

CHAPTER 7.08

DOGS*

Sections:

7.08.010	Definitions.
7.08.020	Running at Large Unlawful.
7.08.030	Permitting Dogs to Run at Large Unlawful.
7.08.035	Cruelty to Dogs Prohibited-Impoundment of Mistreated Dogs.
7.08.040	Impoundment.
7.08.050	Citation to Owner.
7.08.060	Disposition of Unclaimed Dogs.
7.08.070	Fierce or Vicious Dogs.
7.08.080	Owning a Fierce or Vicious Dog.
7.08.090	Unlawful Disturbance.
7.08.100	Licensing Required.
7.08.110	License Tag and Collar.
7.08.120	Fees.
7.08.130	Penalty for Violations.

7.08.010 Definitions.

(A) "Animal shelter" means any premises designated by action of the Board of Trustees of the Town for the purpose of impounding and caring for animals pursuant to the provisions of this Chapter whether such animal shelter is within or without the Town of Palmer Lake;

(B) "Dog" as used herein, unless the context otherwise indicates, includes both male and female dogs;

(C) "Enforcement officer" means the person, persons, firm, agency, society, or other organization, employed by the Town to carry out and to enforce the provisions of this Chapter;

(D) "Owner" means any person, persons, firm, association, club, partnership, society, corporation, or other organization, owning, keeping, or harboring, a dog or dogs;

* For statutory provisions enabling towns to license dogs and prohibit the running at large of dogs, see C.R.S. 31-15-401(1)(M); for provisions regarding rabies control, see C.R.S. 25-4-612.

(E) "Running at large" means a dog shall be deemed to be running at large when said dog is off the property of the dog's owner, other than on or within a vehicle, and not under the control of a competent, responsible person by means of a leash or chain, which shall not exceed 25 feet in length. (Ord. 3-1994, §1, 1994; Ord. 2-1971 §1, 1971).

7.08.020 Running at Large Unlawful. It is unlawful for any dog to run at large at any time within the Town of Palmer Lake. (Ord. 2-1971 §2, 1971).

7.08.030 Permitting Dogs to Run at Large Unlawful. It is unlawful for the owner of any dog to permit or to allow such dog to run at large at any time within the Town of Palmer Lake. (Ord 2-1972, §3, 1971).

7.08.035 Cruelty To Dogs Prohibited - Impoundment of Mistreated Dogs. It shall be unlawful for any person:

- A. To overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, or otherwise treat any dog in a cruel and inhumane manner;
- B. To fail to provide any dog with proper food or drink or protection from the weather;
- C. To abandon any dog;
- D. To intentionally poison any dog.
- E. Where there is reasonable ground to believe that a dog is being mistreated or is suffering from malnutrition, the Town Dog Warden, Town Police Chief, or other authorized agency may impound such pet or animal for treatment. (Ord. 18-1992, §1, 1993; Ord 1-2004, §2, 2004).

7.08.040 Impoundment. Any dog found running at large within the Town of Palmer Lake shall be taken up by the enforcement officer and impounded, by the enforcement officer, in the animal shelter. The enforcement officer shall make reasonable effort to ascertain the identity of the owner of such impounded dog, and, within twenty-four hours after such impoundment, shall notify the owner. If such owner is unknown, or the identity of the same cannot be ascertained, after reasonable effort, the enforcement officer shall post written notice for three consecutive days in three public places within the Town of Palmer Lake describing the dog and the time and place of taking. The owner of any dog so impounded, except as may be otherwise herein provided, may reclaim the animal on the payment of the dog license fee, if unpaid, and all costs and expenses incurred in connection with such impoundment. (Ord. 2-1971, §4, 1971).

7.08.050 Citation to Owner. In the event a dog running at large is not taken up, or cannot be so taken up, and the identity of the owner of such dog is known, the enforcement officer, or a citizen, may cite such owner to appear in the municipal court of the Town of Palmer Lake to answer to charges of violation of the provisions of this Chapter. (Ord. 2-1971, §5, 1971).

7.08.060 Disposition of Unclaimed Dogs. Upon expiration of seven (7) days from the date of notice to the owner of the impounded dog, or, upon expiration of seven (7) days from the last date of posting of the notice of impoundment, as herein provided, and there being no lawful reclamation of such impounded dog, the dog shall be regarded as legally abandoned and without ownership. The Enforcement Officer may thereafter make a humane disposition of such dog, which may include placing the dog in a new home with new owners. The new owners shall be regarded by the Town as the lawful owners of such dog. (Ord. 18-1992, §4, 1993; Ord 2-1971, §6, 1971).

7.08.070 Fierce or Vicious Dogs. It is unlawful for any dog having fierce or vicious propensities, or for a female dog in heat, to run at large within the Town of Palmer Lake; provided further that in the event any such dog is found so running at large that such dog shall be taken up by the enforcement officer, which person shall make a humane disposition thereof; and, provided further that in the event any such fierce or vicious dog so found running at large cannot be safely taken up, such dog may be forthwith destroyed by the enforcement officer or by a duly constituted police officer of the Town of Palmer Lake. Additionally, a Town Marshall, Town Officer, Town Trustee, Town agent, or Town employee on Town business, who is threatened by a dog having fierce or vicious propensities, whether or not same is running at large within the Town of Palmer Lake, shall have authority to impound said dog, or if the same cannot be safely taken up, he shall have the authority to destroy same. For the purpose of this chapter, a dog having fierce or vicious propensities is declared and defined to be a dog that bites or attacks human beings or in a vicious or terrorizing manner attacks or approaches in apparent attitude of attack upon a person or persons upon the streets, or any public ground or place, or a dog that runs after and bites or barks at horses, bicycles, or any vehicles being driven or ridden upon the streets, or any public ground or place, within the Town of Palmer Lake. (Ord. 10-1999, §3, 1999; Ord. 7-1984, §1, 1984; Ord. 2-1971, §7, 1971).

7.08.080 Owning a Fierce or Vicious Dog. It is unlawful for the owner of any dog having fierce or vicious propensities, or a female dog in heat, to permit or to allow such dog to run at large at any time within the Town of Palmer Lake. (Ord. 2-1971, §8, 1971).

7.08.090 Unlawful Disturbance. It is unlawful for the owner of any dog to permit such dog, which by loud and persistent or habitual barking, howling or helping, to disturb any person or neighborhood. If such unlawful disturbances occur, the Enforcement Officer will issue a verbal warning to the owner or keeper of such dog. If such unlawful disturbance continues, a written citation shall be issued and a fine as set forth in Section 7.08.130 shall be imposed. (Ord. 18-1992, §5, 1993; Ord 2-1971, §9, 1971; Ord 1-2003, §27, 2003).

7.08.100 Licensing Required. It is unlawful to own, keep, or to harbor, a dog, within the Town of Palmer Lake, unless the same is licensed, from year to year, as provided by this Chapter. The license shall be issued by the Clerk of the Town of Palmer Lake: Upon application stating the name and address of the owner and the name, breed, color, age, and sex of the dog; upon production of satisfactory evidence that such dog has been inoculated against rabies pursuant to the standards set in the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians; and, upon payment of the license fee. Such licenses shall be issued annually between January 1st and April 1st of each calendar year; provided, however, that anyone acquiring, owning, keeping, or harboring, a dog subsequent to April 1st, of any calendar year, shall immediately upon such acquiring, owning, keeping, or harboring, have such dog licensed as herein provided but there shall be no proration of annual license fees. A duplicate license may be issued to replace a lost license on compliance with all provisions of this Chapter and paying of fifty percent of the annual license fee. No license issued hereunder shall be transferable. In the event such dog cannot, for reasons of age, be inoculated against rabies pursuant to the afore described prevailing health standards, the licensing of such dog may be deferred until such inoculation can be had. Seeing-eye dogs for the blind, dogs in police service, and, dogs participating in dog shows, within the Town of Palmer Lake, shall be exempt from the within licensing provisions. Dogs accompanying their owner during a temporary stay, not exceeding ten days, in the Town of Palmer Lake, shall be exempt from the within licensing provisions.

Every person, firm or corporation engaged in the commercial business of buying, selling, breeding or boarding of dogs, or who keeps four (4) or more dogs, shall obtain the necessary license or licenses from the State of Colorado. No more than four (4) dogs may be kept at any one household or address without complying with this provision. Upon compliance with the above condition, the Town Clerk may issue a kennel permit, provided there is no violation of the Town zoning ordinance and that Town ordinances applicable to business operation are met. (Ord. 10-1999, §1, 1999; Ord. 18-1992, §6, 1992; Ord 2-1971, §10, 1971).

7.08.110 License Tag and Collar. Upon compliance with Section 7.08.100, the Clerk shall issue, to the owner of the dog, a numbered tag, stamped with the number and the year for which issued. The shape or design of such tag shall be changed from year to year. Such tag shall be securely fastened to the dog's choke chain, collar, or harness and must be worn by the dog at all time. (Ord. 10-1999, §2, 1999; Ord. 2-1971, §11, 1971).

7.08.120 - Fees. The following fees shall be charged by the Town of Palmer Lake:

- A. Impound Fees: For the impounding of any dog hereunder, there shall be an impound fee chargeable in the amount of twenty dollars (\$20.00); for the care of any such dog impounded in the animal shelter, there shall be a daily fee chargeable in the amount of twenty dollars (\$20.00) per day, or fractions thereof, or the actual charge to the Town of Palmer Lake from the Animal Shelter, whichever is greater; for the posting of notice, a charge of ten dollars (\$10.00). (Ord. 1-2002, §1, 2001)

B. License Fees:

1. For each non-neutered male and non-spayed female dog, twenty-one dollars (\$21.00). The license for non-neutered or non-spayed dog may be issued upon presentation to the Town Clerk of an inoculation certificate and payment of the appropriate fee; the Town also authorizes any licensed veterinarian with an office in the Town of Palmer Lake to sell the license for non-neutered or non-spayed dogs. The charge for the license shall be that set by the Town Board. The veterinarian may retain one dollar (\$1) for each license sold and remit the balance to the Town Clerk weekly. The Town Clerk shall make such regulations as she deems appropriate to control the sale of licenses by town veterinarians.
2. For each neutered male and spayed female dog, eleven dollars (\$11.00). The license for spayed or neutered dogs may be issued upon presentation of the Town Clerk of an inoculation certificate, a certificate signed by a Veterinarian stating the dog has been spayed or neutered, and the payment of the appropriate fee. The Town also authorizes any licensed veterinarian with an office in the Town of Palmer Lake to sell the license for neutered or spayed dogs. The charge for the license shall be that set by the Town Board. The veterinarian may retain one dollar (\$1) for each license sold and remit the balance to the Town Clerk weekly. The Town Clerk shall make such regulations as she deems appropriate to control the sale of licenses by town veterinarians.

(Ord. 21-2002 §1, 2002; Ord 1-2002, §1, 2001)

7.08.130 Penalty for Violations. Violations of this chapter, or any part thereof, shall be punished according to Chapter 1.16 of this code, provided, however:

1. Conviction of failure to have a dog properly licensed pursuant to Section 7.08.100 of this Chapter shall subject any person convicted of violation of that provision to a minimum fine of thirty dollars (\$30.00) for the first offense; sixty dollars (\$60.00) for the second offense; and ninety dollars (\$90.00) for the third offense.
2. Conviction of Section 7.08.030 permitting dogs to run at large unlawful shall subject any person convicted of the violation thereof a minimum fine of thirty dollars (\$30.00) for the first offense; sixty dollars (\$60.00) for the second offense; and ninety dollars (\$90.00) for the third offense.
3. Conviction of Section 7.08.070 Fierce or Vicious Dogs shall subject any person convicted of the violation thereof a minimum fine of Fifty dollars (\$50.00) for the first offense; One Hundred dollars (\$100.00) for the second offense; and One Hundred Fifty dollars (\$150.00) for the third offense.

4. Conviction of Section 7.08.090 the unlawful disturbance ordinance, shall subject any person convicted of the violation thereof a minimum fine of thirty dollars (\$30.00) for the first offense; sixty dollars (\$60.00) for the second offense; and ninety dollars (\$90.00) for the third offense.

(Ord. 10-1999, §4, 1999; Ord. 18-1992, §3, 1993; Ord. 9-1984, §2, 1984; Ord 2-1971, §14, 1971).