

ORDINANCE NO. 4.02
TOWN OF LARKSPUR, COLORADO

AN ORDINANCE TO
PROVIDE FOR THE CONTROL
AND VACCINATION OF DOGS

BE IT ORDAINED by the Board of Trustees of the Town of Larkspur, as follows:

SECTION 1 - PURPOSE.

The purpose of this Ordinance is to protect the health and safety of persons in Larkspur by: providing regulation of dogs who are vicious, running at large, or a nuisance to the community and; establishing requirements for proper vaccination of dogs against rabies.

SECTION 2 - DEFINITIONS.

- A. Public Nuisance - A dog shall be deemed to be a public nuisance if said dog is permitted to engage in excessive barking, howling, or making any noise which tends to be annoying to adjacent residents or inhabitants of property near the premises where such dogs are kept or harbored. Barking or howling shall be deemed to be annoying if it is repetitive, frequent, or loud, and offensive to nearby residents or inhabitants.
- B. Vicious Dog - A vicious dog shall be any dog which has attacked, threatened, or bitten any human being or has attacked other animals.

SECTION 3 - DOGS RUNNING AT LARGE AND VICIOUS DOGS.

- A. It shall be unlawful for any person who owns or keeps any dog, to permit or suffer said dog to run at large within the corporate limits of the Town of Larkspur, except upon premises owned or controlled by the said dog owner or custodian, unless said dog is under direct control of some person.
- B. It shall be unlawful for any person who owns or keeps any vicious dog to permit or suffer said dog to run at large within the Town of Larkspur, except upon premises owned or controlled by said dog owner or custodian, unless said dog is

leashed.

- C. Any dog that has bitten a human being may be impounded by a Town law enforcement officer. Such dog may be kept in impoundment for observation for up to ten (10) consecutive days. Such dog may be reclaimed by its owner at the expiration of such ten (10) day period upon presentation of proof that the dog has been vaccinated as required by this Ordinance and upon payment of all costs and charges for impounding and maintenance. Any dog that is not reclaimed by its owner within twelve (12) days of its impoundment may be destroyed, sold, or otherwise disposed of.
- D. It shall be the duty of a law enforcement officer of the Town of Larkspur to take any dog into his custody and to impound such dog which is: (i) found upon the public streets not under control of some responsible person; (ii) vicious or dangerous or has threatened, attacked or injured any person; (iii) found not under the control of some responsible person on premises of others than the owner or keeper; (iv) found not wearing a collar with a current rabies vaccination tag attached thereto; (v) found showing symptoms suggestive of rabies or other disease.
- E. A Town law enforcement officer may use any reasonable means to apprehend and capture dogs.
- F. Within 24 hours after the impounding of any dog, a written notice shall be posted for five (5) days on a bulletin board at the Larkspur Fire House in the Town of Larkspur, describing the dog and the time of taking. The owner of any dog so impounded may reclaim such dog upon showing of proper vaccination of the dog as in this Ordinance provided, and payment of an impounding fee of \$25.00 to the Town Clerk, and all of the expenses, costs and charges incurred by the Town for impounding, keeping and maintaining of said dog.
- G. All dogs so impounded shall be kept for a period of seven (7) days, unless sooner reclaimed, as in the preceding Section provided. If, at the expiration of seven days from the date of the posting of notice, such dog shall not have been

reclaimed by the owner, it may be destroyed, sold or otherwise disposed of. Any dog which is found by a licensed doctor of Veterinary Medicine to be suffering from rabies or other infectious or dangerous disease, may be impounded for an indeterminate period of time until symptoms of disease are terminated.

- H. If any dog shall be found within the streets of Larkspur in the act of mauling or injuring or hurting or terrorizing any person, and a law enforcement officer shall deem it necessary, in order to protect the health, well being, life or limb of any person from such dog, the officer is authorized to subdue or destroy such dog by any means as are immediately available to him.
- I. Any person found guilty of violating any provision of this Section 3 shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) for the first offense; by a fine not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for the second offense; and by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for the third offense. A third charge of violation of any provision of Section 3, and all charges of violations of any provision of said Section after said third charge, shall require a mandatory court appearance. Additionally, the punishment imposed for a finding of guilty of a third or later violation of any provision of Section 3 shall in no case be less than a fine of One Hundred Dollars (\$100.00).

SECTION 4 - DOGS WHICH ARE A PUBLIC NUISANCE.

- A. It shall be unlawful for any owner or keeper of a dog to permit said dog to become a public nuisance or a nuisance to adjoining residents or inhabitants of the adjacent premises where said dog is kept or harbored.
- B. A written warning shall be issued to any person or association keeping or harboring a dog which has been alleged to be offensive within the meaning of this Ordinance after

the first complaint made to Town authorities, and a record shall be kept of such complaint and warning. If the offense is repeated and further complaint is made, then it shall be the duty of a law enforcement officer or other authorized person, to issue a Summons to the owner or keeper of the dog complained of, summoning said person to appear before the Town Magistrate, who shall hear and determine whether a violation of this Ordinance has occurred.

- C. Any person found guilty of violating this Section 4 shall be fined not less than Ten Dollars (\$10.00) for the first offense hereunder, nor more than Three Hundred Dollars (\$300.00), and upon a second offense, not less than a fine of Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00). The minimum fine shall be not less than One Hundred Dollars (\$100.00) upon a third offense or violation of this Ordinance. The Town Magistrate may make determination of previous violations from the previous record of convictions, the Town Court and said findings shall be considered valid evidence of previous offenses.

SECTION 5 - VACCINATION OF DOGS.

- A. Any person owning, keeping or harboring any dog within the corporate limits of the Town of Larkspur shall, between the time of January 1 and March 31 of each year, cause said dog to be vaccinated against rabies, if said dog has attained the age of four months, and shall procure a certificate from a veterinarian stating that said dog has been vaccinated against rabies. Any dog acquired after March 31 of any year or who attains the age of four months after March 31 of any year, shall be vaccinated for rabies within 30 days thereafter.
- B. Any person convicted of violating any provision of this Section 5 shall, upon conviction, thereof, be punished by a fine of not less than Five Dollars (\$5.00) and not more than Three Hundred Dollars (\$300.00).

Introduced at a regular meeting of the Larkspur Board of Trustees on the 10th day of March, 1982, passed by a vote of 5 for and 1 against and ordered published.

Ann Trueblood, Mayor
Ann Trueblood, Mayor

ATTEST:

Dean Sprigg
Dean Sprigg, Town Clerk