

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE I

Administration and Abatement of Nuisances

Sec. 7-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

(1) *Brush* means any unsightly, useless, troublesome or injurious volunteer growth of bushes or shrubbery, which shall include all cuttings from said bushes and shrubbery.

(2) *Littering* means the scattering or dropping of rubbish or trash or other matter (organic or mineral).

(3) *Rubbish* means any type of debris, trash, waste or rejected matter.

(4) *Trash* means any worn-out, broken up, used or worthless matter or material, and any refuse, rubbish, topping, twigs and leaves of trees.

(5) *Weed* means any unsightly, useless, troublesome or injurious herbaceous plant including, but not limited to, those undesirable plants commonly known as leafy spurge, diffuse knapweed, Russian knapweed and spotted knapweed. (Ord. 215 §1, 1993)

Sec. 7-2. Conditions constituting nuisances.

Whenever there shall be in or upon any lot or piece of ground within the Town limits any damaged merchandise, litter, trash, rubbish, garbage, dead animals, weeds, brush, trees or an accumulation of any junk of any type, or any conditions established as a nuisance by this Chapter, upon any private or public property, except in areas specifically zoned by Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall be unlawful and shall constitute a nuisance. (Ord. 215 §1, 1993)

Sec. 7-3. Nuisances prohibited.

No person being the owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits shall maintain or allow any nuisance to be or remain therein. (Ord. 215 §1, 1993)

Sec. 7-4. Notice to owner; failure to comply.

(a) The Town Clerk shall give written notice to every person, corporation or association owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a nuisance exists in violation of the provisions of this Chapter. Said notice shall direct the person, corporation or association to comply with the provisions of this Article within ten (10) days after receiving said notice.

(b) Any notice given pursuant to this Article shall state that, if the work required is not done within the time specified, the Town shall cause the same to be done at the expense of the property owner.

(c) Any notice authorized by this Section may be served by delivering a copy of such notice to the record owner of such property or by leaving a copy of such notice at such owner's usual place of abode with some member of his or her family over the age of eighteen (18) years. In case there is more than one (1) owner of a property, service upon any owner shall be adequate service upon co-owners. If the owner of any property cannot be found in the Town, service may be made by mailing a copy thereof to such owner, postage prepaid, certified mail, addressed to his or her last known address, and by posting a copy of such notice in a conspicuous place on the premises involved. Service by mail shall be completed five (5) days after the date the notice is deposited in the United States mail and posted on the premises.

(d) If any property owner or his or her tenant or agent shall fail to comply with the notice requirements of Subsection (a) within fifteen (15) days after being notified to do so by the Town or Town's agent, the Town may direct that the nuisance or violation shall be abated and the Town shall remove or cause to be removed said nuisance or cause for violation, and the Town employees or contractors acting upon behalf of the Town shall have the right to go upon and enter private premises in order to remove the nuisance or cause for violation. (Ord. 215 §1, 1993)

Sec. 7-5. Work done by Town at cost to owner.

If the Town causes the work to be done, the Town Clerk shall send a statement of the cost of such work to the property owner at his or her last known address. Any such statement shall be paid by the property owner within thirty (30) days after the statement is mailed to him or her. After such thirty (30) days, any unpaid amount shall bear interest at the rate of six percent (6%) per annum. If any property owner is unable to pay the cost of such work within thirty (30) days, he or she may enter into an agreement for the payment of the same in monthly installments over a period not to exceed five (5) years; and the unpaid cost shall, by agreement, be made a lien on the lands of such property owner. Any unpaid balance due under such agreement shall bear interest at the rate of six percent (6%) per annum. The agreement shall be filed or recorded in the office of the County Clerk and Recorder. (Ord. 215 §1, 1993)

Sec. 7-6. Report of unpaid costs; notice to owner.

The Town Clerk shall, not later than July 1 of each year, report to the Board of Trustees as to any costs for work done by the Town under this Article which have not been paid by the property owner or made the subject of an agreement with the property owner, as authorized in Section 7-5 above. Notice shall be mailed by the Town Clerk to each property owner. Such notice shall state the amount claimed to be due from such property owner, the date, place and time that the report will be made to the Board of Trustees, the description of the property to be assessed, the description of the work performed and that the Board of Trustees will be asked to assess the cost of the work, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection against the property of such owner. Such notice shall be mailed at least ten (10) days, and not more than forty-five (45) days, before the date the report will be made to the Board of Trustees. (Ord. 215 §1, 1993)

Sec. 7-7. Assessment of cost against property.

The Board of Trustees shall, when the report is presented to it, consider ordering by resolution the assessment of such costs, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection, against real estate. Such assessment shall be certified by the Town Clerk to the County Treasurer and shall be on a parity with a tax lien for general state, county, city, town or school taxes. Such assessment shall become delinquent on the first day of the September after the date of assessment; and, after the same becomes delinquent, the property shall be advertised and sold by the County Treasurer at the same time or times, in the same manner and under all the same conditions and penalties and with the same effect as prescribed by the general laws of the State for the sale of real estate in default of payment of general taxes. (Ord. 215 §1, 1993)

Sec. 7-8. Objection to assessment.

(a) In the event that any person, corporation or association desires to object to any assessments made in accordance with the terms and provisions of this Article, written objection shall be delivered to the Town Clerk within thirty (30) days after the receipt of the notice of assessment.

(b) Upon receipt of any written objection hereunder in accordance with Subsection (a) above, the Town Clerk shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector or objectors may appear and have their objection heard before the Board of Trustees.

(c) At the time of any hearing held in accordance with Subsection (b) above, the Board of Trustees shall hear evidence from the Town Administrator and the objector or objectors regarding any assessments made in accordance with the terms and conditions of this Article. A majority vote of the members of the Board of Trustees shall serve to affirm any assessments made under the terms and provisions of this Article. Should the Board of Trustees fail to uphold any assessment, the objector or objectors hereunder shall be discharged from any liability therefor. (Ord. 215 §1, 1993)

Secs. 7-9—7-30. Reserved.

ARTICLE II

Nuisances

Sec. 7-31. Accumulation to constitute nuisances.

Whenever there shall be in or upon any lot or piece of ground, private or public property, within the limits of the Town junk of any type, damaged merchandise, litter, trash, rubbish, garbage or inoperable vehicles in front yards or upon the streets, except where otherwise specifically permitted by ordinance, the existence of any such material or items shall constitute a nuisance and shall be in violation of this Article. (Ord. 215 §1, 1993)

Sec. 7-32. Discharge of nauseous liquids.

No person shall, himself or herself or by another in the Town, discharge out of or from or permit to flow from any house or place any foul or nauseous liquid or substance of any kind whatever into or upon any adjacent ground or lot or into any street, alley or public place. (Ord. 215 §1, 1993)

Sec. 7-33. Littering.

(a) It shall be unlawful for any person to throw or cause to be thrown or permit anyone in his or her employ to throw onto any public highway, thoroughfare, street, sidewalk or other place any kind of wire or scrap paper; any ashes, cans or glass of any character; old clothes; cloth of any kind; boots; shoes; hats; leather; hair; straw or hay; animal, vegetable or any other substance whatever; or any type of advertising matter; or to distribute or cause to be distributed or permit anyone in his or her employ to distribute any type of advertising matter in such a manner so as to cause the littering of any public highway, thoroughfare, street, sidewalk or public place. It shall further be unlawful for any person to sweep or cause to be swept, or cause anyone in his or her employ to sweep, from any store, office, warehouse, factory, hotel or any other building, occupied in whole or in part for commercial purposes, any refuse or dirt from such building onto any public highway, thoroughfare, street, sidewalk or other public place in the Town.

(b) It shall be unlawful for any person, firm, association or corporation to drive, move or propel a vehicle or to allow a vehicle owned by such person, firm, association or corporation to be driven, moved or propelled in such a manner so as to cause to be spilled, dropped or jostled onto any street, highway, thoroughfare, sidewalk or other public place in the Town any trash or rubbish; or to load or allow a vehicle to be so loaded so that the contents or any portion of the contents of such vehicle shall be spilled, dropped or jostled from such vehicle. Vehicles, including trucks loaded with or transporting any construction material, dirt, earth, clay, stone, macadam, brick, cement, sand, fuel, coal, wood, refuse or garbage, shall be loaded and the vehicle shall be in such condition so that none of the contents shall be loosed or spilled along the route which the vehicle is traveling.

(c) It shall be unlawful for any person operating a vehicle or being a passenger in any vehicle to throw or cause to be thrown from such vehicle onto any public highway, thoroughfare, street, sidewalk or other public place in the Town any rubbish or trash, fruit or fruit particles, wrappers, containers, paper, paper products, bottles, glass, cans, hulls, handbills, confetti, shavings, shells, stalks, animals, cloth or any other material of any kind which would render such public highway, thoroughfare, street, sidewalk or other public place unsightly, unsafe, unclean or unsanitary.

(d) The owner or person in control of any private property shall at all times maintain the premises free of litter. No person shall throw or deposit litter on any private property in the Town, whether owned by such person or not; provided, however, that the owner or person in control of private property may maintain authorized private receptacles for the deposit of rubbish or other waste materials in such a manner that waste materials will be prevented from being carried or deposited onto any public or private property. (Ord. 215 §1, 1993)

Sec. 7-34. Use of property for dumping unlawful.

It shall be unlawful for any person, firm, association or corporation to use any land, premises or property within the Town for the dumping or disposal of any garbage, trash, litter, rubbish, offal, filth,

excrement, discarded building materials or combustible materials of any kind without first having made application for and receiving a permit to do so. The application therefor shall be filed with the Town Administrator or the Town Clerk and shall state the location of the land, premises or property, the manner in which the dumping or disposal is to be accomplished and the means and methods by which the applicant proposes to secure the same against the danger of disease, fire and other menaces to the public health and to provide for the suppression of rodents, mosquitoes and other insects. Upon such investigation and a finding that the proposed dumping will not cause any danger to the public health, the Town Administrator or Town Clerk shall issue such a permit upon the payment of a fee in the sum of four dollars (\$4.00), with the approval of the Board of Trustees. (Ord. 215 §1, 1993)

Sec. 7-35. Nuisances enumerated.

(a) Stale matter. No person whatsoever shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation.

(b) Sewer inlet. No person shall, in the Town, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that shall have a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

(c) Transporting of garbage; manure. Every cart or vehicle used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street.

(d) Streets, streams and water supply. No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substances, or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public or private grounds. No person shall, in the Town, throw or deposit or cause or permit to be thrown or deposited anything specified in any foregoing part of this Section or any other substance that would tend to have a polluting effect into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

(e) Dead animal; removal. When any animal shall die in the Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith to a distance of not less than five thousand (5,000) feet beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal shall be in any street, highway or public grounds in the Town, it shall be the duty of the Town Administrator to cause such body to be removed forthwith to the Town designated landfill area.

(f) Abate noisemakers. The use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter.

(g) Unused appliances. No person whatsoever shall keep any unused refrigerator, washer, dryer, freezer or other appliance within any accessible yard or lot, carport or residential garage within the Town limits without first removing the door of the same.

(h) Removal of inoperable vehicle. It shall be unlawful for any person, partnership, corporation or other agent, either as owner, lessee, tenant or occupant of any lot or land within the Town to park, store or deposit or permit to be parked, stored or deposited thereon an inoperable vehicle pursuant to Section 7-31 of this Chapter. The provisions of this subsection shall not apply to any person, partnership or corporation or their agent with one (1) vehicle inoperable for a period of less than thirty (30) consecutive days, or to any person, firm, corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations.

(i) Vacant residential dwellings. All broken windows in each vacant dwelling shall be replaced or covered with plywood or other weatherproof material of substance to prevent entry by the owner or agent within seventy-two (72) hours after notice is given by the Town Administrator or his or her appointed deputies.

(j) Barking, yelping, howling or mewing by canine or feline. The keeping or harboring of any canine or feline which by loud, frequent or habitual barking, yelping, howling or mewing shall cause a serious annoyance to the neighborhood or to persons passing to and fro upon the streets or sidewalks is hereby declared a nuisance and is prohibited.

(k) Stagnant ponds. The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

(l) Unauthorized posting of handbills, posters and placards. Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house shall be deemed a nuisance and may be abated as provided in this Chapter. (Ord. 215 §1, 1993)

Sec. 7-36. Nonsmoking areas.

All buildings herein described as 101 West Main, 103 West Main, 146 West Main, 148 West Main, the property herein understood as the Swimming Pool in the 200/300 block of San Luis, the building known as Sewer Lagoon Housing, the building known as Upper Mavricio Galley Housing, the building known as Fire Station #3 on South Romero, the structure known as the Gas House and all Town-owned vehicles and equipment are hereby designated as nonsmoking areas and be posted as such. (Ord. 218 §1, 2002)

Secs. 7-37—7-50. Reserved.

ARTICLE III

Garbage and Refuse

Sec. 7-51. General, definitions.

For the purposes of this Article, the word refuse shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known. (Ord. 215 §1, 1993)

Sec. 7-52. Accumulation of refuse prohibited and declared nuisance.

Any accumulation of refuse or other material on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance. (Ord. 215 §1, 1993)

Sec. 7-53. Responsibility of owners and lessees for refuse on premises.

It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. (Ord. 215 §1, 1993)

Sec. 7-54. Hours for burning trash and other materials.

It shall be unlawful for any person to burn any trash or materials outside, in any receptacle between the hours of 7 p.m. and 6 a.m. (Ord. 210 1989)

Sec. 7-55. Removal of refuse from business required.

Discarded automobile parts, stoves, furniture, wool, hides, junkyard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the Town dump by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the Fire Chief. Such removal shall be handled by the establishments responsible therefor. (Ord. 215 §1, 1993)

Sec. 7-56. Landfill.

(a) Origin. Only solid waste generated within the Town, or within the boundaries as defined by zip codes 81020 and 81042, will be accepted for deposit at the Town's landfill. In order to carry the burden of establishing the origin of the solid waste, the user may exhibit to the Town's representative such documentation, and may make such statements as are necessary, to establish the point of origin. Documents may include a valid driver's license, motor vehicle registration, building permit, sale

invoices or other such documentation as may be pertinent to establish the point of origin. If the Town representative does not conclude that the solid waste was originated with the areas defined as being an 81020 or 81042 zip code, the waste shall not be accepted at the landfill.

(b) Fees and additional regulations. In addition to the waste fees assessed by the State, all persons using the Town landfill shall pay a fee or fees as determined by the Town's representative and complying with the following: ten-load punch card (ten [10] thirty-gallon plastic trash bags): five dollars (\$5.00).

(1) Tires, appliances, batteries, demolition material, hazardous material or any other items as determined by the Town's representative not suitable for the landfill will not be accepted.

(2) Liquid sludge shall not be accepted or permitted for deposit in the Town landfill.

(3) Salvaging activities of any kind or nature as expressly prohibited in the landfill area.

(c) Fee collection; issuance of passes; tree disposal.

(1) Fees will be determined and collected and dump passes will be issued by the Town Clerk's office during regular business hours only.

(2) The Town landfill will be open to the public during hours as determined by the Town Council.

(3) The Town will accept trees and branches no more than twice a year at no charge and at times, dates and notification to the public as set forth by the Town Council.

(4) Landfill fees paid prior to January 31st shall remain in an account set up for the operation, maintenance and payment of fees to the State. All new fees will also be deposited into this account.

(d) Trash regulations.

(1) All trash shall be bagged or otherwise covered and secured for transport to the landfill to prevent scattering debris during transportation to the landfill site.

(2) Upon deposit in the landfill, all items and material of any kind whatsoever shall become the property of the Town subject to control, management and recycling, as the Town shall determine.

(e) Penalty. Any person, business or organization who knowingly violates any provision of this Section shall upon conviction in the Municipal Court be fined an amount of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). (Ord. 216 §§1—5, 1995)

Secs. 7-57—7-70. Reserved.

ARTICLE IV

Weeds and Brush

Sec. 7-71. Designation of Undesirable Plant Management Advisory Commission.

The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute. (Ord. 215 §1, 1993)

EDITOR'S NOTE: Section 3.5-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

Sec. 7-72. Declaration of nuisance.

Any weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds or brush to grow or remain in any such place. (Ord. 215 §1, 1993)

Sec. 7-73. Duty of property owner to cut.

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground all weeds and brush when said weeds and brush grow to a height of twelve (12) inches or more. (Ord. 215 §1, 1993)

Sec. 7-74. Removal from Town.

All weeds and brush cut in accordance with Section 7-73 hereof shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut. (Ord. 215 §1, 1993)

Secs. 7-75—7-90. Reserved.

ARTICLE V

Animals and Livestock

Sec. 7-91. Keeping hogs in Town prohibited.

No person shall keep any hogs or pigs within the limits of this Town. (Ord. 205 Art. I §1, 1981)

Sec. 7-92. Pen, enclosures, etc., unlawful, after notice.

It shall be unlawful after notice to abate by a Town officer to permit or maintain any pen, place or premises in or upon which animals are kept as to be offensive or an annoyance to any person, and all such places are hereby declared to be a nuisance. (Ord. 205 Art. I §2, 1981)

Sec. 7-93. Poultry and fowl; noisy and odoriferous; keeping prohibited.

It shall be unlawful for any person knowingly to keep, maintain or permit to remain, under his or her control, upon any lot or parcel of land in the Town, any poultry or fowl, or any creature of any kind which by any persistent or pertinacious noise, sound or outcry, or by the creation or causing of offensive odors, shall disturb the peace or comfort of any neighborhood, or interfere with any person in the reasonable and comfortable enjoyment of life or property. (Ord. 205 Art. I §3, 1981)

Sec. 7-94. Reserved.

Sec. 7-95. Reserved.

Sec. 7-96. Running at large prohibited.

The running at large within the corporate limits of the Town of horses, asses, mules, cattle, sheep, goats, swine and fowl is hereby prohibited and declared unlawful. (Ord. 205 Art. II §1, 1981)

Sec. 7-97. Taking up and impounding, notice; notice of sale, publication.

The Chief of Police shall take and impound all such animals so found running at large and, upon the taking up and impounding of any animals, shall forthwith give notice thereof by posting notices, one (1) at the entrance of the Town Hall, and one (1) at the post office, of such taking up and impounding, giving the location of such Town pound, and shall immediately give a seven (7) days' notice of sale, to be published in the official state livestock paper. (Ord. 205 Art. II §2, 1981)

Sec. 7-98. Contents and method of notices.

Such notices shall contain, as near as may be, a description of the animal or animals impounded, giving the color and sex, including a copy of all brands, if any, on such animal or animals, and shall state that, unless such animal shall be claimed and the costs of feeding and advertising be paid to the Chief of Police previous to a date named in such notice, which date shall be the eighth day after the first publication of such notice, he or she shall sell such animal as hereinafter provided. In case the animal is branded and the owner unknown, in addition to the notice and publication heretofore mentioned, the Chief of Police shall carefully note all the brands and earmarks found thereon, and the kind, sex and color of such animal or animals and send at once to the Secretary of State a full description of such animal or animals and the place and date of such taking up and impounding, and the Secretary of State shall at once forward a notice giving the above facts to the recorded owner or owners of the brand or brands found on such animal or animals; provided that if the owner of any animal impounded shall be known to the Chief of Police, he or she shall not cause the publication of such notice as herein provided, but shall cause a notice as above described to be immediately served upon the known owner, or his or her representatives, by certified mail, and such service for the purpose of sale shall be equivalent to the publication of such notice. Provided, further, that in case such known owner, after receipt of such notice, shall fail to claim such animal and pay all costs as above provided within seven (7) days after received, then the Chief of Police shall sell such animal in the same manner as though the notice had been published. (Ord. 205 Art. II §3, 1981)

Sec. 7-99. Claiming animal; payment of costs.

If the owner of the animal impounded shall claim such animal of the Chief of Police within the time specified within such notice, and pay all the costs accrued because of the impounding and advertising, then the Chief of Police shall release such animal to such owner. (Ord. 205 Art. II §4, 1981)

Sec. 7-100. Sale; time and place.

If the animal or animals shall not be claimed and the costs paid as provided in the preceding Sections, the Chief of Police on the eighth day after the date of the first publication of the notice or service of notice upon the known owner or owners, or their representatives, as the case may be, shall sell such animal at the Town Hall at public auction to the highest bidder, such sale to commence at 10 a.m. of the eighth day; provided that, if the eighth day shall fall on Sunday or a legal holiday, then the sale be made on the following day, commencing at 10 a.m. (Ord. 205 Art. II §5, 1981)

Sec. 7-101. Sale; use of proceeds.

The proceeds of such sale shall first be applied to the payment of all the accrued costs of impounding, feeding and advertising, and any surplus be paid over to the Town Treasurer; but if sufficient money is not realized from such sale to pay the costs, then the Chief of Police shall so certify to the Town Treasurer and such deficiency shall be paid from the unclaimed surplus received from the sale of other animals under this Article. (Ord. 205 Art. II §6, 1981)

Sec. 7-102. Sale; surplus of proceeds paid into treasury.

When any surplus money shall be paid into the Town treasury under the provisions of this Article, the owner of the animal from the sale of which surplus arose shall be entitled to a warrant from the Board of Trustees drawn upon the Treasurer therefor, provided that such owner shall make application therefor and satisfactory proof of ownership within one (1) year after the sale of such animal. (Ord. 205 Art. II §7, 1981)

Sec. 7-103. Releasing animals from pound.

It shall be unlawful for any person or persons to release or attempt to release any animal that has been taken up or impounded for running at large within the Town, from the custody of any Chief of Police or other proper officer of the Town, or from the Town Hall or place where impounded animals are kept, by opening the gate of such pound, tearing down the fence or enclosure, or in any other manner without the consent of the person in charge thereof. (Ord. 205 Art. II §8, 1981)

Secs. 7-104—7-120. Reserved.

ARTICLE VI

Dogs

Sec. 7-121. License and registration; fees.

(a) All dogs kept, harbored and maintained by their owners, except as provided in Subsection (d) below, shall be licensed and registered annually, and each owner shall pay to the Town for its use and benefit the following license fees:

Female dogs (unspayed)	\$10.00
Male dogs (unneutered)	\$10.00
Female dogs (spayed)	\$5.00
Male dogs (neutered)	\$5.00

(b) All license fees shall be due and payable not later than the fifteen day of the May of the ensuing year.

(c) The owner shall state at the time application is made for license, and upon printing forms provided for such purpose, his or her name and address and the name, breed, color and sex of each dog owner or kept by him or her.

(d) All dogs over four (4) months old shall be licensed as herein provided within ten (1) days after their acquisition or purchase by the owner or after their arrival in the Town. (Ord. 205 Art. III §1, 1981; Ord. 215 §1, 1993; Reso. 8-1996)

Sec. 7-122. Running at large; exceptions.

No owners of any dog shall permit the same to run at large within the Town, and all dogs shall be confined to the immediate premises of the owner except under the following conditions:

(1) When restrained by a leash or other device physically attached to the collar of the dog which keeps the dog under the absolute control of the owner.

(2) When accompanied by the owner and under the owner's control by obedience command, as hereinafter provided. (Ord. 205 Art. III §2, 1981; Reso. 8-1996)

Sec. 7-123. Penalty for failure to obtain license.

Any person owning or keeping any such dog, who shall allow the same to run at large within the Town without first having obtained a license, shall forfeit and pay a penalty as provided in Section 1-72 of this Code, to be recovered by action in the name of and for the use of the Town. (Ord. 205 Art. In §3, 1981)

Sec. 7-124. Vaccination required.

(a) Each dog shall be vaccinated against rabies and such vaccination shall be repeated as determined by the veterinarian administering the original vaccination. A certificate of vaccination shall be completed in duplicate by the veterinarian and one (1) copy retained in the veterinarian's file. In the event that the dog is not of age to be properly vaccinated, the vaccination shall be waived therein and certificate delivered to the Town.

(b) No dog shall be licensed as provided in Section 7-121 above unless a valid certificate of rabies vaccination accompanies the application for the license. (Ord. 179A §1, 1958; Ord. 215 §1, 199; Reso. 8-19963)

Sec. 7-125. Killing unlicensed dogs.

The Chief of Police or any such officer of the Town is hereby authorized to kill and destroy any dog found running at large within the limits of the Town; and any such dog shall be considered running at large unless marked and licensed as this Article provides. Such dog not so marked or licensed may be killed by such officer upon the premises of the owner or elsewhere, without notice; provided that, if such dog is kept tied up, then this Section shall not so far apply as to allow the killing of such dog on the premises of the owner thereof. (Ord. 205 Art. III §4, 1981)

Sec. 7-126. Interference with officer.

Any person who shall molest or hinder the Chief of Police in the discharge of the duties herein provided, shall be punished as provided in Section 1-72 of this Code. (Ord. 205 Art. III §5, 1981)

Sec. 7-127. Female dogs in heat not to run at large.

If any person shall allow any female dog kept or owned by him or her to run at large while in heat, he or she shall be punished as provided in Section 1-72 of this Code and it shall be the duty of the Chief of Police to kill any such female dog in heat so found at large in the Town. (Ord. 205 Art. III §6, 1981)

Sec. 7-128. Keeping of vicious dogs prohibited.

(a) It shall be unlawful for any person to own, keep, harbor or possess a vicious dog anywhere in the Town.

(b) A vicious dog is any dog who, without provocation, bites and/or otherwise causes injury to any person or other animal, or snaps at or attacks any person or other animal, on public or private property. Such dog shall not be deemed to be a vicious dog under the following circumstances where such dog has bitten or attacked the following:

(a) Any person engaged in the unlawful entry upon the dog owner's automobile or any vehicle wherein such dog is confined, or which is parked on the street immediately adjacent to the owner's property.

(3) Any person engaged in attacking or molesting another person.

(4) Any person engaged in attempting to stop an altercation between such dog and another dog.

(5) Any person who deliberately and wantonly provokes such dog to bite or attack such person, another person or another animal.

(c) Impoundment. It shall be the duty of the animal control officer or any police officer to seize and impound any vicious dog. After making every possible attempt to seize such dog, including the solicitation of assistance from the dog's owner if said officer determines that said vicious dog cannot be seized without exposing the officer or other persons to danger or personal injury from such vicious dog. It shall be lawful for said officer to destroy such dog without notice to the dog owner, keeper or possessor.

(d) Powers of Municipal Judge. The Municipal Judge may order any person found guilty of violating this Section to surrender such dog to the animal control officer of the Town without twenty-four (24) hours of the issuance of said court order for the humane destruction of such vicious dog. The refusal or failure of such a person to comply with said order shall subject such person to all of the penalties prescribed in this Chapter, and such person shall be deemed guilty of a separate chapter, and such person shall be deemed guilty of a separate offense for violation of said court order. Further, upon the failure of such person to comply with said court order, the animal control officer shall impound and cause said dog to be humanely destroyed. The owner of such dog shall be liable for and pay all costs of the impoundment and destruction of said dog. (Reso. 8-1996)

Sec. 7-129. Removal and burial of dogs killed.

It shall be the duty of the Chief of Police to have any dog so killed removed beyond the Town limits and buried. (Ord. 205 Art. III §7, 1981; Reso. 8-1996)

Secs. 7-130—7-140. Reserved.