

Title 9

ANIMALS

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- 9.16 Cruelty to Animals

Chapter 9.12

ANIMAL CONTROL

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9.12.010 Definitions.

A. "Owner or Animal Owner" shall include any persons, firm, association, or corporation owning, keeping or harboring an animal or who shall suffer or allow any animal to remain or be kept on or about his/her premises for a period forty-eight (48) hours or more.

B. "Animal" as used in this Title, shall include all warm blooded mammals, other than homo sapiens, both domesticated and undomesticated. Animal shall include both the male or female, whether or not neutered or sterilized.

1. The term "dog" shall include any animal of canine species regardless of sex.
2. The term "cat" shall include any animal of feline species regardless of sex.
3. The term "livestock" shall mean any bovine animal, swine, horse, mule, ass, sheep or goat.

C. "Vicious Animal" shall mean any animal that inflicts unprovoked bites, scratches, or other injuries or attacks human beings or other animals either on public or private property, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, upon the streets, sidewalks or any public or private grounds or places or in any store, shopping area or other facility frequented by the public.

D. "At Large" shall mean off the premises of the owner or other person in possession of the animal and not under the control of such owner, other person, his agent, or a member of his immediate family, by leash, cord, or chain not to exceed eight feet (8') in length.

E. "Premises" shall mean real property owned, rented, leased, used, kept or occupied by the animal owner.

F. "Certificate" shall mean a statement by a licensed veterinarian specifically describing the animal.

G. "Rabies Vaccination" shall mean the inoculation of a dog, cat, or other animal with a rabies vaccine approved by the Colorado Department of Public Health and Environment.

H. "Bodily Injury" shall mean an injury caused by animal bite, scratch, or attack whereby at a minimum, the skin is broken, exterior bleeding occurs or bruised conditions arise as a direct result of said bite, scratch or attack and emergency medical treatment by a licensed physician is reasonably necessary.

I. "Town" shall mean within the corporate limits of the Town of Dinosaur, Colorado.

J. "Town Marshal" as used in this Title shall mean Town Marshal, other law enforcement officers, or persons employed by the Town of Dinosaur to enforce this Title.

(Ord. 46, §1, 1979)

9.12.020 Rabies Control.

A. Every person owning a harboring a dog or cat three (3) months of age or older shall each year or every two (2) years if approved by the Colorado Department of Public Health and Environment cause such dog or cate to be vaccinated against rabies with a vaccine approved by the Colorado Department of Public Health and Environment by a veterinarian licensed to practice veterinary medicine in the State of Colorado.

B. Any owner who acquires or commences the harboring of a dog or cat of the current calendar year, shall within five (5) days following such acquisition or harboring cause such dog or cat to be inoculated against rabies for the remaining portion of that calendar year.

C. If other species of animals are vaccinated, such vaccination shall be with a vaccine approved by the Colorado Department of Public Health and Environment.

D. Upon application for a dog license, the applicant shall exhibit to the Town Clerk a certificate from a licensed veterinarian that the animal has been inoculated against rabies as required by this Section.

E. Such certificate shall contain the following information:

1. The name, address and telephone number of the owner or person in control of said animal.
2. The date of inoculation.
3. The type of vaccine used.
4. The year and series number of the rabies tag.
5. The breed, age, color and sex of the inoculated animal.

F. In the event of loss or destruction of the original tag, provided by the veterinarian administering the inoculation, the owner shall obtain a duplicate tag from the same veterinarian upon providing proof of said vaccination by presenting the original certificate or other satisfactory proof of vaccination to the same veterinarian and requesting a duplicate tag.

G. The owner shall also report in writing to the Town Marshal said loss or destruction of the original tag and provide the Town Marshal with the current rabies tag number.

(Ord. 46, §2, 1979)

9.12.030 Registration-Annual License Fee-Time of Payment.

A. Any owner residing within the Town, whose dog is over the age of three (3) months shall, each year, on or before the 1<sup>st</sup> day of April for the current year pay to the Town Clerk a license fee of two dollars (\$2.00) for each castrated male dog or spayed female dog, and a license fee of ten dollars (\$10.00) for each male dog not castrated or each unspayed female dog owned, kept, or harbored by him.

B. No license shall be issued in the amount of two dollars (\$2.00) for castrated male dogs or spayed female dogs except when presentation of a certificate to the Town Clerk is made certifying that such dog has either been castrated or spayed. Such certificate shall be issued by a licensed veterinarian.

C. In the event of the loss or destruction of the original license tag the owner of the dog shall obtain a duplicate tag from the Town Clerk. The price of such duplicate tag shall be two dollars (\$2.00).

(Ord. 46, §3, 1979)

9.12.040 Dog Tag and Collar.

A. Upon payment of the license fee required by the foregoing Section 9.12.030, the Town Clerk shall issue to the owner a license receipt and a numbered metal tag with the year of issuance stamped thereon, for each dog so licensed. The tag, as issued, together with the tag evidencing vaccination of said dog, shall be attached to a collar or harness to be worn by the dog so licensed at all times.

B. Neither the license tag nor the tag evidencing vaccination shall be transferrable from one dog to another.

C. It shall be unlawful for any person to fail or refuse to exhibit his/her copy of the dog license receipt and his/her certificate of vaccination upon demand to any person charged with the enforcement of this Title.

(Ord. 46, §4, 1979)

9.12.050 Animals Running at Large.

A. It shall be the duty of the owner or other person in possession of any dog, cat, pet animal, or animal described as livestock to restrain said animal(s) from running at large or trespassing on any person's private property or on public property, and it shall be unlawful for any person to fail to comply with the duty of restraining an animal of which he/she is the owner, keeper, or possessor. Any dog or other animal found in violation of this Section shall be deemed "at large."

B. Cat owners are subject to the penalties and procedures as described in this Title, except cats are not required to wear collars or harnesses.

C. It shall also be the duty of the owner or other person in possession of any dog, or other pet animal to maintain control over that animal by means of a leash, cord, or chain, not to exceed eight feet (8') in length, at all times when the animal is not otherwise restrained in or upon the property or premises of said owner or other person.

D. No cat, dog, or other pet animal may be released until vaccinated for rabies as prescribed in Section 9.12.020 of this Chapter and all fees and/or costs incurred by the impounding are paid to the Town Clerk and a receipt from the Town Clerk is presented to the person in charge of an animal care facility.

(Ord. 46, §5, 1979)

9.12.060 Impounding. It shall be the duty of the Town Marshal or any law enforcement officer to seize and impound in a suitable animal care facility, any dog or animal described as livestock found off the premises of the owner. (Ord. 46, §6, 1979)

9.12.070 Notice of Impounding and Fees.

A. The owner, or other person in possession of any impounded animal, if known, shall be notified by the officer impounding same, that said animal has been impounded. If no owner or other person caring for said animal can be found, a notice describing the animal and the place and time of its taking shall be posted in the Town Hall and on the Town's website for three (3) days.

B. The owner or any person claiming the animal shall, within three (3) days of the date of impounding of the animal, pay all fees for the impounding of the animal.

C. If the animal is a dog the owner or other person claiming the dog shall obtain a license for the dog if the dog is unlicensed and a vaccination tag for said dog if unvaccinated, and attach both said license and tag to the collar or harness of the dog prior to the dog's release.

D. The animal shall be released to said owner or other person upon payment to the Town Clerk of the following fees and/or costs incurred by the impounding:

1. For impounding:

Animal's first offense	\$5.00
Animal's second offense within 12 months	\$15.00
Animal's third offense within 12 month period	\$25.00

2. For keeping any dog or cat in the Town's animal care facility, \$3.00 per day for all animals not exceeding 30 pounds body weight; \$3.50 per day for any dog in excess of 30 pounds body weight; \$4.00 per day for livestock, including horse, goats, mules, swine, etc.

E. A receipt from the Town Clerk for the fees hereinabove described, together with a license receipt in the case of an impounded unlicensed dog and a vaccination certificate and tag must be exhibited to the person in charge of the animal care facility before any impounded dog may be released.

F. A receipt from the Town Clerk for the fees herein described, together with a vaccination certificate and tag, in the case of unvaccinated cat, must be exhibited to the person in charge of the animal care facility before any impounded cat may be released.

(Ord. 46, §7, 1979)

9.12.080 Disposition of Unclaimed Animals.

Any impounded animal which has not been claimed as provided for in the foregoing Section 9.12.070 may, at the end of the three (3) day period, be disposed of by the Town Marshal, except as provided in Section 9.12.110 below, Biting Dogs and Cats. (Ord. 46, §8, 1979)

9.12.090 Vicious Animals Prohibited.

A. It shall be unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the Town except as provided in Section 9.12.120, Guard Dogs, provided however, that an animal shall not be deemed a vicious animal by reason of having bitten or attacked the following:

1. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept.

2. Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein the animal is confined, or which is parked in or upon the owner's property.
3. Any person engaged in attempting to stop an altercation between such animal and another animal.

B. For the purpose of this Section, a person is lawfully upon the private property of such owner when he/she is on the property in the performance of any duty imposed upon him by the laws of this State, County or Town, or the laws or postal regulations of the United States, or when he is on such property upon the invitation, expressed or implied, of the owner thereof.

C. It shall be the duty of the Town Marshal or any law enforcement officer of the Town of Dinosaur to investigate all complaints concerning vicious or dangerous animals. After investigation the Town Marshal or any law enforcement officer of the Town of Dinosaur shall make a determination as to whether such animal should be confined pursuant to Section 9.12.110, Confinement of Biting Dogs and Cats.

D. If the Town Marshal or any law enforcement officer of the Town of Dinosaur deems an animal to be vicious, it shall be his duty to issue a written warning to the owner of the animal stating such viciousness, if the owner is known, and/or he shall prepare charges in Municipal Court against the owner thereof, if known, alleging the vicious propensities of the animal.

E. If the Municipal Court Judge finds that the evidence presented substantiates such charge the Judge shall order the animal's owner to restrict the animal as prescribed in Section 9.12.110, Confinement of Biting Dogs and Cats, or order the dog to be destroyed by the Town Marshal or any law enforcement officer, in an approved humane manner.

F. It shall be the duty of the Town Marshal or any law enforcement officer to seize and impound any vicious animal found in violation of this Section, whether or not said vicious animal is on or off the premises of the owner.

After making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner be immediately ascertainable and available, if said officer determines that said vicious animal cannot be seized without exposing the officer himself and/or other persons to danger or personal injury from such vicious animal, it shall be lawful for said officer to destroy such animal without notice to the animal owner, keeper, possessor, and the animal's owner shall have no recourse against the Town or its representatives charged with the enforcement of this Section.

G. Any animal who has been the subject of action under this Section as a vicious animal for unprovokedly biting, attacking, or menacing a person or other animal, and whose

owner or responsible party has pled guilty or been found guilty of such violation and who subsequently unprovokedly bites or attacks a person or other animal shall be immediately impounded by the Town Marshal or any law enforcement officer and held for a period of ten (10) days for quarantine and shall thereafter be humanely destroyed unless the owner or possessor of said animal, within said ten (10) days period, shows just cause to the Municipal Judge why said animal should not be destroyed.

H. The owner of said animal shall be responsible for and shall pay all costs of impoundment and destruction of the animal.

(Ord. 46, §9, 1979)

9.12.100 Reporting Animal Bites.

A. Any person having knowledge that an animal has bitten a human shall immediately report the incident to the Town Marshal and/or to other law enforcement officials, or to the Colorado Department of Public Health and Environment.

B. Every physician or other medical practitioner who treats a person or persons for such bites shall within twelve (12) hours report such treatment to the Town Marshal and/or to the Colorado Department of Public Health and Environment, giving the name, age, sex, and precise location of the bitten person or persons and such other information as the officer or agency may require.

C. Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat, or other domestic or wild animal shall immediately report the incident to the Town Marshal and/or to the Colorado Department of Public Health and Environment stating precisely where such animal may be found.

D. If a known or suspected rabid animal bites or attacks a domestic animal such incident shall also be reported as required above.

(Ord. 46, §10, 1979)

9.12.110 Confinement of Biting Dogs and Cats.

A. A dog, cat, or other animal which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating Town Marshal or other law enforcement officer.

B. If the animal is not confined on the owner's premises, confinement shall be by impoundment in the Town's animal care facility.

C. Stray animals whose owners cannot be located shall be confined in the Town's animal care facility.

D. The owner of any animal that has been reported to have inflicted a bite on any person shall, on demand, produce such animal for impoundment as prescribed in this Section.

E. If the said owner or harbinger of any such animal refuses to produce said animal, said owner or harbinger shall be subject to immediate arrest if there shall be probable cause to believe said animal has inflicted a bite upon a person and the owner or harbinger is keeping said animal and willfully refuses to produce said animal upon such demand, and shall be taken by a law enforcement officer before a Judge of the Municipal Court who may order the immediate production of said animal. In addition, said owner may be cited into Municipal Court for violation of this order to produce said biting animal.

F. If the owner or harbinger of any such animal shall willfully and knowingly secrete or refuse to produce said animal, each day of such secretion or refusal to produce said animal, shall be a violation of this Section, and each dog shall constitute a separate violation.

G. It shall be unlawful for the owner or harbinger of any dog that has bitten a person, or has been exposed to rabies, or in any manner is suspected of having rabies to destroy or to dispose of such animal before said animal can be properly confined by the Town Marshal.

H. It shall be unlawful for the owner or for any other person to allow any animal which is under confinement to come into contact with the public or with any other animal.

I. When an animal under confinement and quarantine has been diagnosed by a licensed veterinarian as being rabid the veterinarian making such diagnosis shall immediately notify the Town Marshal and the Colorado Department of Public Health and Environment of such fact and shall advise them of any reports of human contact with such rabid animal.

J. If any animal under confinement dies while under observation the Town Marshal shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Town Marshal shall notify the applicable official of the State of Colorado Department of Public Health and Environment of any known human contact with the animal.

(Ord. 46, §11, 1979)

9.12.120 Permits and Housing of Guard Dogs.

A. It is conducive to the promotion of the health and general welfare of the inhabitants of this Town to require permits for guard dogs used to protect property, and to establish regulations for the proper and safe use of guard dogs used for protecting property.

1. GUARD DOG. Any dog that is utilized to protect persons and/or property.
2. HANDLER. A person who is responsible for and capable of controlling the operations of a guard dog.
3. HOUSING. Any location where the guard dog is kept when not used for protection purposes.
4. ANTI-ESCAPE. Any housing, fencing or device which the guard dog cannot go over, under, through or around.

B. Permits. A guard dog permit must be applied for each property where guard dogs are to be used. Procedures for permit application, for inspection of guard dog facilities, and for issuance of dog identification tags will be established by the Town Marshal.

1. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business or firm or person during the license year, however, such transfers shall not be effective until the Town Marshal has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded.
2. Five (5) working days advance notification shall be required for permit transfers.
3. Permit applications shall include the following:
  - a. The business name.
  - b. The name of the person responsible as a handler of the guard dog.
  - c. Addresses and telephone number(s) of the commercial property where guard dogs are to be used.

C. All gates and entrances to the area where the guard dog is housed, used, or trained must be kept locked when not in use.

D. Additional measures judged necessary by the Town Marshal must be taken to protect the public from accidental contact with any guard dog.

E. Where guard dogs are used outside buildings, the area must be enclosed by at least a six foot (6') chain link fence or other fence of equal security, wall, or adequate wood fence to which anti-escape devices have been added. The adequacy of the fencing shall be subject to

the approval of the Town Marshal prior to keeping any guard dog within the confines of said fence.

F. In order to control noise a sight barrier which breaks the dog's line of sight may be required by the Town Marshal.

G. In buildings where guard dogs are used, exterior glass must be adequate or additional protective measures may be required to be taken by the owner to prevent the dog from jumping through it.

H. The building and yard in which a guard dog is used must be posted with signs reading "DANGER-GUARD DOG." Such signs shall be printed with letters not less than two inches (2") in height and approved by the Town Marshal. Guard dog signs shall not be more than one-hundred feet (100') apart, and shall be posted at all property corners and at every entrance into the area.

I. For guard dogs either transported or utilized in vehicles, measure prescribed by rule and regulation by the Town Marshal must be taken to protect from accidental contact with a guard dog.

J. A handler is required to be physically present and in full control of the dog(s) while guard dog(s) are being used at temporary sites which do not comply with this Section or at those locations that do not comply with the provisions of this Section concerning permanent locations.

K. The licensee or permittee of any license or permit issued pursuant to this Chapter, does hereby consent and agree to the entry upon the premises described in said license or permit by the Town Marshal or any law enforcement officer for the purpose of conducting such inspections as are required by this Chapter or other applicable law.

L. Any dog which is a guard dog as defined in this Section, found in violation of this Section, may be immediately seized and impounded by the Town Marshal or a law enforcement officer. The owner, keeper, handler, or other person charged with the care of the guard dog may, in addition be cited into Municipal Court for violation of this Section.

M. The Town Marshal, upon full compliance with the provisions of this Section may issue a permit for a guard dog pursuant to subsection (B) above.

(Ord. 46, §12, 1979)

9.12.130      Diseased or Infected Animals.

A. Whenever it shall become necessary to safeguard the public health of the inhabitants of the Town from animals which may be infected with any disease dangerous to the health of the inhabitants or other animals of the Town, the Mayor, if he deems it necessary, shall

issue a proclamation requiring the owners of all animals or animal species suspected of being infected within the Town, to have such animal(s) vaccinated or otherwise treated for such disease and prohibiting all animals infected or suspected of being infected with such disease, from running at large for such time as shall be prescribed by a licensed veterinarian.

B. Any animal found running at large within the Town contrary to any such proclamation shall immediately be impounded, separate and apart from all other animals then in the Town's animal care facility. No such animal shall be released until the impounding fees required by Section 9.12.070 shall have been paid and until presentation of a certificate showing the animal to be in good health and free from such disease is made to the person in charge of the Town's animal care facility.

C. Any unclaimed animal impounded under the provisions of this Section and suffering from any such disease shall be destroyed. Any animal found running at large suffering from an incurable disease contagious to other animals and which would cause inhumane suffering to any animal so infected shall be destroyed.

(Ord. 46, §13, 1979)

9.12.140 Sick or Injured Animals.

When a stray animal, or an animal whose owner is unknown is sick, injured, or disabled, the Town Marshal or any law enforcement officer shall seek proper veterinary medical care or treatment for said animal. If in the sole judgment of said officer, said animal is sick, injured, or disabled to the extent that further aggravation of its condition would result from transport to a clinic or, if in the opinion of the officer, the animal should be destroyed, said officer may do so in a humane manner to prevent further suffering by the animal without recourse by the animal's owner to the Town Marshal, or the Town.

(Ord. 46, §14, 1979)

9.12.150 Inhumane Treatment.

A. It shall be unlawful for any person to commit or cause to be committed any act of cruelty, harassment, or torture, to any animal, or intentionally cause such animal to be mutilated or inhumanely killed. Ownership, or the commission of such acts of cruelty on private property shall not be a justifiable defense for violation of this Section.

B. It shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.

C. It shall be unlawful for any person to willfully abandon any animal, or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly.

D. It shall be unlawful for any person to set upon his property within the corporate limits of the Town any stakes, pits, snares, traps, poison, or other device or substance calculated to cause hurt, injury or death to any domestic animal. The fact that such device or substance is found or located on such land shall be presumptive evidence that the same was set by the person in charge and control of such land.

(Ord. 46, §15, 1979)

9.12.160 Barking Dogs.

A. It shall be unlawful for any person to own, possess, or keep, any dog which shall disturb the peace and quiet of any person within the Town by persistent or continual barking, yelping, or howling.

B. Prior to issuing a citation, the Town Marshal or his designee shall issue a warning to the owner, possessor, or keeper of said dog. In addition to the penalties provided herein for the violation of this Chapter, any barking dog may be seized and impounded by the Town Marshal or any law enforcement officer whether or not the barking dog is on or off the premises of the owner, possessor, or keeper of the said dog, and said dog may only be released to the owner, possessor, or keeper of said dog upon the payment of all fees herein required, and said dog is muzzled or otherwise prevented from a repetition of such continual, persistent, barking, yelping, or howling.

C. Any dog who has twice been the subject of an action under this Section for disturbing the peace by constant or persistent barking, yelping, or howling, and whose owner or person in charge of the dog has pleaded guilty or been found guilty of such violations, is hereby declared to be a public nuisance and shall be seized and impounded by the Town Marshal or any law enforcement officer whether or not such barking dog is on or off the property of the owner, possessor or keeper.

D. The Town Marshal or other law enforcement officer shall prepare charges in Municipal Court alleging the nuisance propensities of the dog and the Judge of the Municipal Court shall order the dog confined so as to prevent the dog from being a nuisance, or shall order the Town Marshal or law enforcement officer to humanely destroy said dog.

E. The owner of said shall be responsible for and shall pay all costs of impoundment and destruction.

(Ord. 46, §16, 1979)

9.12.170 Female Dog in Heat.

A. It shall be unlawful for the owner, possessor, or keeper, of any female dog to permit the same to run at large while such animal is in estrus (in heat or season), or to permit the same to create any nuisance by attracting other animals to the premises.

B. If after notice by the Town Marshal or any law enforcement officer, the owner, keeper, or possessor of said female dog in heat does not properly confine said animal, the Town Marshal or any law enforcement officer may take up and impound said female dog and said dog shall not be released from impoundment unless the owner or person in control of said dog establishes that he has proper facilities for caring for and confining said dog.

C. Neither the Town nor any representative thereof shall be held responsible for any impregnancy occurring due to such impoundment.

(Ord. 46, §17, 1979)

9.12.180 Dead Animals.

A. When any animal shall die within the corporate limits of the Town it shall be the duty of the owner or person in control thereof to remove the body of such animal immediately and properly bury or cremate the same.

B. If such animal shall not be forthwith removed, the owner, possessor, or keeper of said animal be subject to the penalties provided by this Title.

(Ord. 46, §18, 1979)

9.12.190 Sanitation.

A. For the protection of the public health, it shall be the duty of every person who keeps any animal or fowl within the Town, at all times to maintain the premises where any such animal or fowl is kept in a sanitary condition, to prevent the hatching of fly or insect larvae and to prevent offensive odors emanating therefrom.

B. All fecal waste shall be removed as necessary from the premises and shall be placed in fly-tight containers and kept closed at all times. The contents of said containers shall be removed from the Town as necessary.

C. The maximum number of dogs or cats on the premises shall not exceed four (4) each, after attaining the age of four (4) months.

D. The premises of any animal or fowl owner, keeper, or possessor shall at all reasonable hours be subject to inspection by the Town Marshal or any other law enforcement officer upon reasonable advance notice to the owner, keeper, or possessor.

E. Any owner of any animal or fowl who refuses to comply with a verbal or written order pursuant to this Section, by the Town Marshal or any other law enforcement officer upon reasonable advance notice to the owner, keeper, or possessor commits a municipal offense.

F. The Judge of the Municipal Court shall order the owner to remove all fecal matter, trash or other obnoxious matter or substances, and to maintain the premises in a sanitary manner as prescribed in this Section. In addition, said owner shall be subject to the penalties as set forth in this Chapter.

(Ord. 46, §19, 1979)

9.12.200 Livestock.

It shall be unlawful for any person to keep cows, horses, swine, mules, goats, sheep or any other animal as livestock on a lot having an area of less than 30,000 square feet, within the Town limits and in no case shall they be kept for commercial purposes within said Town limits.

(Ord. 46, §20, 1979)

9.12.210 Enforcement Agent, and/or Agency.

This Chapter shall be enforced by the Town Marshal and such provisions may, in like manner, be enforced by any duly authorized law enforcement officer with jurisdiction within the corporate limits of the Town of Dinosaur, Colorado.

(Ord. 46, §21, 1979)

9.12.220 Right of Entry by Enforcement Agents Interfering with, Obstructing, etc. of Enforcement of Chapter.

A. The Town Marshal or any other law enforcement officer shall be authorized to enter upon and make an inspection of any public or private premises for the purposes of insuring compliance with the provisions of this Chapter.

B. Any person who by word or act resists, obstructs, or impedes the Town Marshal or a duly authorized law enforcement officer, or who uses threatening or abusive or opprobrious language toward such officer while he is engaged in the enforcement of this Chapter, or while he is engaged in the performance of any duty or in the exercise of any authority authorized by ordinance of the Town of Dinosaur, or State law, shall be subject to the penalties set forth in this Chapter.

(Ord. 46, §22, 1979)

9.12.230 Safety to Police Officers and/or the Public.

A. Nothing contained in this Chapter shall be construed to prevent the Town Marshal or any other law enforcement officer from taking whatever action is reasonably necessary, including, but not restricted to, immediate destruction of an offending dog, to protect his person or members of the public, from injury by any dog.

B. The owner of such animal shall have no recourse against said officer or the Town or its agents for action taken pursuant to this Section.

(Ord. 46, §23, 1979)

9.12.240 Penalties.

A. Any person who violates any provision of this Chapter where no other penalty is herein specifically provided or who shall fail to perform any duty imposed upon such person, where no other penalty is herein specifically provided, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300.00) or by confinement in the County Jail for not more than ninety (90) days or by both such fine and imprisonment, subject to the mandatory minimum fines hereinafter set forth, which the Municipal Judge shall not have discretion to suspend or reduce, to wit:

Conviction for violation of any of the following:

Section 9.12.020	Rabies Control
Section 9.12.030	Registration-Annual License Fee
Section 9.12.040	Dog Tag and Collar
Section 9.12.050	Animals Running at Large
Section 9.12.060	Notice of Impounding and Fees
Section 9.12.100	Reporting Animal Bites
Section 9.12.160	Barking Dogs
Section 9.12.170	Female Dog in Heat
Section 9.12.180	Dead Animals
Section 9.12.190	Sanitation

For first offense a fine of not less than ten dollars (\$10.00). For second and subsequent offenses of any of the above Sections within a twelve (12) month period, a fine of not less than twenty-five dollars (\$25.00).

Conviction for violation of the following:

Section 9.12.090	Vicious Animal - Offenses not Involving Bodily Injury
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## Chapter 9.16

### CRUELTY TO ANIMALS

- 9.16.010 Definitions.
- 9.16.020 Cruelty—Neglect of Animals Prohibited.
- 9.16.030 Killing Animals in Contest.

9.16.010 Definitions. As used in this Chapter, unless the context otherwise requires:

- A. “Abandon” includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- B. “Animal” means any living dumb creature.
- C. “Mistreatment” includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.
- D. “Neglect” includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual, and proper for an animal’s health and well-being.

9.16.020 Cruelty--Neglect of Animals Prohibited. A. A person commits the municipal offense of cruelty to animals if, except as authorized by law, he knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicle in a cruel manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or having the charge and custody of any animal, fails to provide it with proper food, drink or protection from the weather or abandons it.

B. In the case of any person incurring a second or subsequent conviction under the provisions of subsection (A) of this Section, a sentence of not less than ten (10) days imprisonment shall be mandatory and shall not be subject to suspension, nor shall such persons be eligible for probation for any part of such period. A plea of nolo contendere accepted by the Court shall be considered a conviction for the purposes of this Section.

9.16.030 Killing Animals in Contest. It is unlawful for any person, association of persons, or corporation to knowingly advertise, offer to conduct or conduct, or otherwise promote any contest or competition when the object of the contest or competition is the killing or mutilation of dogs or other animals. Any person who violates this Section commits a municipal offense.