

ORDINANCE 22-03

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE VII OF CHAPTER 7 REGARDING THE REGULATION OF DOGS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Division 1 of Article VII of Chapter 7 of the Elizabeth Municipal Code is repealed in its entirety and reenacted to read as follows:

Division 1 – General Provisions

Sec. 7-7-10. General Provisions; Definitions.

(1) Purpose. The Town establishes this Article to protect the public health and safety of its citizens and to promote the general welfare of the citizens and dogs residing within the Town. Dog ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of dogs. Dog owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon dog owners to properly train or secure their dogs to prevent them from causing injuries or creating nuisances.

(2) Interpretation.

(a) In interpreting and applying this Article, the requirements set forth herein are the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this Article shall be liberally construed to accomplish its purposes.

(b) This Article shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any ordinances, rules, regulations, permits or agreements between parties; provided, however, that where this Article imposes stricter requirements upon the care, maintenance and control of dogs than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this Article shall prevail.

(3) Definitions. For all purposes under this Article, the following words and phrases shall be construed as follows:

Animal control officer means any person employed by the Town to enforce the provisions of this Article, and any and all police officers of the Town.

Control shall mean that the dog is on a leash, cord, or chain not more than ten (10) feet in length held by a person of sufficient age, size, and physical ability to restrain the dog. Electric leashes are specifically prohibited.

Dangerous dog means any dog, except a dog assisting a law enforcement officer, engaged in law enforcement duties that:

1. Causes serious bodily injury to any person or domesticated animal or behaves in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.

2. Has been previously adjudged as a potentially dangerous dog under this Article and the owner has failed to obtain and/or maintain the required potentially dangerous dog permit; or the dog has engaged in subsequent behavior that poses a threat to public safety or for which any of the potentially dangerous dog permit conditions set forth for the keeping of potentially dangerous dogs have been violated (unless the dog owner has been relieved of the obligation to maintain such permit as set forth in this Article).

3. Engages in or has been trained for dog fighting as described and prohibited in C.R.S. § 18-9-204.

Dog means any dog, whether male or female, regardless of age, except that for purposes of licensing, registration and vaccinations, "dog" shall mean a male or female dog that is at least four months old.

Harbor means to occupy any premises on which a dog is kept or to which a dog customarily returns for food and care.

Impound means to physically confine a dog at a licensed boarding facility or licensed kennel at the direction of an animal control officer.

Keeper means any person, or the parent, guardian or custodian of any minor, who is in possession of, or is keeping, harboring or caring for any dog

Owner means and includes any person or entity that owns, keeps, harbors, possesses, or has permanent control or custody of a dog, claims responsibility for a dog, or is declared by court decree to be the responsible party for a dog or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of a dog shall be deemed to be the owner of the dog for purposes of this Article.

Persistent means continuously without substantial interruption for a period of thirty (30) minutes or longer.

Potentially dangerous dog means any dog, except a dog assisting a law enforcement officer engaged in law enforcement duties, that may be a threat to public safety as may be demonstrated by any of the following behaviors:

1. Acts in a highly aggressive manner within a fenced yard or

enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.

2. Without provocation, approaches any person in a menacing or terrorizing manner, or in an apparent attitude of attack, whether such person is in motion or standing still, and whether such person is on foot or on or in a vehicle or device which allows such person to be in motion.

3. Any dog that without provocation menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domesticated animal.

4. Attacks any person or domesticated animal that is lawfully on the owner's property.

5. Without provocation causes any injury, less than serious bodily injury, to any person or domesticated animal at any place within the Town.

6. Any dog declared to be potentially dangerous, or potentially vicious, or a like definition, by any jurisdiction.

Serious bodily injury means bodily injury directly inflicted by the dog which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or results in break, fractures, or burns of the second or third degree.

Sec. 7-7-20. Power and duties of animal control officer; Interference.

(1) Animal control officers shall have the power and duty to enforce all sections of this Article and any other ordinances or laws of the state pertaining to dogs. In the furtherance of such duties, such officers may issue, sign, and serve penalty assessments or summons and complaints to enforce the provisions of this Article.

(2) Animal control officers shall keep accurate and detailed records of the impoundment and disposition of all dogs coming into custody, and of all reports of any dog bites reported to such officers.

(3) It shall be lawful for any animal control officer to go upon private property to capture any dog to be impounded for, or to investigate any report of a violation of this Article, if:

(a) The officer has obtained consent of the person in possession of the property.

(b) The officer has obtained a search warrant pursuant to Rule 241 of

the Colorado Municipal Court Rules.

(c) The officer is in pursuit of a dog which is, or has been, running at large.

(d) The officer is in pursuit of a dog which the officer has probable cause to believe has bitten a person or other domesticated animal.

(e) The officer is attempting to abate a continuing violation when the owner of the property is not available.

(f) Nothing in subsections (3)(c), (3)(d), or (3)(e) of this section shall be deemed to authorize entry into any enclosed building on private property.

(4) If an affidavit has been submitted to the Municipal Court Judge which satisfies the Judge that a dog which is the subject of a violation of this Article, is located within the Town and that the dog either poses a clear and present danger to the health, general welfare or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court Judge may order the dog seized by the animal control officer pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the dog may request a hearing concerning any such order for seizure entered pursuant to this subsection by filing an appropriate motion pursuant to applicable rules in the Colorado Municipal Court Rules. Whenever a dog is seized by order of the Municipal Court or other court, the kennel shall not adopt out, donate, or euthanize the dog unless such action is permitted by a subsequent order of the same court which ordered the initial seizure.

(5) Notwithstanding paragraphs (3)(b) or (3)(f), above, if an animal control officer has reasonable cause to believe that the keeping or harboring of any dog is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the dog or the public health or safety, the animal control officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the dog is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied and whether permission to inspect has been obtained or not. If the property or vehicle is occupied, the animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining his or her reasons therefore and the purpose of the inspection. Such entry shall be solely for the purpose of abating the violation, and no evidence obtained during or as a result of such entry shall be admissible for purposes of prosecution.

(6) It is unlawful for any person to interfere with, molest, hinder, or prevent any police officer or animal control officer or his or her authorized representative in the discharge of their duties as prescribed herein, or to violate any of the provisions of this Article.

Sec. 7-7-30. Violations and penalties.

It is unlawful for any person to violate any of the provisions of this Article, and except as otherwise specifically provided elsewhere in this Article, any such violation shall be punished as provided below:

(1) In the discretion of the Municipal Court, every person convicted of, or who pleads guilty or no contest to, a violation of any provision of this Article, shall be punished by a fine of not less than twenty-five dollars (\$25.00), but not exceeding one thousand dollars (\$1,000.00) per violation or count, by imprisonment not exceeding ninety (90) days or by useful community service or any combination of the above. Each day of any violation of this Article shall constitute a separate offense.

(2) Authority is hereby expressly granted to the judges of the Municipal Court to enter any order enjoining an activity or authorizing its restraint, removal, termination or abatement by the owner, any agent, occupant, or other person who has caused the violation or allowed it to continue. If the owner, agent, occupant or other person fails to comply with the order of the Court, the Court may order abatement or removal of the violation and assess such costs incurred by the Town in removing or abating the violation against the person found by the Court to have caused, allowed to be caused, or allowed the violation to continue and such amount shall become a lien upon any real property on which abatement was performed if such amount is not paid to the Court within the time established by the Court for such amount to be paid.

(3) Restitution. The court shall order any owner who is convicted of, or enters into a deferred judgment for any violation that includes injury or death of another animal, regardless of the charge to which any owner is convicted of or pleads guilty, to make restitution as follows:

(a) If the owner's dog injures any animal, restitution shall be equal to any reasonable and necessary medical expenses in treating such animal and in rehabilitating such animal.

(b) If the owner's dog destroys any animal, restitution shall be the greater of the fair market value or the replacement value of such animal on the date, but before the time, the animal was destroyed, plus any reasonable and necessary medical expenses incurred in treating the animal and the expense to dispose of such animal.

Section 2. Section 7-7-160 of the Elizabeth Municipal Code is repealed and reenacted to read as follows:

Sec. 7-7-160. Rabies – Quarantine.

(1) The owner of any dog that bites any person or other animal shall deliver the dog to the Town and shall provide such information as may be requested by an animal control officer.

(2) Any dog which is found within the Town and which is suspected to be carrying rabies shall immediately be turned over to an animal control officer. An animal control officer shall, at the owner's expense, quarantine and impound such dog for a period of ten (10) days; and if during such period such dog displays symptoms of illness; its disposition, including without limitation, destruction, shall be determined by the Town in consultation with a licensed veterinarian.

(3) A dog which is known to have been exposed to an animal infected with rabies shall be quarantined and shall be closely confined by its owner in a sufficiently fenced, locked area, or a kennel, all at the expense of the owner for a period of ten (10) days and take such other steps as may be necessary to prevent the spread of rabies.

(4) If it is known who the owner or keeper of a dog that is quarantined or impounded pursuant to this section, the owner or keeper shall be held responsible for any costs incurred by the Town related to the impoundment, care, and disposition of said dog regardless of whether the owner or keeper reclaims the dog.

(5) No person shall kill any suspected or confirmed rabid dog except upon the written consent of an animal control officer. A person shall be authorized to kill any suspected or confirmed rabid dog in defense of a person or other animal or to prevent the escape of such suspected or confirmed rabid dog.

Section 3. Section 7-7-200 of the Elizabeth Municipal Code is amended to read as follows:

Sec. 7-7-200. Dog license required.

Any person having custody of any dog three (3) months of age or older for seven (7) days shall procure a dog license. License fees shall be paid every two years to the Town Clerk. License fees shall be five dollars (\$5.00) for each neutered male or spayed female dog, and ten dollars (\$10.00) for each unsterilized dog. All dog licenses issued hereunder shall be valid for two (2) calendar years. Upon collection of the dog license fee by the Town Clerk, a dated receipt shall be issued stating the name and address of the owner, dog tag number, description of dog, together with an Elizabeth dog license tag stamped with a serial number. The dog's license tag shall be affixed to its collar or chain.

Section 4. Division 6 of Article VII of Chapter 7 of the Elizabeth Municipal Code is repealed and reenacted to read as follows:

Division 6 – Wild or Vicious Animals

Sec. 7-7-400. Potentially dangerous dogs.

(1) It is unlawful to keep or maintain any potentially dangerous dog within the Town without compliance with this section.

(2) Whenever any dog engages in behavior that meets the definition of a potentially dangerous dog, the owner of such dog shall be charged with a violation of this section, and the dog may be seized and impounded as set forth in this Article. If the dog is impounded, such owner shall also be required to meet the financial bonding requirements set forth in this Article. If the identity of the owner of a dog, which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, the dog shall be immediately confiscated. If the owner or keeper then claims such dog, the dog may in the discretion of an animal control officer be released to its owner or keeper, together with a copy of the summons and complaint charging a violation of this section. Any dog impounded which is not claimed within a five-day period may be subject to orders from the Municipal Court for disposal by the kennel. Disposal may be by adoption, donation, or humane destruction at the sole discretion of the kennel.

(3) After any dog has been adjudged potentially dangerous through conviction or entry of a plea in the Municipal Court, the dog may be permitted to remain in the Town if and only if the owner applies for and receives a potentially dangerous dog permit from the Town, and the Municipal Court shall order any such owner of a potentially dangerous dog to apply for such permit within five (5) days of the date of conviction, and to maintain such permit for such dog at all times unless the dog is later determined by an animal control officer to no longer be potentially dangerous in accordance with subsection (7) of this Section 7-7-400. The owner or keeper of a potentially dangerous dog shall at all times comply with all conditions of such permit.

(4) Applications for potentially dangerous dog permits shall include:

(a) The name and address of the applicant and of the owner of the dog and the names and addresses of two (2) persons who may be contacted in the case of an emergency.

(b) An accurate description of the dog for which the permit is requested.

(c) The address or place where the dog will be located.

(d) In addition to the license fees provided by this Article, the owner of a potentially dangerous dog shall pay an annual permit fee as set by the Town's fee schedule, to register and maintain registration of such owner or

keeper as a potentially dangerous dog.

- (e) The dog's microchip information, if applicable.
 - (f) Proof that the dog has a current rabies vaccination.
 - (g) Such other information as the Town may require.
- (5) Conditions of a potentially dangerous dog permit may include:
- (a) Any owner or keeper of a potentially dangerous dog shall be jointly and severally responsible with all other owners of such dog for compliance with the requirements of this subsection and the permit issued hereunder.
 - (b) The owner or keeper of any potentially dangerous dog shall be allowed only one (1) permitted potentially dangerous dog and no household within the Town shall be allowed to harbor more than one (1) permitted potentially dangerous dog at any time.
 - (c) The owner or keeper of a potentially dangerous dog shall be a responsible adult eighteen (18) years of age or older.
 - (d) The location where the potentially dangerous dog is possessed or maintained must be kept clean and sanitary and the dog must be provided proper and adequate food, water, ventilation, shelter, and care at all times.
 - (e) Animal control officers must be permitted at any reasonable time to inspect the dog and premises for compliance with this section.
 - (f) The owner of the potentially dangerous dog shall provide and pay for the implantation of a microchip within such dog, and shall provide proof of compliance with this requirement at the time of making the permit application.
 - (g) The owner of a potentially dangerous dog shall notify an animal control officer, in person or by telephone, of any of the following occurrences within the scheduled time frames as set forth in this subsection:
 - (i) Within eight (8) hours after the dog has escaped or has otherwise ceased to be in custody of the owner for any reason, unless the owner knows such dog to be physically secured, restrained, or confined and to be in the custody of another adult who is competent.
 - (ii) Within eight (8) hours after the dog has attacked a person or another domestic animal.

(iii) If the dog has died or if ownership or possession of the potentially dangerous dog or the location of the potentially dangerous dog's primary habitat is changed to a person or location outside of the Town, the owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of such change, including the name, address, and telephone number of the new owner, if relevant. If ownership or possession of the dog or the location of the dog's primary habitat is changed to a person or location at a different address within the Town, the owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of the change, including the name, address and telephone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of an animal control officer, but such modification must be obtained within five (5) days of the change. The fee for a permit modification shall be as set by Town's fee schedule.

(5) At the discretion of the Municipal Court a potentially dangerous dog permit may contain any or all of the following conditions:

(a) Spaying or neutering of potentially dangerous dog.

(b) Except under the circumstances otherwise specifically permitted by this section, a potentially dangerous dog shall at all times be maintained inside a proper enclosure.

(c) The potentially dangerous dog shall not be present, kept or maintained at any location other than as specified in the permit.

(d) A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous dog is kept, warning that there is a dog on the premises which presents a potential danger to persons or other domestic animals. Such sign shall have the dimensions, colors, graphics, and lettering that comply with the standards as established by the Town Administrator or designee. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is a dog on the premises which presents a potential danger to persons or other domestic animals.

(e) The potentially dangerous dog shall not be permitted to be outside a proper enclosure on the premises named in the permit except for the purpose of obtaining supervised and attended exercise, veterinary care, being sold or given away, or to comply with any provision of law or directive of an animal control officer. When outside the proper enclosure for such permitted purposes, the dog must be properly muzzled and restrained by a substantial chain or leash not to exceed ten (10) feet in length, under the control of a responsible adult at all times who has the physical ability to

restrain the movement of such dog. Notwithstanding, potentially dangerous dogs may be confined humanely within a vehicle, provided that the dog cannot escape or inflict injury upon any person or other domestic animal.

(6) Except as provided in Subsection (7) of this Section 7-7-400 below, the permit as provided in this section shall be renewed annually with the Town.

(7) In the discretion of the Municipal Court, upon written request from the owner, if there are no additional documented findings by an animal control officer of any behavior of the potentially dangerous dog which indicates that the dog remains a threat to the public safety for the (36) thirty-six-month period from the effective date of the initial potentially dangerous dog permit, the owner may be relieved of the obligation to continue to maintain a potentially dangerous dog permit.

(8) The Municipal Court shall consider the following affirmative defenses if evidence thereof is presented in determining whether a dog is dangerous or potentially dangerous:

(a) The underlying evidence leading to the charge against the dog as dangerous or potentially dangerous.

(b) Whether any injury or damage to a person by the dog was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the dog.

(c) Whether a person injured or damaged by the dog was committing a trespass or other tort upon premises occupied by the owner or keeper of the dog, or was committing or attempting to commit a crime.

(d) Whether any injury or damage to a domesticated animal was caused or contributed to by the actions and behavior of the domesticated animal such as teasing or attacking the dog.

(e) Whether a person injured or damaged by the dog had gained uninvited and unauthorized entry into the fenced or indoor property of the owner or keeper of the dog. As used in this section, unauthorized entry does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

(f) Whether any injury or damage to a person by the dog was caused while the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

Sec. 7-7-410. Presumption of ownership.

Any adult at whose residence a dangerous dog or potentially dangerous dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption. If a dog has more than one (1) owner within the meaning of this section, any one (1) of such owners may be prosecuted for violations of this section whether or not any other owners are also prosecuted.

Sec. 7-7-420. Dangerous dogs.

It is unlawful to own, keep, or maintain any dangerous dog within the Town. Whenever any dog engages in behavior that meets the definition of a dangerous dog, the owner of such dog shall be charged with a violation of this Article, and the dog shall be seized and impounded as set forth in this Article. Any person convicted of a violation of this section shall, in addition to all other permitted penalties under this section, be required to humanely destroy such dog or to remove and maintain the dog outside the Town.

Section 5. Division 7 of Article VII of Chapter 7 of the Elizabeth Municipal Code is repealed and reenacted to read as follows:

Division 7 – Impounded Animals

Sec. 7-7-450 Impounded and seized dogs; destruction of dogs.

(1) Impoundment.

(a) Any time an animal control officer has reasonable suspicion to believe a dog has engaged in any form of prohibited behavior under this Article, or any other ordinance or any law of the State, including but not limited to, the failure of the dog to be properly collared or harnessed or identified as set forth in this Article, such animal may, at the discretion of an animal control officer, be taken into custody by an animal control officer and impounded in a humane manner.

(b) Unless other time frames are specifically provided for in this Article, (including but not limited to bite confinement periods), any dog impounded which is not claimed within a five-day period may be disposed of by the kennel, only upon issuance of a written Municipal Court order. Disposal may be by adoption, donation, or humane destruction at the sole discretion of the kennel. During the period of impoundment, the animal control officer shall make a reasonable effort to ascertain and notify the owner.

(c) Any dog held as evidence at the kennel at the request of an animal control officer shall remain impounded pending a hearing. Any dog so impounded which is not claimed, or for which financial bond is not paid as set forth in this Article, may be disposed of as set forth in this Article. In no event shall said dog be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.

(d) The owner of any impounded dog shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Fees and charges for impoundment of dogs shall be as set by the Town's fee schedule and charges incurred by the Town. No impounded dog shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded dog to claim such dog from the kennel shall not relieve the owner from payment of all applicable charges and fees as established by the kennel. It shall be unlawful for any owner to fail to pay such fees and charges.

(e) In the sole discretion of the animal control officer, any dog found running at large, which is not otherwise a potentially dangerous or dangerous dog under the provisions of this Article, may be returned to its owner.

(2) Seizure and immediate destruction.

(a) Any dog that has caused injury to any person or domesticated animal, or which has without provocation attacked any person or domesticated animal, or which otherwise meets the definition of a dangerous or potentially dangerous dog as set forth in this Article, and is found running at large, may be seized and impounded at the owner's expense by an animal control officer without notice to the owner. The animal control officer shall make reasonable effort to notify such owner after seizing and impounding the dog pursuant to this section. If after making every reasonable attempt to seize such dog the animal control officer determines the dog cannot be captured without exposing the animal control officer or other persons to danger of personal injury from the dog, and the animal presents a present danger to any person or other dog, it shall be lawful for the animal control officer to humanely destroy the dog without notice to the owner.

(b) When a veterinarian, kennel, animal control officer, or law enforcement officer has determined that a dog is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery, nothing in this Article shall be construed to prevent the immediate humane destruction of such domesticated or wild animal.

Sec. 7-7-460. Hearing on disposition of seized dogs; financial bonding requirements; destruction, seizure, or release.

(1) Whenever a dog is seized or impounded pursuant to this Article and a summons and complaint has been served, depending on the nature of the charge pending, the owner may be summoned before the Municipal Court on the next available court date following the seizure or impoundment to address only the issue of disposition of the seized and impounded dog. The Town, through its animal control officers, shall make reasonable efforts to notify the owner in writing by

personal service or by posting notice on the front door of the owner's residence at the address shown on the dog license records. Unless the dog owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least five (5) days prior to the hearing and shall state the time, date, location and purpose of the hearing. Such hearings resulting from dog seizures or impoundments shall be given priority on the Municipal Court docket in order to minimize the expense to the owners for impoundment of seized dogs.

(2) If a dog is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the dog may proceed in accordance with the time frames and requirements of this section.

(3) If, on the date of the hearing, notice to the owner was provided as required under Section 7-7-460(1) above, the Municipal Court may proceed with the hearing as to the disposition of the dog, whether or not the owner appears.

(4) Formal rules of evidence shall not apply at such dog disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the Town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Municipal Court shall order the dog to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Municipal Court determines that it is inappropriate to order the dog impounded, the Municipal Court may order the dog returned to the owner and kept under such circumstances as will ensure the safety of persons, property, or other animals, as the case may be.

(5) Financial bonding for cost of holding impounded dogs.

(a) The owner of a dog that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the dog from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.

(b) If the owner does not appear at the disposition hearing, the Town shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5) days from the date of the notice to post such bond.

(c) If the owner fails to post the bond or cannot be ascertained by the Town following reasonable efforts, the dog shall be deemed abandoned, and the kennel, upon issuance of a Municipal Court order, may dispose of the dog at any time after five (5) days from the date of notice, of the bond requirement. The date of notice shall be the later of the date the owner is

provided notice or the date that the dog control officer or kennel makes reasonable efforts to ascertain and provide the owner with such notice. The Town shall be provided copies of all notices issued under this section.

(d) At the end of the time for which expenses are covered by the bond, the Municipal Court may determine disposition of the dog. The owner shall be liable for the cost of the care, keeping or disposal of the dog.

Section 6. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 7. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, 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 8. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this 25 day of January, 2022.

Passed by a vote of 6 for and 0 against and ordered published.

Megan Vasquez, Mayor

ATTEST

Michelle M. Oeser, Town Clerk