

ORDINANCE NO. 38

AN ORDINANCE RELATIVE TO THE GENERAL REGULATION AND LICENSING OF DOGS, REPEALING ALL ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO:

Section 1. Dog Defined. The term "dog" as used in this Ordinance shall be construed to mean any dog, bitch, or whelp over SIX (6) months of age.

Section 2. License Required. No person, partnership, company, corporation, or other entity shall, without first obtaining a license therefor in writing from the Town Clerk, own, keep, harbor, or have custody of any dog over SIX (6) months of age.

Section 3. Rabies Vaccination Required. The owner, custodian, or keeper of each of every dog within the limits of the Town of Mead, shall have such dog inoculated against rabies at least once in every twelve-month period of time; except that in the event that a type LEP (low egg passage) flury strain Avianized Rabies Vaccine or live virus avianized vaccine licensed by the U. S. Department of Agriculture is used, then the animal so inoculated need be inoculated only once in every twenty-four month period. Said inoculation required by this Section shall be made by a Veterinarian properly licensed to practice veterinarian medicine in the State of Colorado. Upon application for a dog license, on forms provided by the Town Clerk, the applicant shall exhibit to said Town Clerk, a certificate from such licensed Veterinarian that the dog has been inoculated against rabies as required by this Ordinance.

Section 4. Issuance of License; Tags and Fee. The Town Clerk shall thereupon issue to the applicant a tag of a size, shape, color, and material deemed expedient and suitable by said Town Clerk, stamped with an identifying number and with the year of issuance and so designed that it may conveniently be fastened to a dog collar or harness to be worn by the dog so licensed at all times. No dog tag shall be affixed to the collar or harness of any dog or be permitted to remain so affixed except the dog tag issued to that dog at the time of the issuance of its license. Said license and tag shall bear an annual fee of FIVE AND NO/100 (\$5.00) DOLLARS which is due at the time of issuance.

Section 5. Term of License. Said license, if not revoked before, shall expire on the first day of January of each year and a new license must be secured on or before February 1 of the new license year.

Section 6. Custody and Leash Requirements. It shall be unlawful for any owner, custodian, or keeper of any dog to permit such dog to run at large when off or away from the premises of the owner, custodian, or keeper thereof and not under the control of a competent person restrained by a substantial chain or leash not exceeding SIX (6') feet in length.

Section 7. Vicious Dogs. No person shall own, keep, possess, or harbor a vicious dog within the Town. For the purposes of this Ordinance, a vicious dog is hereby defined and declared to be a dog that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public or private ground or place. In the event a vicious dog cannot be taken up and caught by the dog catcher or any police or sheriff's officer without such dog catcher or sheriff's officer exposing himself to danger of personal injury from such dog, it shall be lawful for the dog catcher or any police or sheriff's officer to forthwith destroy such dog without notice to the owner, custodian, or keeper thereof, whether such dog is licensed or otherwise.

Section 8. Impoundment of Dogs. It shall be lawful for the dog catcher and all police and sheriff's officer 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 the dog catcher or any police or sheriff's officer to go upon private property for the purpose of catching any dog.

Section 9. Notice to Owner, Custodian, or Keeper of Impoundment. As soon as practicable after the date of impoundment, the dog catcher shall send by regular mail, a written notice of such impounding to the owner, custodian, or keeper of such dog if the address of such person be known; if the owner, custodian, or keeper of such dog is not known or if such address cannot be determined, the dog catcher shall cause to be posted in a conspicuous place in the Town for SEVENTY-TWO (72) consecutive hours, a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog, state the date of impoundment, and set forth the location from which the dog was taken.

Section 10. Redemption of Dogs. Any owner, custodian, or keeper of a dog desiring to redeem such dog from the Town pound shall pay the Town the sum of FIVE AND NO/100 (\$5.00) DOLLARS as an impoundment fee for each TWENTY-FOUR hour period of time, or part thereof, of impoundment for room and board, and in addition, if such dog is licensed and the license tag is lost, the replacement of such, at the expense of the owner, shall be required before such dog may be removed from the pound, and in addition, if such dog is unlicensed, the owner, custodian, or

Section 10. Redemption of Dogs. continued

keeper who desires to redeem the dog shall first properly license such dog in compliance with the provisions of this Ordinance.

Section 11. Disposition of Dogs. If an impounded dog has not been claimed within SEVENTY-TWO (72) hours from the date of mailing or posting notice of said impoundment, the dog may be disposed of in any humane manner prescribed by the dog catcher or by persons so authorized to do so by the Town.

Section 12. Interference with Dog Catcher or Police or Sheriff's Officer Performing Duties. It shall be unlawful for any person to interfere with, molest, hinder, or obstruct the dog catcher or any police or sheriff's officer in the discharge of their official duties under this Ordinance.

Section 13. Dog Fights. It shall be unlawful for any person to cause, instigate, or encourage any dog fight within the Town.

Section 14. Establishment and Operation of Pound. The Mayor shall have the right to establish a dog pound for the Town to be operated by Town personnel, or at his election, he may, subject to 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.

Section 15. Confinement of Biting Dogs. The owner, custodian, or keeper of any dog which has bitten or which is suspected to have bitten any person or which is suspected of having rabies shall immediately notify the dog catcher or any police or sheriff's officer of such fact.

Any dog which has bitten or which is suspected to have bitten any person or which is believed to have rabies or to have been exposed to rabies may be confined, upon order of the dog catcher or any police or sheriff's officer, for a period of FIFTEEN (15) days for observation. Such dog shall either be confined at the residence of the owner, custodian, or keeper thereof, if such confinement can be accomplished without exposing such dog to the public, or, at the option of the dog catcher or any police or sheriff's officer such dog shall be confined at the Town pound, at a private veterinarian hospital, or other proper and suitable facility designated by the Board of Trustees, at the expense of the owner, custodian, or keeper of the dog. It shall be unlawful for any owner, custodian, or keeper of such dog to permit such dog during confinement to come into contact with the public.

Section 16. Nuisance. It shall be unlawful for any owner, custodian, or keeper to fail to exercise proper care and control of his dog to prevent them from becoming a public nuisance. Excessive, loud and persistent or habitual noise, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such a manner as to damage property, shall be deemed a nuisance.

It shall be unlawful for any owner, custodian, or keeper to fail to provide sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinarian care when needed to prevent suffering, and with humane care and treatment. It shall be unlawful for any owner, custodian, or keeper to beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any dog.

Section 17. Notice of Knowledge of Violation of Ordinance Not Necessary for Prosecution of Owner, Custodian, or Keeper.

For the purpose of prosecution for violations 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, custodian, 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, custodian, or keeper of any dog for the actions, conduct, and conditions of such dog.

Section 18. Tag to be Worn by Licensed Dogs Only. No person shall affix to any dog or permit to remain so affixed a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of the license.

Section 19. Records to be Kept of Issuance; Duplicates; Transfers. The Town Clerk shall keep a record of the date of issuance of each dog tag provided for in this Ordinance and the person to whom such tag is issued and the number thereof. If the dog tag herein provided for is lost or destroyed, a duplicate tag may be obtained from the Town Clerk upon the payment of a fee of TWO AND 50/100(\$2.50) DOLLARS. In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the Town Clerk upon proof being presented at the inoculation and licensing requirements of this section have been complied with and upon the payment of the fee of TWO AND 50/100 (\$2.50) DOLLARS.

Section 20. Severability. The sections of this Ordinance are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the legislative intent that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included therein. It is further declared that if any provision or part of this section, or the

Section 20. Severability. continued

application thereof to any person or circumstances, is held invalid, the remainder of this Ordinance and the application thereof to other persons shall not be effected thereby.

Section 21. General Penalties; Continuing Violations.

Whenever in this Ordinance or any other Ordinance or resolution of the Town, or any rule or regulation promulgated under the provisions of this Ordinance any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, when no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than THREE HUNDRED AND NO/100 (\$300.00) DOLLARS or by imprisonment in jail not exceeding NINETY (90) days or by both such fine and imprisonment.

Every day any violation of this Ordinance or any other Ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Ordinance shall continue shall constitute a separate offense.

Section 22. Repeal of Inconsistent Ordinances. Each and every Ordinance or parts of Ordinances in conflict herewith is hereby repealed.

In the opinion of the Board of Trustees of the Town of Mead, Weld County, Colorado, this Ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience, and general welfare, and it is enacted for that purpose and shall be in full force and effect FIVE (5) days after passage and final publication.

Approved, adopted and ordered published by the Board of Trustees of the Town of Mead on the 7th day of February, 1972.

ATTEST:

Virginia Frei
VIRGINIA FREI, TOWN CLERK

MAYOR:

R. W. Markham
R. W. MARKHAM

(S E A L)