

ORDINANCE NO. 4.17

AN ORDINANCE FOR THE CONTROL AND LICENSING OF DOGS  
WITHIN THE TOWN LIMITS OF THE TOWN OF LARKSPUR, COLORADO  
(This Ordinance hereby repeals and supercedes  
Ordinance No. 4.02 passed and adopted on March 10, 1982)

BE IT ORDAINED by the Town Council of the Town of Larkspur,  
Colorado as follows:

SECTION 1. PURPOSE: The purpose of this Ordinance is to protect  
the health and safety of persons within the Town of Larkspur by  
providing for the regulation of dogs within the Town of Larkspur,  
Colorado.

SECTION 2. REPEAL OF PRIOR ORDINANCE: This ordinance repeals and  
supercedes Ordinance No. 4.02, passed and adopted on March 10,  
1982, and all former ordinances or parts thereof conflicting or  
inconsistent with the provisions of this ordinance. The repeal of  
this Ordinance shall not affect or prevent the prosecution or  
punishment of any person for the violation of the Ordinance  
repealed hereby for any offense committed prior to the repeal.

SECTION 3. DEFINITIONS: As used in this Ordinance, unless the  
context otherwise requires:

3.01 Animal control officer means any person empowered by the  
Town of Larkspur, Colorado to enforce the provisions of this  
Ordinance, including personnel of the Douglas County Sheriff's  
Department, the Tri-County Health Department, and peace officers as  
defined in C.R.S. 18-1-901 and other applicable Colorado statutes;

3.02 Attack means violent or aggressive physical contact with  
a person or domestic animal, or violent or aggressive behavior that  
confines the movement of a person, including but not limited to  
cornering or circling a person;

3.03 Bodily injury means an injury, caused by a dog bite or  
other form of attack by a dog, whereby, at a minimum, the victim's  
skin is broken, or the victim experiences external or severe  
internal bleeding or requires emergency medical treatment by a  
licensed physician;

3.04 Dog means any animal of the canis familiaris species or  
any hybrid thereof;

3.05 Dog owner means any person, eighteen (18) years of age or  
older, or the parent, guardian, or custodian of any child under the  
age of eighteen years, who owns, controls, keeps, harbors, or has  
custody of a dog;

3.06 Guard dog means any dog kept for the purpose of deterring  
persons who are not authorized by the dog's owner from entering  
either any premises used solely for commercial purposes or any  
construction site, including any area used for storage of tools or  
construction equipment;

3.07 Harboring means occupying any premises on which a dog is kept or to which a dog customarily returns for food and care;

3.08 Impound means to physically confine a dog at a boarding facility at the direction of an animal control officer;

3.09 License means a rabies tag indicating that a dog has been inoculated against rabies in the State of Colorado by a licensed veterinarian;

3.10 Physical control means the restraint of a dog by means of a leash, cord, or chain no more than ten (10) feet in length or by means of confinement within a fully enclosed area adequate to ensure that the dog will not escape;

3.11 Running at large means off the premises of the dog owner and not under the real and immediate control of a human being;

3.12 Town means the area located within the incorporated boundaries of the Town of Larkspur, Colorado; and

3.13 Vicious dog means a dog that

(a) while off its owner's property

(i) bites or attacks a human or a domestic animal without provocation, or

(ii) approaches any person in an apparent attitude of attack and/or in a vicious or terrorizing manner, or

(b) has been found to be a vicious dog by any court in any action brought pursuant to this Ordinance.

SECTION 4. LICENSING:

4.01 Every owner within the Town shall obtain a rabies tag for each dog that he or she owns after the dog is four months old. Each dog must possess such a tag by the time the dog is five (5) months old, or within one month of being brought into the Town if the dog is over five months old when it is brought into the Town. Every dog required to have a tag shall wear its tag at all times. The tag shall be the Town license and no other license is required. The absence of a tag shall be prima facie evidence that a dog is unlicensed. This section 4.01 shall not apply to dogs that are residents of a licensed kennel or veterinary facility.

SECTION 5. GUARD DOGS: A guard dog may be placed or kept in an area for the protection of property only under the following conditions:

5.01 The guard dog shall be confined to an enclosed area adequate to ensure that it will not escape or shall be under the complete control of a human at all times; and

5.02 Warning signs shall be conspicuously posted indicating that a guard dog is present on the property and such signs shall plainly show a telephone number at which some person responsible for controlling the guard dog can be reached at all times.

SECTION 6. IMPOUNDMENT OF DOGS

6.01 An animal control officer may take into custody and impound any dog found running at large or any dog that has allegedly bitten a person or animal. Unless otherwise authorized by this Ordinance, the dog may be taken into custody and impounded for no more than ten (10) days.

Nothing in this Section 6.01 shall be construed to prevent an animal control officer or any other law enforcement officer from taking whatever action is reasonably necessary to protect his person or members of the public from being injured by any dog.

6.02 An impoundment fee of fifteen dollars (\$15.00), payable at the Town Hall, shall be collected from any dog owner whose dog is impounded. Boarding fees charged by the facility at which the dog is impounded shall be payable at the facility by the dog owner.

SECTION 7. DISPOSITION OF IMPOUNDED DOGS:

7.01 No dog shall be disposed of prior to ten (10) days after the date it is impounded unless the dog is critically ill or injured and the dog's owner is unknown or cannot be located.

7.02 If the owner of an impounded dog is not know, and if the dog is not claimed by its owner within ten (10) days after the date it is impounded, the Town animal control officer may, at its sole discretion, sell, donate, or destroy the dog.

7.03 If the owner of an impounded dog is known, the Town animal control officer shall take reasonable steps to notify the dog's owner of the impoundment. If the dog is not claimed by its owner within ten (10) days after receipt of such notification, the Town animal control officer may, at its sole discretion, sell, donate, or destroy the dog. A dog owner shall be deemed to have received notification if an animal control officer contacts him or her by telephone or in person, or if the officer posts a notice on the owner's premises.

7.04 If an animal control officer has reasonable grounds to believe that an unlicensed dog has bitten a person or that a dog may be rabid, the officer may hold the dog for as long as the officer, in his or her discretion, deems necessary, even after the dog is claimed by its owner.

7.05 An animal control officer shall destroy any dog which a court has ordered to be destroyed in any Class 2 misdemeanor action. Such destruction shall not occur prior to completion of observation for rabies in the dog if such observation has been deemed necessary by the court or by an animal control officer.

7.06 No animal control officer shall sell or donate an impounded dog to any institution or facility that intends to use that dog for research or experimentation purposes.

SECTION 8. VIOLATIONS:

8.01 A dog owner commits a violation of this Ordinance if:

(1) The owner's dog is unlicensed as provided in Section 2 of this Ordinance;

(2) The owner's dog runs at large in the Town;

(3) The owner's dog, while running at large or while off the owner's premises but under the control of the owner, bites a person without causing bodily injury or bites a domestic animal, provided that if the dog was provoked into biting, such provocation shall be an affirmative defense to this subsection (3);

(4) A tag evidencing licensing and inoculation for another dog is worn by the owner's dog;

(5) The dog owner fails to keep a vicious dog under physical control;

(6) The dog owner possesses one or more guard dogs and fails to comply with the conditions of Section 5 of this Ordinance;

(7) The dog owner fails to prevent his or her dog, regardless of whether the dog is on or off the owner's premises, from disturbing the peace of any other person by loud, habitual, or persistent barking, howling, yelping, or whining.

8.02 The provisions of this Ordinance shall not apply to the owner of any dog that is actually being given obedience lessons, participating in a dog show, working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

SECTION 9. PENALTIES:

9.01 Any person, corporation, partnership or business entity of any type, who shall violate any of the provisions of this Ordinance shall, severally, for each and every such violation and non-compliance, respectively, and for each and every day of a continuing violation, be subject to punishment by a fine of not more than \$300.00, or by imprisonment of not more than ninety (90) days, or both.

9.02 The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day a violation exists shall constitute a separate offense.

9.03 The application of the above penalty shall not be held to prevent the Town Council from taking action it may deem appropriate in a court of competent jurisdiction to obtain an injunction against or an abatement of a continuing violation.

SECTION 10. ENFORCEMENT: Whenever an animal control officer has probably cause to believe that a violation described in this Ordinance as a violation of has personal knowledge of any other violation of this Ordinance, the officer may issue a citation or summons and complaint to the violator, stating the nature of the

(5) The warning shall precede the incident being charged as a violation by at least seven (7) days;

(6) A dog owner shall be deemed to have received a warning under this subsection 8.02 if the warning was personally served on the owner or was posted on the owner's premises; and

(7) The Town's animal control officer shall keep records of all warnings issued and such records shall be prima facie evidence that such warnings were received by the owner.

8.03 The provisions of this Ordinance shall not apply to the owner of any dog that is actually being given obedience lessons, participating in a dog show, working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

SECTION 9. PENALTIES:

9.01 Any person, corporation, partnership or business entity of any type, who shall violate any of the provisions of this Ordinance shall, severally, for each and every such violation and non-compliance, respectively, and for each and every day of a continuing violation, be subject to punishment by a fine of not more than \$300.00, or by imprisonment of not more than ninety (90) days, or both.

9.02 The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day a violation exists shall constitute a separate offense.

9.03 The application of the above penalty shall not be held to prevent the Town Council from taking action it may deem appropriate in a court of competent jurisdiction to obtain an injunction against or an abatement of a continuing violation.

SECTION 10. ENFORCEMENT: Whenever an animal control officer has probably cause to believe that a violation described in this Ordinance has been committed, and the officer has personal knowledge of any other violation of this Ordinance, the officer may issue a citation or summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. Animal control officers shall enforce all other provisions of this Ordinance as set forth herein.

SECTION 11. DISPOSITION OF FINES AND FORFEITURES: All fines and forfeitures for the violation of this Ordinance and all impound fees collected by the Town shall be paid into the treasury of the Town.

SECTION 12. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE FROM IMPOUNDMENT: The Town Council, any of Town's employees or assistants, or any other person authorized to enforce the provisions of this dog control and licensing ordinance shall not be held responsible for any accident or subsequent disease that may occur to a dog in connection with the administration of this Ordinance.

SECTION 13. SEVERABILITY: In the event that any section, clause, sentence, or part of this Ordinance is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, that judgment shall not affect, impair, or invalidate the Ordinance as a whole or any part of the Ordinance other than the part adjudged to be invalid.

SECTION 14. EFFECTIVE DATE: This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 13<sup>th</sup> day of May, 1992, and passed by a vote of 4 for, 3 against, and 0 abstentions.

Helen B. Burch  
Mayor

ATTEST:

Brenda J. Anderson  
Town Clerk

I hereby certify that the within Ordinance No. 4.17 was posted on the bulletin board at the Town Hall of the Town of Larkspur from May 21, 1992 to May 26, 1992.

Brenda J. Anderson  
Town Clerk