

**TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-5**

AMENDING ORDINANCE NO. 312 CONCERNING THE REGULATION OF DOGS

WHEREAS. the Board of Trustees of the Town of Rico finds that an increasing number of dogs running loose and unattended by their owners has resulted in a threat to the public health safety and welfare of the Rico community: and.

WHEREAS. the Board of Trustees finds that amending the existing Dog Regulations to prohibit owners from loosing their dogs to run at large in the Rico area and establishing dogs at large to be a violation of the Dog Regulations will promote the health, safety and general welfare of the Rico community:

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. ORDINANCE NO. 312 AMENDED

Ordinance No. 312 is hereby amended as follows:

SECTION 3: DEFINITIONS is amended to add the following definition:

“L. Dog At Large. A dog that is not on the property of the Owner and is not connected to the Owner by a leash.

M. Kennel. The owning, keeping, or harboring of four (4) or more dogs on any property, defined as a residential unit, a single family residential property, or a commercial premises, is deemed to be a Kennel.”

SECTION 4. VIOLATIONS is amended to delete Section 4 in its entirety and re-enact Section 4 to read as follows:

“Any owner of a barking dog(s), nuisance dog(s), stray dog(s), trashing dog(s), vicious dog(s), dog(s) at large, dog(s) without current rabies vaccinations as evidenced by a state licensed veterinarian, dog(s) without a collar and current Rico dog license, or use of a property in the Town of Rico as a kennel are each deemed to be a violation of the Dog Regulations. The requirement for obtaining a license for any dog(s) and for demonstrating proof of rabies vaccination for any dog(s) shall not apply to dog(s) less than seven (7) months old.”

SECTION 11.A. COLLAR AND TAG is amended to delete Section 11.A. in its entirety and re-enact Section 11.A. to read as follows:

“A. Owners of dogs that are a resident or property owner in the Town of Rico shall pay the annual license fee for each dog. For the purposes of this Ordinance an owner of a dog shall be deemed to be a resident if the owner or the owner’s dog(s) reside in the Town of Rico for thirty days in a calendar year. Dog(s) shall wear a tag supplied by the Town of Rico attached to a collar that is worn by such dog(s). Proof of annual vaccination is a condition to licensing a dog. The Town of Rico shall issue to the owner a receipt for the payment and a tag for each dog licensed.”

SECTION 12. ENFORCEMENT is amended by amending the first sentence to read as follows without amending the remainder of Section 12. :

"It is the duty of the enforcing officer to enforce the Rico Dog Regulations when a citizen has signed a complaint against the owner of the offending dog."

SECTION 17. KENNELS is added as a new section to read as follows:

"Section 17. Kennels. Kennels are not permitted as a use by right anywhere in the Town of Rico and can only be approved through a Special Use Permit process or zoning amendment process. A kennel use of a property is recognized to have significant impacts on surrounding properties and may not be compatible with adjacent land uses anywhere within the Town of Rico as it exists as of the date of this Ordinance. Appropriate areas for Kennel uses may be annexed into the Town of Rico in the future. Dog owners or properties that meet the definition of kennel as of the date of this Ordinance are deemed to be grandfathered and shall be permitted to continue to keep such individual dogs that exist as of the date of this Ordinance provided that no new or additional dogs are kept, harbored or owned on such property without complying with this Ordinance; and further provided that in the event such grandfathered kennel owners or properties keep, harbor or own a new or additional dog without coming into compliance with the Dog Regulations than such grandfathered status shall be immediately revoked."

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

READ, MOVED AND APPROVED ON FIRST READING ON THE 20th DAY OF NOVEMBER, 2002. READ AND FINALLY ADOPTED AFTER CONDUCTING A PUBLIC HEARING ON THE 24th DAY OF FEBRUARY, 2002.

TOWN OF RICO, COLORADO

BY: Tom Clark
Tom Clark, Mayor

ATTEST: Linda Yellowman
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

Eric James Heil
Eric James Heil, Town Attorney