

TITLE 5

Police Regulations

Chapter 1 Animal Control

- 5-1-1 County regulations adopted by reference
- 5-1-2 County to provide animal control services and enforcement
- 5-1-3 Livestock running at large prohibited
- 5-1-4 Dogs running at large prohibited

Chapter 2 General Offenses

- 5-2-1 Injuring or destroying public property

Chapter 3 Open Burning

- 5-3-1 Purpose
- 5-3-2 Consent to application of County-wide burn bans
- 5-3-3 Prohibited open burning
- 5-3-4 Permitted open burning; restrictions; permits; fees
- 5-3-5 Other law
- 5-3-6 Penalties

CHAPTER 1

Animal Control

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5-1-1. County regulations adopted by reference.

The Town adopts, by reference, Ordinance 4 and Resolution 1985-8-6 of Grand County, Colorado, governing animal control within the County, specifically governing rabies control, reporting of animal bites, licensing of dogs, restraint of animals running at large, restraint of vicious animals, impoundment of animals, licensing of kennels and pet shops, prohibition of certain species of animals, prohibition of inhumane treatment of animals and describing penalties for violations of such provisions (referred to as "Grand County Animal Control Regulations"), with such amendments as are set forth in this Chapter.

5-1-2. County to provide animal control services and enforcement.

Animal control services and enforcement as provided for in this Chapter shall be provided by the County, pursuant to an intergovernmental agreement between the Town and the County, as may be amended from time to time.

5-1-3. Livestock running at large prohibited.

(A) Nuisance declared. It is hereby made and declared to be unlawful and a nuisance for horses, asses, mules, cattle, sheep, swine and goats to run at large within the corporate limits of the Town, and they are hereby prohibited from running at large in said Town. (Ord. 122, 5-8-53)

(B) Abatement. The Town Marshal is hereby authorized to dispose of any such animals running at large by such means as the Marshal shall deem necessary and proper, including summary sale, and to otherwise abate such nuisance using, therefore, only such force as is necessary to accomplish such abatement. Proceeds of any such sale shall first be applied to the payment of all accrued costs, and the surplus shall be paid over to the Town Clerk/Treasurer. (Ord. 122, 5-8-53; 1990 Code)

(C) Penalty. Any person who shall permit or suffer any of the species or kinds of animals aforesaid belonging to him or under his control to run at large shall be deemed the author of a nuisance and guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each offense. (Ord. 122, 5-8-53; 1990 Code)

5-1-4. Dogs running at large prohibited.

The Grand County Animal Control Regulations adopted by reference in this Chapter are amended by deleting Section 1.11, definition of "Running at Large" and Section 5.1 "Restraining" and replacing them with the following provisions concerning restraining dogs:

(A) Restraint on public property required. It shall be unlawful for the owner, possessor or keeper of any dog or other hoofed animal to fail to restrain and control such animal by a tether, leash, cord or chain at all times when on any public property within the Town.

(B) It shall be unlawful for any owner, possessor or keeper of any dog to permit the dog to run at large.

(C) For purposes of this Section, *run at large* shall mean:

(1) The dog is not on the premises of the owner, possessor or keeper thereof and not controlled through use of a leash, cord or chain held by the dog's owner, possessor or keeper, or an agent, servant or member of the immediate family thereof, unless the owner of such private premises upon which the dog is otherwise running at large has granted permission to the owner, possessor or keeper allowing such dog to not be restrained while on such private premises only; or

(2) A dog shall not be deemed to be running at large when the dog is:

(a) On the premises of the owner, possessor or keeper, or on other private premises upon which the dog would otherwise be running at large, but permission from the owner of such premises has been granted to the owner, possessor or keeper of the dog allowing such dog to not be restrained; and

(b) Confined in such a way as to not allow the dog to have access to the public right-of-way.

(D) For purposes of this Section, *control* or *controlled* shall mean the animal shall be restrained by a leash, cord or chain a maximum of ten (10) feet in length, held by a person who is physically able to control the animal.

(E) For the purposes of this Section, the term *premises of the owner, possessor or keeper* shall be defined as the residence of the owner, possessor or keeper, including the attached property surrounding the residence that is leased or owned by the owner, possessor or keeper, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.

(F) When the animal is being restrained upon the premises of the owner, possessor or keeper, it must not be able to enter upon public property, including sidewalks, or the premises of another in violation of Subsection (A) or (B) of this Section.

(G) Any dog found running at large shall be taken up and impounded in the County's animal shelter, and such dog may be so taken up without the necessity of filing a complaint and shall be impounded and disposed of in accordance with the County Animal Control Regulations.

(H) Any law enforcement officer, including those under contract with the Town or whose employer is under contract with the Town, is hereby authorized to issue a summons and complaint to any person when such officer personally observes a violation of the provisions of this Section or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this Section have occurred.

(I) The Board of Trustees may ban or otherwise restrict the presence of cats, dogs and other animals at any special event, celebration, gathering, rally or similar event which occurs upon the property or rights-of-way of the Town. This authority shall not apply to licensed assistance dogs for the sight-impaired, hearing-impaired or other disability.

(J) Notwithstanding any provisions herein to the contrary, animals injured or killed on or along public streets or other rights-of-way shall be presumed to be running at large. Animal control officers shall remove all such animals and, in his discretion, take those needing medical attention to a veterinarian or to the County animal shelter. The owner of such animal shall be liable for all expenses of treatment and of impoundment, as well as any penalties which may be imposed for violation of this Section.

(K) Any person found guilty of violating this Section shall:

(1) Upon the first conviction, be subject to the payment of a fine of not less than forty-five dollars (\$45.00);

(2) Upon the conviction of a second offense involving the same animal, be fined a sum not less than ninety dollars (\$90.00) and be required to spay or neuter and microchip the animal unless the owner provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful or dangerous to the health of the animal; and

(3) Upon the third and subsequent offenses, be fined an amount not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).

In addition to the fines stated in this Subsection, a person convicted under this Section may be subject to not more than one (1) year in jail. The minimum monetary fines stated in this Subsection may not be suspended by the Municipal Court. Nothing in this Subsection shall be construed as preventing the animal control officer from instituting a proceeding in the Municipal Court for any violation of this Section where there has been no impoundment. (Ord. 351, 6-16-05)

CHAPTER 2

General Offenses

5-2-1 Injuring or destroying public property

5-2-1. Injuring or destroying public property.

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or deface real property or improvements thereto, or moveable or personal property or remove or damage any vegetation in any park lands belonging to the Town or any other public entity. (Ord. 354, 2006)

CHAPTER 3

Open Burning

- 5-3-1 Purpose**
- 5-3-2 Consent to application of County-wide burn bans**
- 5-3-3 Prohibited open burning**
- 5-3-4 Permitted open burning; restrictions; permits; fees**
- 5-3-5 Other law**
- 5-3-6 Penalties**

5-3-1. Purpose.

The purpose of this Chapter is to prohibit certain types of burning within the Town and to regulate and control certain limited types of open burning within the Town.

5-3-2. Consent to application of County-wide burn bans.

Whenever the County adopts a fire or burn ban or restrictions pursuant to the authority set forth in Section 30-15-401(1)(q)(I), C.R.S., as may be amended from time to time, such ban and/or restrictions shall be applicable within and enforced within the limits of the Town. This provision shall be considered consent by the Town to application within the Town boundaries of any such burn ban or restrictions without amendment unless the Town takes specific action to amend the application of the County ban or restrictions by ordinance or resolution. Unless such ordinance or resolution has been adopted by the Board of Trustees, in the event of any conflict between the provisions of this Chapter and any burn ban adopted by the County, the more restrictive provisions shall apply. Violation of any burn ban provision adopted by the County and consented to hereby may be enforced by the County Sheriff's Office or any other peace officer with authority in the County, as set forth in the County-adopted ban. Additionally, anyone starting, maintaining or permitting open burning in violation of this provision or any burn ban or restrictions applicable within the Town shall be responsible for any and all costs associated with extinguishing the fire and for any and all damages caused as a result of the fire. (Ord. 2012-7-1-386)

5-3-3. Prohibited open burning.

The following types of open burning are expressly prohibited within the Town. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under Section 5-3-4.

(A) The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.

(B) The open burning of trees, logs, tree trimmings, branches, brush and similar types of materials unless burned in a bonfire regulated and permitted under Section 5-3-4.

(C) The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner or their agents or employees, or by any other person or entity.

(D) The open burning of rubbish, refuse, trash, waste paper, garbage or other types of waste materials.

(E) The open burning of any materials by a general contractor, subcontractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/flame shall be permitted for such melting, thawing or warming purposes.

(F) The open burning of all other materials not permitted under Section 5-3-4. (Ord. 2010-10:1/377; Ord. 2012-7-1-386)

5-3-4. Permitted open burning; restrictions; permits; fees.

The following types of limited open burning shall be permitted within the Town subject to the restrictions set forth herein.

(A) Open burning within an outside grill or barbeque for the expressly limited purpose of food preparation.

(B) Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than three (3) feet in diameter and shall be at least twenty (20) feet from all property lines and structures. Bonfires shall be permitted under the direct and constant supervision and control of a person at least eighteen (18) years of age.

(C) Attended outdoor fires where the fuel being burned is contained in an incinerator, outdoor fireplace, barbeque grill, barbeque pit or permanent fire pit or grate located on developed picnic grounds or campgrounds, with adequate fire suppression equipment present and a total fuel area not in excess of three (3) feet (914 mm) in diameter and two (2) feet (610 mm) in height.

(D) The open burning of structures and/or materials by the Fire Department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, firefighting, life-saving and/or fire prevention.

(E) Open burning permitted under this Section shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premise.

(F) All open burning permitted under this Section shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property. (Ord. 2012-7-1-386)

5-3-5. Other law.

Notwithstanding anything set forth in this Chapter, all open burning permitted under the terms and provisions of this Chapter shall also be conducted and performed in compliance with all federal and state laws, statutes, rules and regulations applicable thereto. Nothing contained herein shall prevent the subsequent adoption of more stringent regulations on the recommendation of local fire authorities or the implementation of additional fire restrictions under local, state and federal fire protection plans

and intergovernmental agreements which would supplement the open fire controls initiated hereby. (Ord. 2012-7-1-386)

5-3-6. Penalties.

Any person found guilty of violating this Chapter shall, (1) upon the first conviction, be subject to the payment of a fine of not less than fifty dollars (\$50.00), (2) upon the conviction of a second offense be fined a sum of not less than two hundred fifty dollars (\$250.00), and (3) upon the third and subsequent offenses shall be fined an amount not less than five hundred dollars (\$500.00) nor more than the maximum fine amount authorized in Subsection 1-4-1(B) of this Code. In addition to the fines stated in this Section, a person convicted under this Section may be subject to not more than one (1) year in jail. The minimum monetary fines stated in this Subsection may not be suspended by the Municipal Court. (Ord. 2010-6:1/376; Ord. 2012-7-1-386; Ord. 2013-6-1-390 §5)