

ORDINANCE NO. 3 (1988)

AN ORDINANCE PERTAINING TO ANIMAL CONTROL.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY,
COLORADO:

SECTION 1: Dogs running at large prohibited.

A. Every person owning or having charge, care, custody or control of any dog shall keep the dog exclusively upon his own premises except that the dog may be off the premises if it is under the effective control of a person. The dog shall be construed to be under the effective control of a person as follows:

(1) Confinement within a vehicle, fencing, or other adequate enclosure where the dog has no access to passerby; or

(2) Attachment to a leash not over six feet in length and held by a person of sufficient size and strength to restrain the dog.

B. Notwithstanding the provisions of subsection A of this section, a dog shall be deemed to be not under effective control of a person as follows:

(1) Every female dog in pre-estrus, estrus, or post-estrus (in heat or in season) shall be confined in a building or secure enclosure in such a manner that the female dog cannot come into contact with another male dog except for planned breeding; or

(2) The dog inflicts damage or injury to the person or property of someone other than its owner, custodian or possessor.

C. Nothing herein shall restrict the ordinary uses of seeing-eye dogs or handicap helper dogs.

SECTION 2: Barking.

It is unlawful for any owner or keeper of any dog to permit the dog, by loud and persistent or habitual barking, to disturb any person or neighborhood, and the same is a public nuisance.

SECTION 3: Registration and licensing required - Fees.

*amended by
Ord 4 (1988)*

Every person owning or harboring any dog three (3) months of age or older within the Town of Eckley shall cause the animal to be registered and licensed and shall supply all information requested by the Town Clerk concerning the dog, and shall pay the Town Clerk, at the time of registration and licensing of the dog, a license fee of five dollars (\$5.00) for each altered dog, and eight dollars (\$8.00) for each unaltered dog, for the calendar year in which the license is issued.

SECTION 4: Licenses and tags.

A. The Town Clerk shall provide for the issuance of a license to the owner or harborer of each dog licensed under the provisions of this ordinance, containing the following information:

- (1) The name and address of the owner or harborer of an inoculated and licensed dog;
- (2) The year and series number of the dog tag;
- (3) The date of inoculation and date of license;
- (4) The sex of the dog.

B. The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. The tag shall state the year of which it is issued and the series number of the license and tag. The tags shall be prepared and distributed by the Town Clerk and shall be of a different color or shape each year.

SECTION 5: Inoculation and licensing - required.

From and after October 1, 1988, it shall be the duty of every person who owns or harbors any dog or dogs in the Town of Eckley to have such inoculated by the regularly licensed veterinarian of the State of Colorado, to obtain a certificate from the veterinarian, setting out the fact of the vaccination, and also to obtain from the Town Clerk a license for each dog. The vaccination and licensing shall be performed during the months of January and February of each calendar year; provided, however, that persons who acquire or harbor any dogs between March 1st and December 31st of any calendar year shall, immediately following such acquisition or upon such harboring, have the dog or dogs inoculated and licenses for the remaining portion of that calendar year.

SECTION 6: Inoculation and licensing - tags - inspection.

A. 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. The collar or harness shall be worn by the dog at all times.

B. The license shall be retained by the owner or harborer of the inoculated and licensed dog for inspection by any member of the police department at any time.

SECTION 7: Inoculation and licensing - Period of validity.

The licensing as designated in this ordinance shall be valid for each calendar year and for January and February of the following year. The inoculation is valid for a three-year period.

SECTION 8: Inoculation and licensing - Unlawful possession - Lost tags.

A. 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 in this ordinance. 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.

B. Lost tags shall be replaced by the Town Clerk upon payment of a fee of one dollar for each replacement.

SECTION 9: Rabies - Quarantine.

A. Any 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 a member of the police department 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 fewer than ten days.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow the 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.

C. If the owner of the dog or dogs referred to in this Section cannot be determined or located, then a member of the police department shall otherwise confine the dog or dogs for a period of not fewer than ten days. If the owner of the dog is not determined or

located, or the dog claimed within ten days, then the chief of police may order the dog destroyed. All costs incurred for the confinement of a dog under this Section shall be paid by the owner or owners of the dog. If the dog is determined to be suffering from rabies, it shall be destroyed forthwith, and handled according to regulations of the State Health Department.

SECTION 10: Inoculation and licensing - Imported dogs.

A. All dogs which are brought into the Town of Eckley shall be in compliance with the laws and rules and regulations of the state of Colorado regarding the handling of the animals, and shall have been vaccinated no fewer than thirty days nor more than twelve months prior to importation, except for pups less than three months of age. Such dogs shall be vaccinated upon reaching the age of three months. 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 ordinance. Production of vaccination certificate shall suffice if the tag is lost.

B. If the imported dog remains in the Town of Eckley more than thirty days, the 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 harbinger of a dog within the current year by any municipality, county or state shall be presented to the Town Clerk and license tag of the Town of Eckley, Colorado, and a transfer fee of one dollar for a male or spayed female and three dollars for any unspayed female shall be imposed thereon.

SECTION 11: Impoundment - Poundmaster duties.

It shall be the duty of every police officer or poundmaster to apprehend, take into custody and impound, either with or without complaint, any stray dog, unlicensed dog, dog not under reasonable control of the owner 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. The poundmaster, or some other designated official, upon receiving any dog, shall make a complete registry of the breed, color and sex of the dog and whether it is licensed. If it is licensed, he shall enter the name and address of the owner and the number of the license tag.

SECTION 12: Police Chief duties.

The police chief shall provide a place, either within or without the town limits, where dogs taken up under the provisions of this ordinance may be confined and kept, as provided in this ordinance, and shall appoint some person to have general charge of such animals.

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SECTION 13: Impoundment - Notice - Redemption.

A. Not later than two days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three days at two or more conspicuous places in the Town of Eckley describing the dog and the place and time of taking.

B. The owner of any dog impounded may reclaim such dog upon payment of the license fee, if unpaid, and all court costs, and \$5.00 per day to the Town of Eckley for the impounding and maintenance of the dog. If the dog is impounded, a summons and complaint shall be issued, and the owner shall be tried before the municipal court of the Town of Eckley.

SECTION 14: Disposition of unclaimed or infected dogs.

It is the duty of the poundmaster to keep all licensed dogs impounded pursuant to this ordinance for a period of three days. If, at the expiration of four days from the date of notice to the

owner or the posting of such notice, the dog has not been redeemed, it may be destroyed. Any unlicensed dog will be impounded and kept for a period of three days, after which time it will be disposed of or destroyed. Any dog which appears to be suffering from or affected with mange or other infections or dangerous disease shall not be released but may be forthwith destroyed.

SECTION 15: Vicious dogs.

No biting, vicious or dangerous dog shall be harbored, kept or suffered to be kept, or suffered to be at large unless the same is securely muzzled. Whenever such biting, or vicious or dangerous dog shall be outside the enclosure of its owner or keeper without being so muzzled, it shall be deemed to be a public nuisance and may be killed by any peace officer, whether such dog is licensed, registered and numbered, or otherwise.

SECTION 16: Permitting animals to run at large unlawful.

It is unlawful for any person who is the owner of, or who has control or charge of any horses, cattle, sheep, swine, or goats to suffer or permit the same to run at large within the town. Any such animals found running at large may be taken up, impounded and disposed of

SECTION 17: Keeping domestic animals and fowl within the city limits.

Premises to be kept clean. It is unlawful for any person who keeps any cattle, horses, sheep, goats or other domestic animals or fowl within the town, to permit the yard or place within which the same are kept to become foul, noisome, putrid, malodorous, unwholesome, offensive or in any wise dangerous or detrimental to human health, comfort or welfare.

SECTION 18: All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 19: If any portion of this ordinance shall be declared unconstitutional or beyond the powers of the Town of Eckley, such determination shall not affect or impair the enforcement of such provisions thereof as may be constitutional and within the powers of the Town of Eckley.

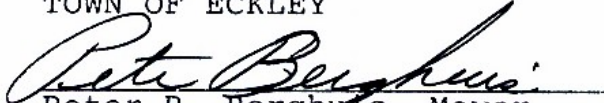
SECTION 20: Any person found guilty of violating this ordinance or any part thereof shall be punished upon the First Conviction by a fine of not less than \$30.00 or more than \$40.00, and on a Second Conviction shall be punished by a fine of not less than \$60.00 and more than \$70.00, and upon a Third Conviction or subsequent convictions shall be punished by a fine of not less than \$90.00 or more than \$100.00, or up to 90 days in jail, or both.

SECTION 20: Any person found guilty of violating this ordinance or any part thereof shall be punished upon the First Conviction by a fine of not less than \$30.00 or more than \$40.00, and on a Second Conviction shall be punished by a fine of not less than \$60.00 and more than \$70.00, and upon a Third Conviction or subsequent convictions shall be punished by a fine of not less than \$90.00 or more than \$100.00, or up to 90 days in jail, or both.

SECTION 21: That it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and the same shall be in full force and effect five (5) days after final passage and publication as by law provided.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED THIS 14th DAY OF SEPTEMBER, 1988.

TOWN OF ECKLEY


Peter R. Berghuis, Mayor

Attest:


Sondra S. Stroup
Town Clerk-Treasurer