

CHAPTER VII: HEALTH
(Ord 216 04-13-04 Ord 269, 06-09-2009)

7-1 Animals

7-1-2 Maltreatment of Animals Prohibited.

It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal.

7-1-3 Animals Allowed: Two dogs, cats, rabbits. (Ignacio Planning Code regarding exotic animals)

7-1-4 Maintenance of Premises Required.

Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic animals are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week, and properly dispose. Citations will be complaint driven.

7-1-5 Dead Animals: If a citizen notices a dead animal on the public right of way they may contact the town personnel to dispose of such.

7-1-6 Cats: If any citizen wishes to catch stray cats they may borrow a trap from the town police and capture and dispose of them themselves. No town personnel will handle live stray cats.

7-1-7 Rabbits Restrained.

It shall be unlawful for any person who owns, harbors or keeps within the corporate limits of the Town any rabbits that are not in a secured building or pen. Failure to keep the rabbits securely enclosed in a building or pen, or to permit the same to run at large or to go upon the premises of another is unlawful.

7-1-8 Fowl, Swine, Sheep or Goats Prohibited.

It shall be unlawful for any person to keep within the corporate limits of the Town any fowl, hogs, pigs or other swine, sheep or goats.

7-1-9 Livestock

(A) It shall be unlawful for any person to form a herd or keep any cattle, horses or other livestock within the corporate limits of the Town.

- (B) It shall be unlawful for any person to tether, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in the Town in such manner that any such animal may graze upon or impede the full use of said streets, sidewalks or alleys.
- (C) It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said side streets, sidewalks or alleys.
- (D) It shall be unlawful for any person to hitch a horse or any other animal to any fence or railing, tree or bush, whether private or public, without permission of the owner thereof. It shall be unlawful for any person to hitch any such animal to any lamppost or fire hydrant of the Town.
- (E) All animal droppings shall be properly disposed of.

7-1-10 Run at Large Prohibited

- (A) It shall be unlawful for any person who owns or controls any dogs, cats or other animals allowed to permit the running at large within the Town limits of any such animal. Any person who shall negligently permit any animal herein named to run at large shall be deemed guilty of an offense.

7-2 Dog Control. (Ord 115 4-10-89)

7-2-1 Definitions (Ord 115, 4-10-89).

As used in this ordinance the following terms mean:

Animal Control Authority - The person or persons designated to enforce this ordinance.

At Large - A dog shall be deemed to be at large when off the property of the owner and not under restraint.

Humane Manner - Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Licensing Authority - The agency or department of the Town of Ignacio or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neutered/Spayed - Rendered permanently incapable of reproduction.

Nuisance - A dog shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner - A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

Person - Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Restraint - A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Vicious Animal - A dog that constitutes a physical threat to humans or other domestic animals.

7-2-2 Licensing and Rabies Vaccination.(Ord 115, 4-10-89)

- (A) No person shall own, keep, or harbor any dog over four months of age within the Town of Ignacio unless such dog is vaccinated and licensed.
- (B) All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- (C) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.
- (D) Application for a license must be made within 15 days after obtaining a dog over four months of age.

Written application for a dog license shall be made to the Town Clerk and shall include the name and address of the owner and the

name, breed, color, age and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

- (E) The licensing period shall be for one year. License period begins January 1 of each calendar year. License renewal may be applied for within 60 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence.
- (F) A license shall be issued after payment of a fee as approved by the Town Board of Trustees for each dog not neutered and each neutered/spayed dog. The license fee shall be pro-rated for any animals owned less than three (3) months before the license period renewal.
- (G) License fees shall be waived for certified dogs serving the blind or deaf or government-owned dogs used for law enforcement. Proof of certification must be supplied before fee is waived. All other licensing provisions shall apply.
- (H) Upon acceptance of the license application and fee, the Town Clerk shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The Town of Ignacio shall maintain a record of all licenses issued, and such records shall be available to the Chief of Police or Animal Control Authority.

7-2-3 Owner Responsibility.(Ord 115, 4-10-89)

- (A) All dogs shall be kept under restraint and shall not be allowed to run at large.
- (B) Every vicious dog, as determined by the Animal Control Authority, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (C) No dog shall be allowed to cause a nuisance. The owner of every dog shall be held responsible for every behavior of such dog under the provisions of this ordinance.
- (D) Any person failing to comply with the provisions of 7-2-2 and 7-2-3 shall be cited into court and fines imposed by the judge.

7-2-4 Restriction on the Number of Dogs Allowed to be Kept per Residence. (Ord 93, 12-10-84)

It shall be unlawful for any person to keep, maintain, harbor or possess more than two dogs on the premises of any one residence, within the Town of Ignacio; provided however that puppies shall not be counted as dogs for the purposes of this section until they reach the age of 8 weeks.

Owners with more than two dogs as of the date of this ordinance (4/13/04) shall be allowed to wait until the extra dogs die naturally, but may not replace the dogs that equal more than the allowed two dogs.

7-2-5 Procedure and Penalties for Persons Keeping More Than Two Dogs Upon Any Residence. (Ord 93 12-10-84)

Any person violating the provisions of Section 7-2-4 shall be given a notice of the violation which notice shall specify that the person shall have 15 days to comply with the provisions of Section 7-2-4. After fulfilling provisions of 7-2-4, if an owner still keeps 3 dogs, the Animal Control Authority may impound the 3rd animal and send it to an animal care facility. In addition to any other penalty which may be provided for in this code for the violation of this article, the Municipal Judge shall have the authority to require the owner of any dogs impounded under the provisions of this section to pay the costs of such impoundment and for the cost of the destruction of any such dogs, as required by the Animal Shelter.

7-2-6 Interference.(Ord 115, 4-10-89)

No person shall interfere with, hinder, or molest the Animal Control Authority in the performance of any duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to fines up to \$1,000 and/or one year in jail.

7-3 Impoundment and Redemption of Animals

7-3-1 Impoundment of any animal, including dogs

- (A) Any animal found running at large may be impounded by the Animal Control Authority in an animal shelter or other facility and confined in a humane manner. Immediately upon impounding the animal, the Animal Control Authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs not claimed by their owners within a period of three full days in which the

shelter is open to the public may be disposed of by shelter personnel according to their policies.

- (B) When an animal is found running at large and its ownership is verified by the Animal Control Authority, the officer may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
- (C) In the event the Animal Control Authority finds the animals to be suffering, they shall have the right forthwith to remove or cause to have removed any such animal(s) to a safe place for care or to euthanize them when necessary to prevent further suffering. The owner will be held responsible until full payment for all expenses so incurred are paid.
- (D) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

7-3-2 Redemption of any animal, including dogs

- (A) Any animal impounded may be redeemed by the owner thereof within 3 days upon payment to the appropriate animal shelter in which the animal is held. The owner shall also pay the daily fee paid by the Town to the animal care facility for the number of days the animal has been held, provided that if any such animal has been previously impounded, the current year fee, plus the required daily fee will be charged. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.
- (B) Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee approved annually by the Town Board of Trustees plus all fees charged to the Town by the animal care facility.

No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

7-4 Garbage and Trash.
(Ord 99, 5-27-86 Ord 216, 4-13-04, Ord. 256,10-10-08)

7-4 Definitions

7-4-1 For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Refuse has three meanings 1) Garbage: All offal, waste matter or vegetable matter from a kitchen, market or store and other worthless, offensive or filthy material and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends to the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit, or vegetables. 2) Rubbish. House dirt, ashes, rags, abandoned articles of clothing. 3) Trash: All bottles, tin cans, paper, fallen tree limbs.

Junk: To include, but not be limited to, discarded and unusable machinery, appliances, furniture, furnishing, sporting equipment, building or construction materials; and all other items commonly known as junk. This phrase shall specifically include any unlicensed automobile or portions of automobiles which are unused, unsightly, and valued only as "junk."

Debris: To include, but not be limited to, weeds, grasses, bushes, noxious growths, broken branches.

This section does not apply to garbage or waste material properly deposited in containers for removal as provided by the regulations of the town. Nor shall it apply to any junk, as that term is herein defined, which is properly stored by the property owner or lessee in a shed or garage or other building suitable for that purpose and not exposed to public view.

7-4-2 Powers of the Board of Trustees.

- (A) The Board of Trustees of the Town may, from time to time by motion or resolution, prescribe regulation for the removal and disposition of refuse pursuant to this chapter, and shall have the right to fix rates for the removal and disposition of refuse. The Board of Trustees has the right to contract with any collector, pursuant to state law, for the removal of refuse within the Town, except for any commercial or industrial property which has a business license within the town. Except as otherwise specified, the Town or the Town's contractor shall collect, remove and dispose of all refuse from residences within the Town at least once a week.

- (B) All persons in possession, in charge or in control of any dwelling for which refuse collection is required under this chapter shall have their refuse collected by the Town or the Town's contractor, and a fee shall be charged for such service which shall be set as provided herein. (Ord. 256)

7-4-3 Commercial, Industrial, Multifamily Disposal.

Every person in possession of any commercial property, industrial property or multiple dwelling unit within a single structure shall dispose of all refuse as often as required for the maintenance of healthful and sanitary conditions at such establishment.

7-4-4 Unlawful Disposal.

It shall be unlawful for any person to burn, dump, collect or in any manner dispose of refuse upon any street, alley, public place, stream or private property within the town. Compost piles shall not be prohibited.

It shall also be unlawful for any person to place any refuse or other waste material of any type in a waste dumpster or other receptacle owned, leased, or otherwise in control of any other person or entity.

7-4-4.5 Removal of Personal Property Under Eviction or Foreclosure. (Ordinance 269, June 9, 2009)

It shall be unlawful for any person to place any personal property, refuse, junk, debris or other items removed from any residence within the Town of Ignacio as part of any eviction, foreclosure or other possessory action in the street or in any portion of the Town right of way within the Town.

It shall be the obligation of the owner of or landlord of any property to remove and properly dispose of any items unlawfully placed in the street or right of way by any person under the provisions of this section at their expense within twelve hours of the time within such items were unlawfully placed in the street or right of way.

In the event the Town is required to expend any funds to remove items unlawfully placed in the street or right of way under the provisions of this section, then the Town shall be entitled to seek reimbursement of such costs from the owner of the property from which the items were removed, including by filing a lien on the property or by commencing an action in any court with jurisdiction to collect such amounts.

7-4-5 Refuse Containers.

All containers shall be fly tight, water tight, and rodent proof. Wheeled trash containers of ninety (90) gallon capacity, shall be provided by the Town's contractor for each single-family dwelling. Appropriately-sized containers for any multiple unit dwellings or commercial properties shall be provided by the business license holder. All containers shall be used for the collection of refuse by each residence until such refuse is removed by the Town or its contractor

7-4-6 Placement for Collection.

- (A) Refuse containers or other items for collection shall be placed at the edge of the street in a location easily accessible to the town or town contractor for collection on designated collection days unless a customer does not abut an alley.
- (B) Customers who do not abut an alley shall place their containers, or other items for collection adjacent to an abutting street no later than 7:00 a.m. on the day of collection. Containers shall be removed from any street by the customer following collection on the same day the trash is collected.

7-4-7 Special Waste Collection Matters. (Ord 186 3-13-01)

No flammable, toxic, explosive or hazardous materials, used tires, materials contaminated with contagious diseases and no dead animals shall be placed in any cans, bags or containers for collection. Special arrangements must be made with the Town or its contractor for collection of such items or collection of other large or unusual loads. The Town or its contractor may refuse to collect such items or may charge an additional fee for doing so.

7-4-8 Collection License.

Except as provided in Section 7-4-3, it shall be unlawful for any person to collect, transport or convey refuse after it is collected in the Town without having first secured from the Board of Trustees a license or contract to perform such service. Such license or contract shall be granted only to persons conducting such refuse collection service in compliance with rules and regulations as outlined in the terms of the contract concerning the type of equipment and other conduct. Such regulations or requirements shall be imposed by the Board of Trustees and a copy of such regulations and requirements shall be made available at the Town Hall to any person applying for a residential refuse collection license.

7-4-9 Bills- Collection.

The Town Clerk shall be responsible for billing for trash services, collection of the same and deposit of the proceeds collected to the credit of the General Fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. Notification to property owners will be provided 30 days prior to a change in the billing cycle. All trash charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

7-4-10 Penalties.

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date, as allowed by state statute.

(A) Delinquent Accounts.

In the event that any bill for trash collection is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the payment is delinquent. If the account is a rental, the Notice will be mailed to the landlord.

(B) The past due amount must be paid prior to the last business day of the month to avoid discontinuance. Any accounts that are discontinued will also have their refuse containers removed. To have the refuse container returned to the dwelling, all past due amounts must be paid in full and a restoration of service fee, as approved by the Board of Trustees, will be charged during regular working hours and a higher fee will be charged after hours, week-ends and holidays.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of trash bills.

7-4-11 Remedies for Nonpayment.

(A) The Town may maintain an action in a court of competent jurisdiction for amounts due plus interest at the rate of 18% per annum.

- (B) It is unlawful to fail to pay the charges assessed by this Section and the Town may prosecute any person liable for the charges and failing to pay for a violation of this Section.

7-5 Weeds and Debris. (Ord 105 4-13-87)

7-5-1 Duty of Property Owner.

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow weeds, grass, bushes, deleterious, noxious or unhealthy growths to lie, grow or be located upon any such property or along any street or avenue adjoining such property between the property line and the curb line thereof, or on or along any alley adjoining said property between the property line and the center of such alley; and the owners of agricultural lands shall be required to keep weeds removed from that portion of the subject property that is within twenty feet (20') of any subdivision or area that is being kept free of weeds.

7-5-2 Accumulation of Refuse Prohibited. (Ord 186 3-13-01)

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow *REFUSE*: garbage, rubbish, trash, JUNK, as defined, and used tires (Ord 186, 3-14-01) or debris to accumulate upon such property within the Town.

7-5-3 Determination and Notification of Violation; Right to Hearing.

Whenever the Town Manager or designee shall be informed that any premises or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, shall cause an investigation to be made into the premises and shall make findings with reference to such investigation.

If, as a result of such investigation, it is found by the Town Manager that the premises, tract of land or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, constitutes a fire hazard or is a hazard to the public comfort, health, peace or safety, the Town Manager shall prepare a notification of his findings to the owner of such property, as reflected in the records of the County Assessor.

That notice shall also order and direct the owner, occupant or agent in charge of such property or premises to remove such weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris from such premises within ten (10) days after the receipt of the notification from the Town

Manager or within ten (10) days after the posting of such notification on the premises specified in the notice.

The owner, occupant or agent shall remove all the weeds, grass, bushes, noxious growth, ruins, refuse, rubbish, wreckage or debris within the time provided in the notification from the Town Manager and in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations or, request from the town maintenance to do the work for a fee or, file within such time period a written objection with the Town Manager requesting a hearing concerning the notification and obligation resulting from the actions of the Town Manager.

Upon receipt of a request for a hearing, the Town Board or its designee shall schedule a hearing to hear the objections of the owner to the notification. If it is determined following the hearing that the actions of the Town Manager were proper, the owner shall have ten (10) days to comply with the order.

If the owner, occupant or agent of the property which is the subject matter of a notification from the Town Manager fails to remove the weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris from the subject property as required herein or pay the town maintenance to do so, the Town shall remove such weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris at the cost and expense of the owner of such property and the reasonable cost of such removal shall constitute a lien against the lot, parcel of land or premises from which it was removed and such lien shall be subject to enforcement and foreclosure in the manner provided under applicable laws.

7-5-4 Notification of Violation.

The notice of violation provided for this Section shall be served upon the owner, occupant or agent in charge of the property or premises which is the subject matter of such notification of violation. If the owner, as shown by the real estate records of the County Assessor, occupant or agent in charge of the real estate of premises cannot be served within the Town, a copy of said notification shall be posted upon the premises and a copy of the notice shall be sent to the owner at the address shown in the records of the County Assessor. The notification shall become effective upon the date of service, if personal service is accomplished. Otherwise, the effective date of the notification shall be the posting date or the date of mailing, whichever shall occur first.

7-6 Undesirable Plants

7-6-1 Undesirable Plants (Ord 130 12-9-91)

Russian, Spotted and Diffuse Knapweed and Leafy Spurge are declared to be undesirable plants to be controlled in accordance with this ordinance.

7-6-2 Declaration of Nuisance

Leafy spurge, Russian Knapweed, spotted Knapweed, and Diffuse Knapweed, and all other plants designated undesirable plants by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the Town of Ignacio, and as the Board of Trustees, in its sole discretion, deems necessary.

7-6-3 Removal of Undesirable Plants Required by Property Owner

Property owners within the Town of Ignacio shall be responsible for the elimination of undesirable plants from their property in accordance with the notification process outlined in 7-5-3 and 7-5-4.

Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations.

7-6-4 Enforcement

The Town shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours or upon proper notice for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of C.R.S. 35-5.5-109.

7-7 Drinking Water Report

7-7-1 Reporting

The town shall meet the requirements of the Clean Water Act with respect to publishing an annual water quality report and collecting monthly bacteriological samples for testing by a state or state approved lab.

7-8- Appeals and Severability

7-8-1 Compliance

It shall be unlawful for any person to violate the provisions of this Section and such violation may be punished by fine or imprisonment as provided in this code in addition to any other remedy provided for herein.

7-8-2 Repeals (Conflicting Ordinances).(Ord 115, 4-10-89)

All other ordinances of the Town of Ignacio which are in conflict with this Chapter are hereby repealed to the extent of such conflict.

7-8-3 Severability.(Ord 115, 4-10-89)

If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

7-8-4 Safety Clause.(Ord. 115, 4-10-89)

The Town of Ignacio hereby finds, determines and declares that this code is necessary for the immediate preservation of the public health, safety and welfare of the Town of Ignacio and the inhabitants thereof.

7-8-5 Effective Date

This chapter/article shall become effective on April 13, 2004.