

ORDINANCE NO. 92-13

AN ORDINANCE AMENDING ARTICLE 4 OF THE HUDSON MUNICIPAL CODE RELATING TO THE CONTROL OF ANIMALS.

WHEREAS, the control of animals within the Town of Hudson is a matter of great concern to the citizens of the Town and certain changes to the Town's animal control codes are warranted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Chapter 7 of the Hudson Municipal Code, as amended, is amended as follows:

Article 4 Animals 7-70--7-89

Sec. 7-72 Dogs or cats running at large
Sec. 7-73 Vicious dogs or cats

Sec. 7-70. License, application, fee and vaccination.

(a) No person shall own, keep or harbor any dog or cat, which has attained the age of five (5) months, within the limits of the town without first having obtained a license. Application for the license shall be made to the town clerk.

b) Each applicant for a license shall be required to pay a fee of three dollars (\$3.00) for each neutered or spayed dog or cat and a fee of ten dollars (\$10.00) for each unneutered or unspayed dog or cat prior to the issuance of the license. Any person who wishes to use the reduced fee for neutered or spayed animals shall present to the clerk a signed statement from a licensed doctor of veterinary medicine that such animal has been neutered or spayed. License fees may be changed by resolution of the board of trustees.

(d) Licenses issued for dogs or cats in the town shall expire after one (1) year. The license year shall be from January 1 to December 31. Dog or cat licenses for each year shall be obtained prior to JANUARY 1 of that year. Any dog or cat licensed for the prior year shall have until February 1 of the current year to obtain a current license. Dogs or cats brought into town during the year shall have thirty (30) days to obtain a current license. License fees shall be prorated on a quarterly basis. (Ord. AC-85-1 Sec. 2, 1985)

Sec. 7-71. Registration and replacement tag fee.

(a) Upon proper application and payment of fees as provided

in this article, the town clerk shall issue all licenses required by this article, shall keep a suitable book for the registration of dogs or cats, shall register therein all dogs or cats whose owners, keepers or harborers have paid the fee herein provided, and shall keep a record of the date of registration, the name, sex, breed and color of each dog or cat so registered.

(b) The town clerk shall furnish to the person causing such dog or cat to be registered a suitable metal tag bearing a number corresponding to that of the license issued for such dog or cat and the year for which the tag is issued. Each dog or cat so licensed shall be provided by its owner, keeper or harborer with a collar of suitable material to which such license tag shall be securely fastened thereto on such dog or cat at all times while the dog or cat is outside the owner's residence. Any owner who is requested to do so by an authorized town official shall promptly present the tag to such official as proof of the dog or cat's proper registration.

Sec. 7-72. Dogs or cats running at large.

(a) No owner, keeper, harborer or any other person who has assumed responsibility for a dog or cat shall permit such dog or cat to run at large within the town. The dog or cat shall be presumed to be running at large when it is neither on the premises of the owner, keeper, harborer or other responsible person, nor on a leash ten (10) feet or less in length, attached to the dog or cat and held by or tied to a person. A dog or cat is presumed to be at large when it is found at any place within the town other than upon the premises of its owner, keeper or harborer and if it is found in any public area designated as being off limits for dogs or cats, if such area has been designated by the board of trustees by resolution as being off limits to dogs or cats and appropriate signs have been posted giving notice of the fact that dogs or cats are not allowed.

(b) This section shall not apply to seeing eye dogs accompanied by their masters nor dogs or cats participating in dog or cat shows, dog or cat exhibits or dog or cat training activities to the extent that such exhibits and activities are conducted in compliance with law. (Ord. AC-85-1 Sec. 4, 1985)

Sec. 7-73. Vicious dogs or cats.

(a) It shall be unlawful to keep a vicious dog or cat, or a dog or cat that has bitten or attacked any person or other animal within the town.

(b) Any dog or cat which has bitten any person shall immediately be impounded in accordance with this article for a

period of at least ten (10) days by the Weld County Humane Society or other appropriate impounding agency.

(c) The municipal judge shall order the humane destruction of any dog or cat which has bitten or attacked persons or other animals without provocation. (Ord. AC-85-1 Sec. 5, 1985)

Sec. 7-74. Impounding and redemption.

(a) Any town employee authorized by the board of trustees may impound any dog or cat found to be running at large within the town. Any dog or cat so impounded shall not be released by the town or the agency having control of the dog or cat until the appropriate impound fee has been paid either to the agency having control of the dog or cat or to the town. The owner or other person having legal right to possession of the dog or cat which has been impounded pursuant to this article may redeem the dog or cat any time while the dog or cat is still at such an impound facility by paying a redemption fee which redemption fee will be determined by the town clerk. The town clerk shall, no less frequently than annually, prepare a schedule setting forth the fees and boarding costs which must be paid prior to redemption. Such schedule shall be available from the town clerk upon reasonable request.

(b) Any dog or cat which has been impounded and not redeemed shall be disposed of in a humane manner by the Weld County Humane Society or a doctor of veterinary medicine no sooner than seventy-two (72) hours after the dog or cat has been impounded unless disease, injury or other unforeseen circumstance requires sooner disposition.

(c) The town animal control officer shall cause a summons and complaint to be issued charging a violation of Section 7-72 of this article to each person who redeems a dog or cat if that person or a member of his or her immediate family has redeemed the same dog or cat from the town's impound facility within the preceding six (6) months. Nothing in this section shall be construed to limit the authority of any police officer or employee of the town to issue a summons and complaint for any violation of this chapter, including first-time violations.

(d) The animal control officer or other town employee shall make or cause to be made a written record of all impoundments and redemptions of dogs or cats. Any person who has had a second redemption within a six (6) month period of time may be charged additional redemption fees in accordance with the schedule prepared by the town clerk as set forth in subsection (a) above. (Ord. AC-85-1 Sec. 6, 1985)

Sec. 7-75. Rabies control.

(a) (3) The year and number of the dog or cat license;

(c) Any animal which is found within the town and which is suspected to be carrying rabies or parvo shall immediately be turned over to the animal control officer. The animal control officer shall, at the owner's expense, quarantine the animal for an appropriate period of time and take such other steps as may be necessary to prevent the spread of rabies or parvo.

Sec. 7-76. Disturbance of peace and quiet by animal.

No owner, keeper, harbinger or other person who has assumed responsibility for any animal shall permit such animal to disturb the peace and quiet of any other person by barking, whining, howling or making any other noise in a successive or continuous manner. The animal control officer or other town employee shall have the authority, without liability, to use all reasonable means to abate such disturbance of the peace and quiet, including the authority to impound such animal upon receipt of a signed complaint by a person whose peace and quiet has been disturbed. This section does not authorize any town employee to enter any animal owner's premises without express legal authority. If an animal is impounded under this section, such animal shall not be destroyed pursuant to Section 7-74 until the owner of the animal has been notified of the animal's impoundment and has had an opportunity to redeem the animal. No person shall be convicted of a violation of this section unless at least one (1) complaining witness testifies at the trial, which witness may be an animal control officer, police officer, or other collaborating evidence is presented and received. (Ord. AC-85-1 Sec. 8, 1985)

Sec. 7-79. Number of animals limited.

(a) No person shall keep or harbor more than four (4) cats and/or dogs over the age of five (5) months within the town without having first obtained legal authority to operate a veterinary facility or animal shelter.

Sec. 7-81. Penalties--Animals.

(a) Any person who is found guilty of a violation of Section 7-72 and Section 7-77 of this article shall be punished by a fine of not less than forty dollars (\$40.00) nor more than two hundred dollars (\$200.00) for the first violation, a fine of not less than sixty dollars (\$60.00) nor more than four hundred dollars (\$400.00) for the second violation, and a fine of not less than seventy-five (\$75.00) nor more four hundred ninety-nine dollars (\$499.00) for a third violation within any

twenty-four (24) month period of time.

(b) Any person who violates any other provision of this article shall be punished by a fine not exceeding four hundred ninety-nine dollars (\$499.00) or by a jail sentence of not more than ninety (90) days or by both such fine and imprisonment. In addition to the above penalties, the court shall impose such costs as may be appropriate and shall order the payment of restitution to any aggrieved person or entity as may be appropriate in the court's discretion. (Ord. AC-85-1 Sec. 13, 1985)

Section 2.. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3.. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4.. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, ADOPTED AND ORDERED PUBLISHED ONCE IN FULL this 14th day of October, 1992.

TOWN OF HUDSON, COLORADO

(SEAL)

Robert D. Masden
Mayor

ATTEST:

Kelly M. Smith
Town Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 1992.

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(SEAL)

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