

ORDINANCE NO. 2013-002

AN ORDINANCE AMENDING ORDINANCE #2006-005 (AN ORDINANCE PROHIBITING OWNING OR KEEPING OF VICIOUS OR DANGEROUS DOGS WITHIN THE TOWN OF CRESTONE, COLORADO)

WHEREAS, the Crestone Town Board of Trustees has reviewed the provisions of Ordinance 2006-005 regarding the prohibitions against owning or keeping of vicious or dangerous dogs and have concluded that the provisions of said ordinance should be expanded to include affirmative defenses in the statutory counterpart of said ordinance found in C.R.S. § 18-9-204.5 (3)(h) I (A) – (E); and

WHEREAS, the Town Board has determined that certain amendments to said Ordinance should be made in order to clarify the circumstances under which dog owners may be subject to ordinance sanctions by the Town.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Crestone that Ordinance #2006-005 is amended to read as follows:

2.

- b. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or **unlawfully** upon a portion of the premises where the dog was lawfully restrained by leash or lead;
- h. That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an estray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;**
- i. That, at the time of the attack by the dangerous dog, which causes injury to or the death of a domestic animal, said animal was biting or otherwise attacking the dangerous dog or its owner;**
- j. That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;**
- k. That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began, but did not necessarily end, upon such property; or**

1. That the person, who was the victim of the attack by the dangerous dog, tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.

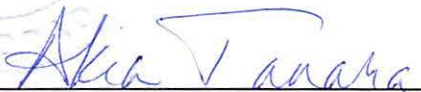
IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY DUE TO PENDING ISSUES WITH DANGEROUS DOGS WITHIN THE TOWN AND LACK OF CLARITY REGARDING AVAILABLE DEFENCES UNDER THE EXISTING ORDINANCE AND SHALL BECOME EFFECTIVE AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

INTRODUCED, read in full, adopted, approved and signed this 14th day of January, 2013.



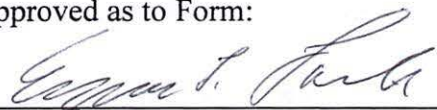
Kairina Danforth, Mayor

Attest:



Akia Tanara, Town Clerk

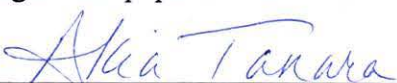
Approved as to Form:



Eugene L. Farish, Town Attorney

CERTIFICATION

I HEREBY CERTIFY THAT THE WITHIN Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 14th day of January, 2013, and will be published by title in the Crestone Eagle, a legal newspaper in the Town of Crestone, on the 1st day of February, 2013.



Akia Tanara, Town Clerk