

ORDINANCE NO. 321

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS, FOR THE VACCINATION OF DOGS, FOR THE APPOINTMENT OF A POUND MASTER AND DOG CONTROL OFFICERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, C.R.S. sections 31-15-401(1)(f) and 31-15-401(1)(m)(I) authorize a municipality to regulate dogs within the municipal limits; and

WHEREAS, it is necessary for the health and welfare of the citizens of the Town of Sugar City to regulate dogs in the municipal limits of Sugar City, and

WHEREAS, the Town of Sugar City is desirous of adopting the formal manner of controlling dogs which are within the Town limits of Sugar City.

BE IT THEREFORE ORDAINED AS FOLLOWS:

Section 1. That Ordinance 211, 211A, and 211B are repealed in their entirety.

Section 2. A new Ordinance is enacted as follows:

a. **DEFINITION OF TERMS:** For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

1. "ANIMAL" refers to breed of dog;
2. "BODILY INJURY" means any physical injury that results in bruising, muscle tears, or skin lacerations;
3. "DOG" means any domesticated animal that is a member of the subspecies of *Canis lupus* including *Canis lupus familiaris* and *Canis lupus dingo* or that is related to the fox, wolf, coyote, or jackal.
4. "DOG STRAY" means any dog found within the town limits which is not wearing a dog tag and running loose.
5. "DOG AT LARGE" means any dog not leashed and not accompanied by and under the control of its owner or some other person.
6. "OWNER" or "OWNS" means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of an animal including a dangerous animal.
7. "VACCINATION" means inoculation of a dog with standard rabies vaccine.
8. "DANGEROUS ANIMAL" means any animal, whether domesticated or not, that
 - a. Bites, attacks, or attempts to bite or attack in a dangerous or terrorizing manner humans or other animals; or
 - b. Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of a person or domestic animal;

- c. However; an animal shall not be deemed dangerous by reason of having bitten or attacked the following:
 - i. any person engaged in an unlawful entry into or upon the owner's property where such animal is kept; or
 - ii. any person engaged in an unlawful entry into or upon the owner's automobile or other vehicle where the animal is confined; or
 - iii. Any person engaged in attacking, assaulting, or molesting another; or
 - iv. any person who intentionally provokes such animals that bite or attack any person or another animal; or
 - v. any animal entering the owner's property where such owner's animal is kept, provided the entry is unauthorized.
- 9. "YEAR" means the twelve months' period commencing March 1 and ending on the last day of February next following.

b. LICENSE AND REGISTRATION REQUIRED. No dog over the age of six months shall be kept, harbored or maintained within the Town of Sugar City unless the owner in charge of such dog shall make application to the Town Clerk for a license. Applications for licenses filed with the Town Clerk shall be accompanied by a fee of ten dollars (\$10.00) for each male or female spayed dog and a fee of twenty-five (\$25.00) for each male or female unspayed dog. All licenses shall expire on March 31st each year.

c. KENNEL LICENSE. Any person, firm owner, possessor, or keeper, who owns maintains, possesses, keeps or boards more than four (4) dogs on the premises at any one time shall be required to obtain a kennel license from the Town. There shall be imposed a three hundred dollar (**\$300.00**) annual fee for maintaining said kennel license in addition to all other fees required in this ordinance.

d. TAG AND COLLAR.

1. Upon payment of the license fee the Clerk shall issue the Owner a receipt for the payment and a metallic tag for each dog so licensed.

2. Each owner shall provide each dog owned by him/her with a durable collar to which the tag must be affixed. Each dog in the town of Sugar City shall wear a collar and tag at all times except as otherwise provided in this ordinance.

A. A dog owner shall not be required to maintain a dog collar or tag upon the dog at all times where the owner has his/her dog permanently identified through the implantation of a microchip by a licensed veterinarian or licensed shelter and where the veterinarian or licensed shelter which implanted the microchip reports the microchipping information to the town clerk. **This provision shall not exempt an owner from obtaining a dog tag and paying the appropriate annual dog tag fee as set forth herein for each dog implanted.**

B. In case a dog license tag is lost or destroyed, a duplicate may be issued by the Town Clerk upon the presentation of the receipt showing the payment of the license fee for the current year and upon payment of a fee of one dollar (\$1.00) for such duplicate.

3. Dog tags shall not be transferable, and no refunds shall be made because of the death of the dog or for any other reason.

e. **ANNUAL VACCINATION.** Every owner shall have each dog inoculated by a licensed veterinarian and shall obtain a certificate stating the facts of such vaccination. Such vaccination shall be performed during the month of March of each year; provided, however, Owners who acquire dogs between April 1 and the last day of February of any year, shall immediately following such acquisition have such dog vaccinated and licensed for the remaining portion of that year. Vaccinations shall be valid for each year in which the same is had, and for the month of March of the following year.

f. **BARKING DOGS.** It is unlawful for any dog to bark, howl or whine continuously for a period in excess of fifteen minutes within the Town of Sugar City or for an owner to permit any dog to bark, howl or whine continuously for a period in excess of fifteen minutes within the Town of Sugar City.

g. **DANGEROUS DOGS.** It is unlawful for any dangerous dog to be within the municipal limits of the Town of Sugar City, or for any person to own, possess, harbor, keep, control or have custody of a dangerous dog within the municipal limits of the Town of Sugar City.

h. **POUND MASTER.** The Board of Trustees shall provide a place, either within or outside the Town, where dogs may be taken up under the provisions of this ordinance; may be confined and kept and shall appoint some person as pound master, to have general charge of such animals.

i. **DOG CONTROL OFFICERS.** The Board of Trustees may appoint one or more Dog Control Officers whose duty it shall be to enforce the provisions of this ordinance. Persons so appointed shall serve at the pleasure of the Board of Trustees and shall be compensated for their services in such manner and amount as the Board of Trustees may from time to time determine.

j. **IMPOUNDING.** It shall be the duty of the Marshal and any Dog Control Officer appointed by the Board of Trustees, to apprehend, take into custody and impound, either with or without complaint, any stray dog, and any dog found running at large contrary to the provisions of this ordinance: and to confine and keep such dog in the pound or other suitable place. He/She shall make a complete registry of the breed, color, sex, whether licensed, and if licensed, the license number. It shall be lawful for the Marshal or any Dog Control Officer to go upon private property for the purpose of catching any dog to be impounded.

k. **FILING OF COMPLAINT.** If a dog is impounded it shall be the duty of the Marshal or Dog Control Officer impounding such dog to immediately 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 Marshal, Dog Control Officer, or any citizen from instituting a proceeding in the Municipal Court in the Town for a violation of this Ordinance where there is no impoundment.

I. FALSE REPORTING. A person commits false reporting to authorities, if:

1. He or she knowingly:

(a) makes a report or knowingly causes the transmission of a report to law enforcement authorities or town officials of an offense under this Ordinance or other incident within their official concern when he knows that it did not occur; or

(b) makes a report or knowingly causes the transmission of a report to law enforcement authorities or town officials pretending to furnish information relating to an offense under this Ordinance or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false.

2. Violation of this provision shall be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each offense.

m. NOTICE TO OWNER AND REDEMPTION. Within 24 hours after the impounding of any dog the Owner shall be notified, or if the Owner is unknown, a written notice shall be posted for three (3) days at the Town Hall in Sugar City describing the dog and the time of taking. The Owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all of the costs and charges incurred by the Town of Sugar City for impounding and maintenance of said dog.

n. DISPOSITION OF UNCLAIMED DOGS. It shall be the duty of the Pound Master or Dog Control Officer to keep all dogs so impounded for a period of four (4) days, if not sooner redeemed. If at the expiration of four days from the date of notice to the Owner or the posting of such notice such dog shall not have been redeemed, it shall be surrendered to a no kill shelter; unless vicious by actions then destroyed.

o. CONFINEMENT OF CERTAIN DOGS. No dog shall be allowed to run at large upon the premises of one other than the Owner. If any such dog is found running at large in violation of this section, it shall be taken up and impounded: provided, however, that if any dangerous, fierce or dangerous dog so found at large cannot be taken up and impounded, such dog may be slain by the Marshal or Dog Control Officer.

p. DISPOSITION OF A DANGEROUS DOG.

1. Where the municipal court determines that a dog is dangerous, it may order any of the following in addition to a fine:

a. Permanent removal of the animal from within the municipal limits of the Town of Sugar City provided the Owner has a licensed veterinarian or animal shelter implant an identifying microchip in the dog and the veterinarian or animal shelter reports the microchipping information to the town prior to the removal of the animal from the town; OR

b. Adoption of the animal; OR

c. Humane destruction of the animal.

q. **PENALTIES.** Any person who pleads guilty, nolo contendere or who is convicted of violating any provision of this Ordinance shall be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each offense.


r. **RESTITUTION.** Where the municipal court determines that a dog is dangerous, the court shall order restitution for any damages or costs incurred by any victim or by the Town resulting from the acts of the dangerous dog or impoundment of the dangerous dog.

s. **AMENDMENT AND REPEAL.** All previously adopted ordinances in conflict herewith are hereby amended or repealed as needed to conform with this ordinance.

t. **SEPARABILITY OF PROVISIONS.** It is the intention of the Board of Trustees that each separate provision of this Ordinance shall be deemed independent of all other provisions hereof, and it is the further intention of the Board of Trustees that if any provision of this Ordinance be declared invalid all other provisions shall remain valid and enforceable.


u. **EMERGENCY CLAUSE AND EFFECTIVE DATES.** The Board of Trustees finds that barking dogs, dogs running at large, dogs which have not been vaccinated, and dangerous dogs disturb the safety, health and welfare of the citizens of the Town of Sugar City; and that therefore an emergency exists and this ordinance shall be in full force and effect the day after publication of this ordinance.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 17th DAY OF June, 2020.



Mayor, Town of Sugar City

ATTEST:



Town Clerk/Treasurer