more than ten. It shall be unlawful for the licensee to keep, handle or exhibit any number of animals in excess of the maximum specified on the license. Further, it shall be unlawful for the licensee to make any material change in the property or purposes from the original application without the consent of the Board.

3.3 A license to keep and maintain a kennel shall only be issued upon payment of the fee therefor in the amount of One Hundred Twenty Five Dollars (\$125.00), such fee to be payable annually thereafter upon renewal. Kennel licenses must be renewed every year between January 1st and March 1st. If the Town Clerk has not received any protest against the renewal of the license, the Town Clerk may issue a renewal of an existing kennel license at the same location without any report being required of the licensee. However, if the Town Clerk, Board, or its designated agent,

receives a protest or is found to be in violation of any Town ordinance or state law, or is maintaining such kennel in a manner detrimental to the health, safety or peace of mind of any person residing in the vicinity of the kennel, such license shall not be renewed except after a public hearing before the Board.

3.4 The Board may suspend, revoke, or refuse to renew a kennel license if, pursuant to a public hearing, the Board finds any of the following:

A. The kennel is maintained in violation of Town Ordinance or state law and / or has not complied with the terms as set forth above or in the application.

B. The kennel is maintained so as to be a public or private nuisance. "Nuisance" shall be defined to include but not be limited to any unreasonable interference with another's use or enjoyment of his or her own property. Such nuisance shall depend upon all of the circumstance present and the annoyance and discomfort caused, and may include, but not be limited to, keeping dogs in an unsanitary manner, the presence of obnoxious and uncomfortable odors reaching unreasonably beyond the confines of the kennel, excessive and fairly constant barking or howling, and the keeping of dangerous or vicious dogs.

C. The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the vicinity.

3.5 The Board, or its designated agent, shall have the right to inspect any premises licensed under this ordinance at any time, and nothing shall prevent the entry onto private property for the purposes of inspection. The application for a kennel license shall constitute consent to such entry and inspection.

Section IV - Enforceability.

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

Section V - 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 VI - Immediate Adoption.

The Board deems that this Ordinance is necessary to the immediate preservation of the public health and safety as an emergency situation exists and that said Ordinance should take immediate effect upon adoption.

Adopted and Approved this 13th day of January, 1997.

Signed *Oda Johnson*
Mayor

Attest:

Doreen S. Schifferna
Town Clerk

Published 1/16/97

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