

**ORDINANCE NO. 01-2018**

**AN ORDINANCE CONCERNING THE REGULATION OF DOGS IN THE TOWN OF SEDGWICK**

**WHEREAS**, the Town has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the Town and its inhabitants; and

**WHEREAS**, the Town previously adopted Ordinance No. 51, and certain amendments thereto, regulating dogs in the Town of Sedgwick; and

**WHEREAS**, the Board of Trustees finds that Ordinance No. 51, as amended, is insufficient to protect the health, safety and welfare of the Town and its inhabitants; and

**WHEREAS**, the Board of Trustees desires, by this Ordinance, to require dog owners to license their dogs with the Town of Sedgwick and cause their dogs to be vaccinated, to require dog owners to physically restrain dogs from running at large, to limit the number of dogs to be kept on a premises within the Town, to restrict the owning or keeping of dangerous and vicious dogs, to regulate impoundment and disposition of dogs, and to set forth penalties for violations;

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

**Section 1.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

**Section 2.** The Board of Trustees hereby adopts the following provisions regarding the owning or keeping of dogs within the Town, which provisions may be referred to as the “Dog Ordinance of the Town of Sedgwick”.

**DOG ORDINANCE**

Section A	Definitions
Section B	Licensing and Vaccination
Section C	Leash Law; Running at Large
Section D	Excessive Number Prohibited
Section E	Improper Care of Dogs; Cruelty and Neglect
Section F	Ownership of Dangerous Dogs
Section G	Unlawful Ownership of Vicious Dogs
Section H	Quarantine
Section I	Impoundment

**A. Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

*Bodily Injury* means any physical injury that results in severe bruising, muscle tears, skin

lacerations requiring professional medical treatment, corrective or cosmetic surgery.

*Dangerous Dog* means:

a. Any dog which, because of its aggressive nature, training, or characteristic behavior, is capable of inflicting serious physical harm or death to humans or domestic animals, and which would constitute a danger to humans, domestic animals or property if it were not kept in the manner required by this Ordinance.

b. Any dog which, when unprovoked, chases or approaches a person or domestic animal in a menacing fashion or apparent attitude of attack on public or private property, whether or not the attack is consummated or capable of being consummated.

*Domestic animal* means any dog, cat, pot-belly pig, rabbit, hare, guinea pig, hamster, mouse, rat, ferret, bird, fish, reptile, amphibian, or other, small species of animal kept as a pet.

*Owner* means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having a financial or property interest in, or having control or custody of a dog.

*Running at large* means a dog off or away from the premises of the owner thereof, and not under the control of such owner or an agent, or representative of same, either by leash, cord or chain not more than ten (10) feet in length.

*Town Clerk* means the Town Clerk or his or her designee.

*Vicious Dog* means any dog with a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or any dog, which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting, or any dog which has been found to be vicious by a hearing officer appointed pursuant to Section G of this Ordinance, or by any court within the State of Colorado, in a trial or hearing upon a charge of harboring a vicious dog.

## **B. Licensing and Vaccination**

### **1. Licensing.**

a. **Prohibition.** It shall be unlawful for any owner to own, possess, harbor, keep or maintain a dog over the age of six (6) months within the corporate limits of the Town unless such dog has been licensed by the Town. Each license application shall contain the dog owner's name, address and telephone number, a description of the dog, its breed, color, age, sex and the license number issued for the dog, and shall be accompanied by a fee in an amount established by resolution of the Board of Trustees.

No license shall be issued unless and until the owner of the dog shall exhibit a current valid rabies vaccination certificate indicating that the dog has been vaccinated against rabies by a licensed veterinarian.

b. **Renewal; fee waiver.** Such registration or licensing shall be renewable annually. Licensing fees shall be waived for any dog being fostered for an animal rescue organization licensed by the state pursuant to the Pet Animal Care and Facilities Act. Any person requesting a fee waiver on such basis shall submit documents supporting such request at the time of licensing.

c. **Civil fine.** Any person who violates any provision of this subsection (1) of section A shall be punished by a fine in an amount established by resolution of the Board of Trustees.

## 2. **Vaccination.**

a. **Prohibition.** Except as provided in subsection (b) below, it shall be unlawful for the owner of any dog over the age of six (6) months to own, possess, harbor, keep or maintain within the corporate limits of the Town any dog that is not currently vaccinated for rabies, unless such owner presents to the Town Clerk a written statement from a licensed veterinarian that vaccination for rabies would be detrimental to the health of the specific dog. Currently vaccinated means, with respect to this section A, that the dog was initially vaccinated at the appropriate age and thereafter vaccinated on or before the appropriate anniversary date of the initial vaccination by a licensed veterinarian, as evidenced by a rabies vaccination certificate and dog tag, which dog tag must be firmly attached to the collar or harness worn by the dog to whom it has been issued.

b. **Acquired dog.** Any person who acquires within the Town a dog has a duty to ensure such dog is currently vaccinated, and if it is not, to have such dog vaccinated within thirty (30) days of such acquisition, unless the dog has not yet reached six (6) months of age, in which case the owner shall cause the dog to be vaccinated when it reaches such age. The foregoing shall not apply if such person presents to the Town Clerk a written statement from a licensed veterinarian that vaccination for rabies would be detrimental to the health of the specific dog.

c. **Civil fine.** Any person who violates any provision of this subsection (2) of section A shall be punished by a fine in an amount established by resolution of the Board of Trustees.

## C. **Leash Law; Running at Large.**

1. **Leash Law.** Except when enclosed within the property of the owner by a fence that does in fact confine the dog to the owner's property, an owner shall control the dog by kennel, carrier or by leash, cord or chain, not more than ten (10) feet in length.

2. **Running at Large Prohibited.** It is unlawful for any person owning, possessing,

harboring, keeping or maintaining any dog to permit the dog to run at large within the Town.

3. **Exception.** No dog shall be deemed to be running at large when the dog is contained on or restricted to the premises of the owner or custodian by fencing or other means, or when the dog is within an area of land enclosed by fencing defined by signs and markers as a leash-free area.

4. **Impoundment.** Any dog found running at large shall be taken up and impounded in accordance with Section I of this Ordinance, unless such dog found running at large was accompanied by its owner, keeper or custodian and within view and voice control of such person, in which case such person shall be subject to the off-leash penalties set forth in subsection (4) of this section C.

5. **Off-leash penalties.**

a. For the first offense, the owner, keeper or custodian shall be notified that such person is in violation of the Dog Ordinance of the Town of Sedgwick;

b. For the second and any subsequent offense, the owner, keeper or custodian shall pay to the Town a civil fine in an amount established by resolution of the Board of Trustees.

**D. Excessive Number Prohibited.**

1. **Prohibition.** It is unlawful to own, possess, harbor, keep or maintain more than three (3) dogs that are four (4) months of age or older on any premises, except for properly licensed veterinary hospitals, shelters, breeding establishments, kennels, pet shops, and education facilities.

2. **Civil fine.** Any person who violates any provision of this section D shall be punished by a fine in an amount established by resolution of the Board of Trustees.

**E. Improper Care of Dogs; Cruelty and Neglect.**

1. **Improper Care Prohibited.** No person shall fail to provide a dog that it owns or that is otherwise within its care with necessary sustenance and shelter, or keep such dog under conditions where its enclosure is not overcrowded, unclean or unhealthy.

a. A dog is deprived of necessary sustenance if it is not provided proper food or drink.

b. An enclosure is overcrowded unless its area is at least the square of the following sum for each dog confined therein; twice the sum of the length of the animal in inches (tip of nose to base of tail) plus six inches.

c. An enclosure is unclean when it contains more than one day's elimination of each dog enclosed therein.

d. An enclosure is unhealthy when it is likely to cause illness of the dog.

2. **Cruelty and Neglect Prohibited.** No person shall overdrive, overload, overwork, torture, torment, cruelly beat, needlessly mutilate, needlessly shoot at, wound, capture or kill any dog. Any person that carries or confines a dog in or upon any vehicle in a cruel or reckless manner, uses or allows such dog in fights between animals, or causes, arranges or sponsors such fights, or otherwise mistreats or neglects any dog, or causes or procures it to be done, or having the charge or custody of any dog, fails to provide it with proper food, drink, or protection from the weather, resulting in the injury, illness or death of such dog commits a violation of this section. Any person who intentionally abandons an animal commits a violation of this section.

3. **Civil fine.** Any person who violates any provision of this section E shall be punished by a fine in an amount established by resolution of the Board of Trustees.

## **F. Ownership of Dangerous Dogs.**

### **1. Registration Required.**

a. All owners of dangerous dogs shall register and annually thereafter shall register the dangerous dog and provide a current color photograph of the dog with the Town Clerk's Office and pay a registration fee in an amount established by resolution of the Board of Trustees. At the time of registration, each owner of any dangerous dog kept within the Town limits shall provide the Town Clerk's Office with proof of liability insurance in the amount of at least \$100,000 for any acts of property damage or liability incurred by virtue of injury inflicted by such dog. Such insurance shall name the Town as coinsured solely for the purpose of notice of cancellation for the policy. Upon payment of the fee, the Town Clerk shall issue a current dangerous dog collar of an approved color for the purpose of identification, and which collar is to be worn by the dog at all times as proof of registration. If, when due to the length of the dog's hair, the collar is not visible, an approved colored leash or chain shall be used. A dangerous dog collar may be removed from a dangerous dog for grooming or purposes of other care when the dog is secured indoors or in an approved pen.

b. Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping, or maintaining a dangerous dog which is not registered with and licensed by the Town in accordance with this Ordinance, shall file with the Town Clerk a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The Town Clerk shall, upon receipt of such affidavit, inquire if the dog is currently registered as a dangerous dog pursuant to the provisions of this Ordinance. If the dog is not registered the Town Clerk shall serve notice upon the owner of the

alleged dangerous dog. The notice shall include the requirement that the owner shall bring the alleged dangerous dog to the veterinarian stated in the aforementioned notice for inspection to determine whether this dog is a dangerous dog by definition as set forth in this Code.

2. **Requirements of Keeping Dangerous Dogs.**

a. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

b. The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

c. A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

d. The provisions of this Ordinance regarding dangerous and vicious animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

3. **Civil fine.** Any person who violates any provision of this section F shall be punished by a fine in an amount established by resolution of the Board of Trustees.

G. **Unlawful Ownership of Vicious Dogs.**

1. **Prohibition.** No person shall own, possess, harbor, keep or maintain a vicious dog within the Town.

2. **Defense.** It is a specific defense to the charge of owning or keeping a vicious dog that the injury or damage was sustained by person or animal, who at the time, was:

a. Engaging in conduct reasonably calculated to provoke the dog to attack or bite;

b. Unlawfully entering into a fenced or enclosed portion of the premises in

which the dog was lawfully kept or upon a portion of the premises where the dog was lawfully chained;

- c. Unlawfully entering a vehicle in which the dog was confined;
- d. Attempting to assault another person;
- e. Attempting to stop a fight between the dog and any other animal; or
- f. Attempting to aid the dog when it was injured.

**3. Removal or destruction of vicious dog.**

a. Whenever a determination has been made that any vicious dog is owned, possessed, harbored, kept or maintained as prohibited by this section H, the Board of Trustees may order the owner, keeper or custodian to show cause as to why the dog should not be removed from Town or impounded and destroyed.

b. The Board of Trustees shall appoint a hearing officer independent of the Town and set a date for a hearing thereon and cause to be served on the owner if known, or if the owner is not known delivered to or posted on the residence of the dog, a notice of the hearing at least ten (10) days prior to the date of the hearing.

c. If the Town demonstrates at the hearing that the dog was vicious within the meaning of this Ordinance, the hearing officer may order the dog removed from the Town, impounded and destroyed or may make such other order as in the hearing officer's discretion will provide adequate safety to persons or other animals. Before making such order, the hearing officer may request any report concerning the appropriate disposition of the dog.

**4. Immediate removal or destruction of dog—authorized when.** Nothing in this section G shall be construed to prevent any law enforcement officer from taking whatever action is reasonably necessary to protect his or her person or members of the public from injury or damage, including without limitation the immediate removal from Town or destruction of any vicious dog without notice to the owner.

**5. Civil fine.** Any person found in violation of this section G shall be punished by a fine in an amount established by resolution of the Board of Trustees. This civil fine is in addition to the remedy as set forth in subsection (3) of this section G.

**H. Quarantine**

**1. Quarantine authorized.** 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 a member of law enforcement, or any of the persons legally authorized to inoculate and register animals, appears to be inflicted with rabies, shall be closely confined by its owner, in

accordance with the direction of a member of law enforcement, or otherwise impounded at the direction of law enforcement for a period of not less than ten (10) days.

2. **Destruction of dog.** If the owner of a dog referred to in the preceding paragraph cannot be determined or located, then a member of law enforcement shall otherwise confine such dog for a period of not less than ten (10) days. If the owner of such dog is not determined, located or such dog claimed from confinement within ten (10) days, then a member of law enforcement may order such dog destroyed; provided, however, that all costs incurred for the confinement of a dog under this paragraph shall be paid for by the owner of such dog.

## **I. Impoundment.**

1. **Notice of impoundment; redemption.** Except as provided in section G of this Ordinance, when any dog has been taken up and impounded, written notice of impoundment shall be posted in a conspicuous place at Town Hall for five (5) days, beginning as soon as practicable after impoundment. If the owner, keeper or custodian of the impounded dog is known, such additional notice as is practicable shall be given to such person by the Town. Any impounded dogs which are licensed may be redeemed by the owner upon payment of the impound fee established pursuant to subsection (2) of this section I, any care and feeding charges incurred, any veterinary charges incurred and any other charges incurred by the Town. Any impounded dog which is not licensed may be redeemed by the owner upon payment of the license fee established pursuant to this Ordinance, the impound fee established pursuant to subsection (2) of this section I, any care and feeding charges incurred, any veterinarian charges incurred and any other charges incurred by the Town, and upon presentation of proof of rabies vaccination. If the dog is not redeemed within five (5) days, it shall be deemed abandoned, and the dog may be placed up for adoption or euthanized the dog in a humane manner under the supervision of a licensed veterinarian.

2. **Impound fees.** Impoundment fees shall be established by resolution fo the Board of Trustees.

**Section 3.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

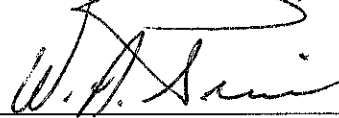
**Section 4.** The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.



**Section 5.** Town of Sedgwick Ordinance No. 51 and all amendments thereto, and all other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

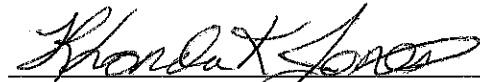
**INTRODUCED, READ, VOTED ON, ADOPTED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO ON THIS 9<sup>th</sup> DAY OF April, 2018, AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" IN COMPLIANCE WITH ORDINANCE #01-2006, AND SHALL BECOME EFFECTIVE THIRTY (30) DAYS FOLLOWING THE PUBLICATION OF SUCH.**

TOWN OF SEDGWICK, COLORADO



Wayne Price, Mayor

ATTEST:

  
Rhonda K. Jones, Town Clerk

SEAL