

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 1-2009**

**AN ORDINANCE PROHIBITING DOGS RUNNING-AT-LARGE
IN THE TOWN OF MOFFAT**

WHEREAS, the Board of Trustees has the power to regulate and prohibit dogs running at large pursuant to C.R.S. § 31-15-401, and

WHEREAS, Chapter 6-1, *et seq.*, of the Town Code currently prohibits dogs running at large, and the Board of Trustees has determined that the current code needs to be updated and amended.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOFFAT, COLORADO:

1. It shall be unlawful for any owner, possessor or keeper of any dog to permit such dog to run at large within the Town of Moffat. A dog shall be presumed to be running at large if it is not accompanied by its owner, possessor or keeper and it is off or away from the property of its owner, possessor, or keeper.
 - a. A dog that is under voice and sight control of its owner, possessor, or keeper shall not be deemed to be a dog running at large. It shall be the burden of owner, possessor or keeper to establish voice and sight control by clear and convincing evidence if he or she is cited under this ordinance and raises voice and sight control as a defense to a violation of this ordinance.
 - b. A dog that causes injury to, harasses, or attacks any person, livestock, or other dog or animal is not under the voice and sight control of its owner, possessor or keeper for purposes of this ordinance, unless done in defense of its owner, possessor or keeper or his/her property.
2. Any violation of this ordinance not involving bodily injury shall be subject to the following fine schedule:

First Offense:	\$40.00
Second Offense:	\$80.00
Third Offense:	\$120.00
Four or more Offenses:	\$160.00 with up to 5 days in jail.

3. Any violation of this ordinance involving bodily injury shall be considered an aggravated violation and subject to the following fine:

First Offense:	\$250.00 fine plus up to 5 days in jail
Second Offense:	\$500.00 fine plus up to 10 days in jail.
Third Offense:	\$750.00 fine plus up to 15 days in jail.
Four or more Offenses:	\$1000.00 plus up to 20 days in jail

In addition to following penalties, the municipal court may authorize the euthanization of any dog that causes bodily injury to another person. The owner, keeper or possessor of

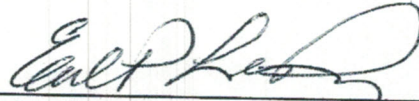
such dog shall be responsible for the costs of euthanization or any tests such as rabies test.

4. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed. Specifically, Sections 6-1-10 through 6-1-17 are hereby repealed.

INTRODUCED AND READ IN FULL this 6th day of January 2009;

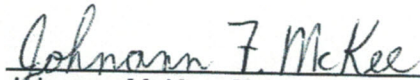
READ IN FULL, and DONE and SIGNED this 3rd day of February 2009.

APPROVED:



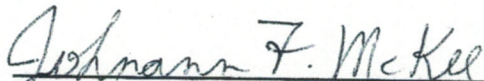
Earl LeRoy, Mayor

ATTEST:


Johann McKee, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full on January 6, 2009, and read in full, approved, and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 3rd day of February, 2009 and posted at the following locations in the Town of Moffat community center, post office, credit union.


Johann McKee, Town Clerk