

**TOWN OF BUENA VISTA, COLORADO  
ORDINANCE NO. 09  
(SERIES OF 2019)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO  
AMENDING ARTICLE VI OF CHAPTER 7 OF THE BUENA VISTA  
MUNICIPAL CODE CONCERNING DOG LICENSES, TAGS, AND FEES**

**WHEREAS**, the Board of Trustees wishes to remove the requirement that dogs be licensed in the Town and to remove references to licensees, tags, and fees accordingly from Article VI of Chapter 7 of the Buena Vista Municipal Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:**

**Section 1.** Article VI of Chapter 7 of the Buena Vista Municipal Code is hereby repealed and reenacted as follows:

**ARTICLE VI – DOGS**

**Sec. 7-121. - Title for citation.**

This Article shall be known and may be cited as the "Town of Buena Vista Dog Control Ordinance of 1980."

**Sec. 7-122. - Definitions.**

For the purposes of this Article, the following definitions shall apply:

Dog means any animal of the canine species, regardless of sex.

Dog, *assistance* means a dog that has been specially trained, or is being specially trained, to guide and/or assist a blind, visually impaired, deaf, hearing impaired or physically or mentally disabled or impaired person.

Dog, *female* means a dog of the female gender on which no surgery of the genital organs has been performed.

Dog, *guard* means a dog professionally trained and disciplined to protect persons or property by attacking or threatening to attack a person found within the area designated to be patrolled or protected by the dog.

Dog, *male* means a dog of the masculine gender, either castrated or not castrated.

Dog *owner* means a person who owns, possesses, controls, maintains, keeps or harbors a dog, or knowingly permits a dog to remain for seven (7) consecutive days on or about property or premises owned, controlled or occupied by him or her. A kennel is not a dog owner within the purview of this definition.

Dog, *spayed female* means a female dog on which an ovariectomy or ovariohysterectomy has been performed by a licensed veterinarian.

Dog, *stray* means a dog which does not appear to have an owner or whose owner is unknown, and/or found unattached or loose anywhere within the Town.

Dog, *vicious* means a dog that unprovokedly attacks or bites a person or another animal on public or private property, or in a threatening manner approaches a person or another animal in an obvious attitude of attack; provided, however, that a dog shall not be deemed a *vicious* dog solely by reason of having bitten or attacked the following:

(a) A person engaged in an unlawful entry into or upon the dog owner's property where the dog is kept.

(b) A person engaged in the unlawful entry into or upon the dog owner's automobile or other vehicle wherein the dog is confined.

(c) A person engaged in a physical attack upon the dog's owner or some other person.

(d) A person engaged in attempting to stop an altercation between the subject dog and another animal.

(e) A person who willfully provokes, incites or encourages the subject dog to bite or attack such person or another person or animal.

*Kennel* means a person, entity or operation which is licensed or permitted by the State and/or the Town and which keeps and maintains dogs for sale, resale, boarding, breeding, show, hunting or other commercial or recreational purposes.

*Rabies* means a communicable disease of both wild and domestic animals, especially dogs, transmittable to humans as defined by the U.S. Department of Agriculture.

*Vaccination, inoculation or vaccination for rabies* means the inoculation of a dog with vaccine approved by the U.S. Department of Agriculture for use in the prevention of rabies.

**Sec. 7-123. - Rabies inoculation required.**

No dog over the age of six (6) months shall be kept, maintained or harbored within the Town for seven (7) or more consecutive days unless the dog owner shall have had the dog vaccinated against rabies.

**Sec. 7-124. - Vaccination, inoculation by veterinarian.**

(a) The vaccination or inoculation against rabies must be performed by a licensed veterinarian.

(b) The dog owner shall obtain from the veterinarian a vaccination certificate which states the type of vaccination with which the dog was inoculated, date of the inoculation and recommended year of renewal of inoculation.

**Sec. 7-125. - Running at large.**

(a) It is unlawful for a dog owner to permit his or her dog to run at large except as set forth in Subsections (b) and (c) below. A dog shall be deemed to be running at large when off or away from the property or premises of the dog owner and not under the direct control of the owner, a responsible member of the owner's family or an employee or agent of the owner, either by leash, rope or chain not more than twenty (20) feet in length.

(b) Dogs shall be allowed off leash while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or actually being trained for any of these pursuits.

(c) Dogs shall be allowed off leash at areas designated by the Board of Trustees by resolution.

**Sec. 7-126. - Harassment of assistance dogs prohibited.**

(a) No person shall distract, harass, strike, injure, seize, entice, intimidate, frighten or otherwise interfere with any assistance dog that is accompanying, guiding, leading or physically in the control of a disabled person, or that is engaged in training with a handler.

(b) No dog owner, or person charged with the custody or control of a dog shall allow their dog, or a dog over which they are to have control, to attack, injure, harass, frighten or otherwise interfere with an assistance dog that is guiding, leading, accompanying or being controlled by a disabled person or an assistance dog training handler.

(c) For purposes of this Section, *disabled person* shall mean a blind, visually impaired, deaf, hearing impaired or physically or mentally handicapped or impaired person.

**Sec. 7-127. - Impounding.**

(a) It shall be the duty of the Chief of Police or other person authorized by the Board of Trustees to apprehend any stray dog or any dog found running at large contrary to the provisions of Section 7-125 and to impound such dog in the Town animal shelter or other suitable place; and, upon receiving any

dog, to make a complete registry entering the breed, sex and color of such dog; and if known, enter the name and address of the owner and the date.

(b) No later than seven (7) days after the impounding of a dog, the dog owner, if known, shall be given notice by U.S. certified mail, return-receipt requested. If the owner of the dog is unknown or the dog is a stray dog, notice shall be published once or posted at one (1) or more conspicuous places in the Town for three (3) days, describing the dog and the place and time of taking. The owner of the dog so impounded may reclaim said dog upon payment of all costs and charges incurred by the Town for the impounding and maintenance of said dog. Said charges shall be in addition to any penalties imposed on the dog owner under other provisions of this Article.

**Sec. 7-128. - Quarantine.**

(a) A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a dog which, in the opinion of the Chief of Police or a licensed veterinarian, appears to be afflicted with rabies, shall be closely confined by the dog owner in accordance with the directions of the Chief of Police for a period of not less than ten (10) days. If said dog dies while confined or impounded as provided in this Section, proper medical tests shall be conducted at the expense of the dog owner upon said dog to determine whether the animal was suffering from rabies at the date of death.

(b) If the owner of a dog referred to in the preceding Subsection (a) cannot be determined or located, the Town shall confine said dog for a period of not less than five (5) days. If the owner of said dog is not determined or located or the dog claimed from confinement within said five (5) days, the Chief of Police may order such dog destroyed. If said dog is determined by a veterinarian to be suffering from rabies, it shall be destroyed immediately.

(c) It is unlawful for a dog owner, knowingly or reasonably suspecting that a dog has rabies, to allow such dog to be taken off his or her property or premises or beyond the limits of the Town without the written permission of the Chief of Police. Every dog owner or other person, upon ascertaining that a dog is rabid, shall immediately notify the Chief of Police who shall either remove the dog to an animal shelter or other suitable place or, if necessary for the protection of the public, immediately destroy the dog.

**Sec. 7-129. - Disposition of unclaimed or diseased dogs.**

(a) With respect to a dog which has been impounded or quarantined pursuant to the provisions of Sections 7-127 and 7-128, and which has not been claimed, released or disposed of in accordance with said sections, the Chief of Police shall keep said dog in an animal shelter or other suitable place for not less than five (5) days, after which said custodian may have said dog destroyed, except as provided in this Section.

(b) After said five (5) days, in lieu of having the dog destroyed, the Chief of Police may release such dog, if unclaimed and not diseased, to a bona fide humane society; or with respect to a stray dog, to a person having no previous interest in said dog in accordance with the provisions of this Article and upon the payment of an adoption fee. Upon payment of said adoption fee, there shall be no charge for the daily boarding; provided, however, that at the time of adoption, a deposit shall be paid to the Town Clerk to guarantee that the subject animal shall be spayed or neutered. If within six (6) months from the time of adoption satisfactory written evidence is presented to the Animal Control Officer that the subject animal has been spayed or neutered, said deposit shall be returned to the respective person by the Town Clerk.

**Sec 7-130. - Vicious dogs prohibited; confinement.**

(a) It is unlawful for any person to own, keep, harbor or possess a vicious dog anywhere in the Town, and such dog shall constitute a public nuisance that may be abated in accordance with the terms of this Chapter.

(b) It shall be the responsibility of a police or animal control officer to seize and impound a vicious dog running at large. If an officer determines that a vicious dog cannot be seized without exposing the officer or other persons to immediate danger of injury from the vicious dog, it shall be lawful for the officer to destroy the dog with or without notice to the dog's owner, keeper or possessor. Additionally, and upon a showing that reasonable efforts to determine or locate the owner of a vicious dog have failed, the Municipal Court may order the destruction of the animal.

(c) The Municipal Court may order the owner of or a person possessing a vicious dog to destroy or dispose of the dog upon a conviction under this Section, and the refusal or failure of such owner or person to comply with the order shall constitute a separate offense of this Section. Further, upon the failure of an owner or person to comply with the court order, the Police Department shall, upon order of the court, impound the vicious dog and shall cause it to be humanely destroyed, with the owner or person failing to comply with the order to pay all fees, costs and expenses of the impoundment and destruction of the animal.

(d) This Section shall not apply to *guard* dogs acting in performance of their duties; provided that the premises wherein such dogs are patrolling are in full compliance with the requirements of Subsection (e) below.

(e) It is unlawful for any person to place or maintain a *guard* dog in any area for the protection of persons or property unless the dog is physically confined to a specific enclosed area and the area or premises in which a *guard* dog is confined is conspicuously posted with one (1) or more warning signs bearing letters not less than two (2) inches high stating the following:

"WARNING—THESE PREMISES PATROLLED BY GUARD DOGS  
TRAINED TO ATTACK."

The sign shall also depict a decal or a logo that provides pictorial warning of a guard dog.

**Sec. 7-131. - Muzzling and confinement.**

a) Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Board of Trustees, if it deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his or her property or premises unless such dog has a muzzle of sufficient strength to prevent it from biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, and if noticeably infected with rabies and displaying vicious propensities, shall be destroyed by the Chief of Police.

(b) A dog impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days after being impounded, be released to the owner, unless infected with rabies, upon payment of the charge provided for in Section 7-127. If unclaimed within five (5) days after said period, such dog may be immediately destroyed.

(c) A dog impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days after being impounded, be released to the owner, unless infected with rabies, upon payment of all impoundment fees or charges. If unclaimed within five (5) days after said period, such dog may be immediately destroyed.

**Sec. 7-132. - Noise, dog.**

(a) It shall be unlawful for any person to harbor any dog which, by barking, howling, baying, yelping, crying, whining or other utterance, disturbs the peace and quiet of the neighborhood. For purposes of this Section, the following definition shall apply:

*Harbor* means the act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care.

(b) Any noise emitted by a dog which is audible from the boundary of the animal harborer's property shall be presumed to disturb the peace and quiet of the neighborhood, if any peace officer for the Town investigates the report thereof and determines that such noise is occurring as defined herein, taking into consideration the proximity of the complainant's residence or place of business with respect to the point of origin of the noise, and determining that such noise would disturb the senses of the average citizen or resident of the neighborhood under the circumstances complained of. Such presumption shall be rebuttable by the defendant.

(c) Prior to issuance of a citation for violation of this Section, the Animal Control Officer shall issue a written warning to the harbinger of the dog causing the noise and request that the dog be silenced. If the same dog is a repeat offender of the offense defined in this Section, and such repeat offense occurs within sixty (60) days of the issuance of the warning, a citation shall be issued to the harbinger of the offending dog.

(d) It is an affirmative defense to a charge under this Section that the dog was barking due to provocation.

**Sec. 7-133. - Enforcement.**

The provisions of this Article shall be enforced by the Chief of Police or other persons so authorized by the Board of Trustees.

**Sec 7-134. - Minimum fines.**

(a) A person convicted of violating any provision of this Article shall be punished in accordance with the general penalty provisions set forth in this Code; provided, however, that the minimum penalty for any such violation shall be as follows:

(1) Upon first conviction within any three-year period, a fine of twenty-five dollars (\$25.00);

(2) Upon second conviction within any three-year period, a fine of fifty dollars (\$50.00); and

(3) Upon third or subsequent conviction within any three-year period, a fine of one hundred dollars (\$100.00).

(4) Notwithstanding any other provision to the contrary contained in this Section, the minimum penalty for a violation of Section 7-126 shall be a fine not less than five hundred dollars (\$500.00).

(b) Such minimum fines may be exceeded in the discretion of the Municipal Judge.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 10<sup>th</sup> day of September, 2019.

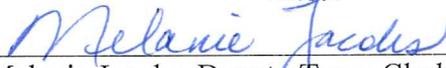
THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION



TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:

  
Melanie Jacobs, Deputy Town Clerk