

ORDINANCE NO. 311

An Ordinance Making it Unlawful for Any Person who keeps any Dog to Permit the Same to Run at Large; Providing for licensing of all dogs within the town limits, and the requiring of a Rabies Inoculation in order to obtain a license; Providing for control of animals within the town in regard to breeding, property damage, female dogs in heat, nuisance, and the number of dogs permitted; Providing for penalties and fines for any person convicted of violation of this Ordinance.

BE IT ORDAINED by The Board of Trustees of The Town of Berthoud, Colorado:

Section 1. Training and Breeding of Dogs Prohibited. It shall be unlawful for any person, partnership or corporation to keep, maintain or operate within the Town, any kennel, building, or other place of establishment for the purpose of training or breeding dogs. The keeping, maintaining or operating of such establishment is hereby declared to be a nuisance.

Section 2. Number of Dogs Prohibited. It shall be unlawful for any person or family to harbor, keep or maintain more than three dogs, four months old or older, within the Town, and the harboring, keeping or maintaining of more than three dogs four months old or older is hereby declared to be a nuisance.

Section 3. Disturbance of Neighborhood Prohibited. It shall be unlawful for any person to keep or maintain any animal within the town which habitually or continually disturbs the peace and quiet of the neighborhood, and the keeping of any such animal is hereby declared to be a nuisance.

Section 4. Places for Animals Kept Clean. It shall be unlawful for any person who shall keep any animal 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 way dangerous or detrimental to human health, comfort, or welfare, and any such place is hereby declared to be a nuisance and subject to abatement.

Section 5. Dogs Must be Licensed. It shall be unlawful for any person who is the owner or custodian of any dog to keep or permit the same to be in the Town without first obtaining a license therefor. All such licenses shall expire on December 31st of each year.

Section 6. Application for License - Rabies Inoculation. Each application for dog licenses shall be made to the Town Clerk upon a form provided for that purpose, and it shall be accompanied by a certificate from a licensed veterinarian showing that the dog has been inoculated within a sufficiently recent time, with a vaccine approved by the State Department of Public Health for use in the prevention of rabies, so that such inoculation shall provide immunity from such disease during the calendar year for which the license is issued. No inoculation which was administered two years prior to the date of the making of such application shall meet the requirements of this section.

Section 7. License Fee. The annual license fee shall be \$1.00 for each male or spayed female dog and \$5.00 for each female dog. If a license is not issued prior to April 1 of each year except 1965, \$1.00 shall be added to the foregoing license fee, unless the dog was acquired after April 1 of any year and before January 1 of the succeeding year.

Section 8. License and Tag Issued. Upon application for a dog license, the furnishing of the required certificate of inoculation, and the payment of the required fee, the Town Clerk shall issue a dog license which shall be numbered and also a metal tag bearing the same number as the license, which tag shall be securely attached to the collar to be worn by the dog so licensed at all times.

Section 9. Dog Catcher Appointed. The Town Board of Trustees hereby appoint the Chief of Police to serve as dog catcher. The Chief of Police is hereby authorized to appoint any such assistants as he deems necessary.

Section 10. Dogs Kept on Premises or Under Control. Every person owning or having charge, care, custody or control of any dog of any age, shall keep such dog exclusively on his own premises; provided that such dog may be off such premises if it is under the control of a competent person. It shall be unlawful for any person to allow any dog under his control to run at large or stray beyond the premises or property owned by the person in control.

Section 11. Interference Unlawful. It shall be unlawful for any person to interfere with, molest, hinder or prevent the dog catcher or his assistants from discharging their duties under this Ordinance.

Section 12. Officers Enter Premises. A health officer, dog catcher, or any police officer when there are reasonable grounds to believe a dog then being thereon is infected with rabies, is hereby empowered to enter upon any private property for the purpose of ascertaining whether any dog kept or harbored thereon is infected with rabies.

Section 13. Damages to Person or Property by Dogs. It is hereby declared that in order to protect the public peace, health and safety of the inhabitants of the Town of Berthoud, that the owner or owners of every dog within the corporate limits of the town, whether said dog is licensed or unlicensed, shall be responsible for the conduct and actions of his, her or their dog or dogs, and every owner of such dog or dogs shall so control or manage them so that said dog or dogs shall not injure, damage or destroy the property of any person, and if any person owning such dog or dogs shall fail to so control or care for said dog or dogs and such dog or dogs shall injure, damage or destroy any property or bite or injure any person, said owner shall be deemed to have violated the provisions of this ordinance. The term owner as used in this section shall be construed to mean not only the owner of said dog or dogs but also the keeper of said dog or dogs or any person who has the care, custody or control of a dog or dogs.

Section 14. Female Dogs in Heat. It shall be unlawful for any owner, custodian or the person who keeps any female dog to permit the same to be or run at large while said dog is in estrus (in heat or season) or to permit the same to create a nuisance by attracting other dogs to the premises, and the same is hereby declared to be a nuisance.

Section 15. Required Obedience of Ordinance. It shall be a violation of this Ordinance for any person, partnership or corporation to do any act which is forbidden or declared to be unlawful or declared to be a nuisance, or to fail to do or perform any act required, in this Ordinance.

Section 16. Failure to Pay Fine - Imprisonment. If any Defendant shall neglect or refuse to satisfy any fines imposed for a violation of this Ordinance, he shall upon order of the Police Magistrate, be committed to the Town jail or other place of confinement provided for that purpose until such judgment and cost are fully satisfied; provided that no such imprisonment shall exceed 90 days for any one offense.

Section 17. Satisfaction of Fine by Imprisonment. Any person imprisoned for the non-payment of a fine shall be credited for time served at the rate of \$2.00 per day of 24 hours, exclusive of board.

Section 18. Repeal of Previous Ordinances. Article IV of Ordinance 22, Ordinance 66, Ordinance 101, Ordinance 162, Ordinance 204, Ordinance 239, and Ordinance 303 are hereby repealed.

Section 19. Veterinarian. Section 2 of this Ordinance shall not apply to veterinarians licensed to practice under the Laws of Colorado, provided such dogs are under the care and treatment of the veterinarian and not owned by him.

Section 20. Severability. It is declared that if any provision or section of this Ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of this Ordinance and the application thereof to other persons shall not be affected thereby and the remainder of this Ordinance shall continue in full force and effect.

Section 21. Emergency Clause. The Board of Trustees herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and whereas in the opinion of the Trustees an emergency exists, this Ordinance shall take effect and be in force five (5) days after its final passage, adoption and publication, which day will be July 27, 1965.

H. H. Haring
MAYOR

ATTEST:

Viola Barrowman
TOWN CLERK