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² **State law reference**—Estrays, Section 3-544-101 C.R.S., et seq.; cruelty, C.R.S. 18-9-201 et seq.; rabies control, C.R.S. 2-54-601 et seq.

Chapter 6.04

GENERAL PROVISIONS

Sec. 6.04.010. Breaking open pens to release animals prohibited.

It shall be unlawful to break open or in any manner, directly or indirectly, aid or assist in breaking open any pen or enclosure with intent of releasing any animal confined therein. (Code 1962, § 6-2-1; Code 1971, § 5-1)

Sec. 6.04.020. Confinement of animals running at large; payment for redemption.

If any animal shall be found running at large contrary to the provisions of this Chapter, it is hereby made the duty of the Chief of Police to take up and confine the same in a secure place or other place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animal in his keeping the sum of three dollars (\$3.00) for the taking up of such animal together with the sum of three dollars (\$3.00) per day for each and every day such animal shall be kept by the officer unless otherwise provided in this Code and the same shall be turned in to the Director of finance. (Code 1962, § 6-2-2; Code 1971, § 5-2)

Sec. 6.04.030. Public sale of confined animals; disposition of unsold animals.

If the owner or person entitled to the possession of an animal does not pay the charges for redemption and take it away within five (5) days from the time it is taken into custody, the Chief of Police may sell such animal at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting such notice in five (5) public places in the municipality as well as serving a copy of such notice upon the owner or possessor of such animal, if known. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges provided for in this Chapter.

In case an animal sold pursuant to the provisions of this Section be sold for more than is sufficient to pay the fees and charges, such expenses shall, by the officer or his assistant making the sale, be deposited with the Director of Finance, who shall pay such excess, upon order of the City Manager to the owner of such animal or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from date of such sale.

In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected dogs. (Code 1962, § 6-2-3; Code 1971, § 5-3)

Sec. 6.04.040. Allowing livestock to graze along public thoroughfares prohibited.

It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in this City in such a manner that any such animal may graze upon the grass, herbage or trees growing upon or along any of such streets, sidewalks, alleys or other public thoroughfares. Code 1962, § 6-2-5; Code 1971, § 5-4)

Sec. 6.04.050. Allowing livestock to obstruct streets and sidewalks prohibited.

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 such streets, sidewalks or alleys. (Code 1962, § 6-2-5; Code 1971, § 5-5)

Sec. 6.04.060. Herding through streets; liability of stockmen for damage.

It shall be unlawful for anyone to herd or drive animals through the streets without having such animals under control by means of a rope, strap or other device by which it may be led, unless such animal is being driven in harness or hauled; provided that this provision shall not be construed as prohibiting stockmen from driving herds through the City when necessary to transfer them from one pasture to another or for the purpose of shipping, but such stockmen so driving stock through the City shall be liable to property owners for all damages done to their property by such stock while being driven through the City, whether or not such damage is caused by the negligence of the stockman or his agents. Such stock shall be driven through the municipality in as short a time as possible. (Code 1962, § 6-2-6: Code 1971, § 5-6)

Sec. 6.04.070. Hitching of animals.

(a) It shall be unlawful for any person to hitch a horse or any other animal (including a dog) within or upon any public property except within areas designated for hitching by the City Manager. Regulations with respect to the use of such designated areas may be promulgated by the City Manager and may provide (among other remedies) for the impoundment of any animal hitched for longer than the permitted time period or which by howling, fighting or otherwise, creates a public disturbance or constitutes a nuisance.

(b) It shall be unlawful for any person to hitch a horse or any other animal (including a dog) within or upon any private property such as to permit the animal access to any public property (including public rights-of-way) and to create the opportunity for the animal to interfere with pedestrian and vehicular traffic or so as to expose the public to an unsupervised animal. (Code 1962, § 6-2-7: Code 1971, § 5-7; Ord. No. 87-1976, § 3)

Sec. 6.04.080. Cruelty to animals prohibited.

It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal. (Code 1962, § 6-2-8: Code 1971, § 5-8)

Sec. 6.04.090. Regulation of cats.

Stray cats which are abandoned or which constitute a nuisance and whose owners are unknown shall be impounded for a period not exceeding five (5) days in which time they may be destroyed or given away at the election of any City Animal Warden. Seriously injured or diseased cats may be destroyed immediately.

Notice of cats impounded pursuant to this Section shall be posted in three (3) public places in the municipality. There shall be paid, by any owner claiming any impounded cat, three dollars (\$3.00) for each day said animal was held, plus any additional charges for veterinary services required during impoundment. (Code 1971, § 5-9; Ord. No. 74-1976, § 1)

Sec. 6.04.100. Animal litter.

Any person having possession, custody or control of any animal (including a dog) shall be responsible for the removal of any excreta deposited by any such animal upon any property, public or private, except that owned by the person having possession, custody or control of said animal. (Code 1971, § 5-10; Ord. No. 87-1976, § 1)

Chapter 6.08

DOGS

Sec. 6.08.010. Title.

This Chapter shall be known as the "Dog Control Code of the City of Aspen, Colorado." (Code 1962, § 6-3-2; Code 1971, § 5-26)

Sec. 6.08.020. Reserved.

Editor's note—Ord. No. 24-1978, § 1, repealed former § 5-27 which set forth definitions applicable to Art. II. Said section was derived from Code 1962, § 6-3-1; Ord. No. 5-1964, § 2; Ord. No. 12-1965, § 2; and Ord. No. 25-1967, § 2. (Code 1971, § 5-27)

Sec. 6.08.030. Annual vaccination and licensing required; fee; application.

(a) No dog over the age of six (6) months shall be kept, harbored or maintained within the City, unless the owner, keeper or person in charge of such animal shall have the animal inoculated against rabies and annually pay a designated agent of the City for collection (as may from time to time be designated by the City) a license fee as prescribed by Subsection 2.12.050(d) of this Code to be remitted to the City for each and every dog owned, kept or harbored. For purposes of this Paragraph, persons authorized to perform vaccinations against rabies may be designated as agents of the City for the collection of license fees hereunder.

(b) At the time of application for licensing of a dog, the owner thereof shall state, upon a printed form provided for such purposes, his name and address and the breed, color and sex of the dog to be licensed. (Code 1962, § 6-3-2; Ord. No. 5-1964, § 3; Ord. No. 12-1965, § 3; Ord. No. 25-1967, § 3; Code 1971, § 5-28; Ord. No. 18-1971, § 1; Ord. No. 6-1973, § 1; Ord. No. 9-1976, § 1; Ord. No. 24-1978, § 2; Ord. No. 49-1978, § 1; Ord. No. 30-1981, § 1; Ord. No. 44-1991, § 5; Ord. No. 77-1992, § 5)

Sec. 6.08.040. Tag and collar; expiration of license.

(a) Upon receipt of the license fee and completed printed form required in Section 6.08.030 above, the inoculating veterinarian shall issue to the owner of the dog being licensed a receipt for the payment and a tag signifying that the dog has been vaccinated, the date of inoculation, the series number of the vaccination certificate and the number of the license. The receipt shall contain the date of inoculation and the number of the license as shown on the tag. Every owner shall be required to provide his dog with a durable collar to which the license tag must be attached and shall be responsible for seeing that the dog wears the collar and tag at all times, in the event a dog licensing tag is lost, destroyed or mutilated, a duplicate shall be issued by the animal control officer upon presentation of the receipt showing inoculation and payment of the licensing fee for the current year and upon payment of the replacement fee set forth at Section 2.12.050 for each duplicate, which fee shall be remitted to the City Finance Director by the Community Safety Officer in the same manner as license fees under Section 6.08.030 above. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the owner's leaving the City before the expiration of the licensing period.

(b) The vaccination and license required by the provisions of this Chapter shall expire and become invalid one year from the date of the tag issued hereunder. (Code 1962, § 6-3-3; Ord. No. 5-1964, § 4; Ord. No. 12-1965, § 4; Code 1971, § 5-29; Ord. No. 25-1967, § 4; Ord. No. 18-1971, § 2; Ord. No. 6-1973, § 2; Ord. No. 49-1978, § 2; Ord. No. 47-2002 § 1, 2002)

Sec. 6.08.050. Running at large restricted; leash control.

(a) It shall be unlawful for any owner, possessor or person who keeps any dog to permit the same to run at large within the limits of the City.

(b) A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the direct control of the owner, possessor, keeper or his agent or servant or a member of his immediate family either by leash, cord or chain no longer than ten (10) feet in length and of sufficient strength to completely restrain the dog or within a vehicle or other confinement.

(c) Any person convicted of violating any provision of this Section shall, upon conviction, be fined in an amount not to exceed three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. (Code 1962, § 6-3-4; Ord. No. 12-1965, § 5; Ord. No. 25-1967, § 5; Code 1971, § 5-30; Ord. No. 27A-1971, §§ 1—4, 6; Ord. No. 6-1973, § 3; Ord. No. 23-1973, § 1)

Sec. 6.08.060. Procedure and compliance with articles required for dogs imported into City.

All dogs which are brought into the City shall be in compliance with the laws and rules and regulations of the state regarding the handling of the animal and shall have been vaccinated not more than twelve (12) months prior to importation. The tag denoting vaccination shall be firmly affixed to the collar or harness of the dog and shall be evidence of compliance with this Section.

If an imported dog remains in the City more than thirty (30) days, such dog shall be licensed in accordance with the provisions of this Chapter. Any legally acceptable certification of the vaccination issued by a legally authorized person to the owner of the dog, in any municipality, county or state, shall be exchanged for a current vaccination license tag of the City, which tag shall bear the date of the vaccination shown on the aforesaid certificate. A transfer fee as prescribed by Section 2.12.050(d) of this Code shall be paid by the dog owner to the animal control officer at the time the exchange tag is issued, which fee shall be remitted to the City Finance Director by the Animal Control Officer in the same manner as license fees under Section 6.08.030. (Code 1962, § 6-3-18; Ord. No. 12-1965, § 19; Ord. No. 25-1967, § 12; Code 1971, § 531; Ord. No. 6-1973, § 4; Ord. No. 9-1976, § 2; Ord. No. 49-1978, § 3; Ord. No. 30-1981, § 2; Ord. No. 44-1991, § 6; Ord. No. 77-1992, § 6)

Sec. 6.08.070. Failure to license and inoculate prohibited.

It shall be unlawful for any person to own, keep or harbor any dog in the City that has not been inoculated and licensed as provided in this Chapter. (Code 1962, § 6320; Ord. No. 12-1965, § 21; Code 1971, § 532; Ord. No. 6-1973, § 5)

Sec. 6.08.080. Poisoning prohibited.

It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the City. (Code 1962, § 6-3-22; Ord. No. 25-1967, § 14; Code 1971, § 5-33)

Sec. 6.08.090. Kennel license.

Any person who shall keep or operate a kennel, may, in lieu of the individual license required under this Chapter, make application to the Director of Finance for a kennel license entitling the applicant to keep or operate a kennel. Such kennel license shall be issued by the Director of Finance upon a proper form and shall entitle the licensee to keep any number of dogs up to and not to exceed the number specified in such license. The fee to be paid for each kennel license shall be ten dollars (\$10.00) for ten

(10) dogs or less and one dollar (\$1.00) for each dog in excess of ten (10). With such kennel license the Director of Finance shall issue a number of metal plates or tags, equal to the number of dogs authorized, by the license, such tags to be the same as those provided in Section 6.08.030. The provisions of this Section shall not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and on leash nor shall they prohibit the transporting in conveyances of dogs temporarily for the purpose of breeding, trial or show. (Code 1962, § 6-3-21; Ord. No. 25-1967, § 13; Code 1971, § 5-34)

Sec. 6.08.100. Barking dogs prohibited.

It shall be unlawful for any owner or keeper of a dog to permit such dog by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood and the same is hereby declared to be a public nuisance. (Code 1971, § 5-35; Ord. No. 37-1973, § 1)

Cross reference—Noises prohibited, animals, § 18.04.030(b)(4).

Sec. 6.08.110. Confining female dogs in heat.

It shall be unlawful for the owner or keeper of any female dog to permit the same to run at large while said dog is in estrus (in heat or season) or to permit the same to create a nuisance by attracting other dogs to the premises. If, after notice, the owner or keeper of said female dog in heat does not abate the nuisance by caring for and properly confining, in an enclosure capable of restricting entry by other dogs, said female dog, it may be taken up and impounded and said female dog shall not be released from impoundment unless the owner or keeper establishes that he and she has proper facilities for caring for and confining said female dog. (Code 1971, § 5-36; Ord. No. 37-1973, § 2)

Sec. 6.08.120. Keeping of vicious dogs prohibited.

No person shall own, keep, possess or harbor a vicious dog within the City. For the purposes of this Section, a vicious dog is hereby defined and declared to be a dog that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks or any public ground or place. Any dog that bites or attacks a person who is unlawfully trespassing upon, breaking into or otherwise destroying or defacing its owner's property shall be deemed to be provoked within the meaning of this Section; provided, however, that no dog shall be deemed to have been provoked by reason of having attacked a person who was merely trespassing unless its owner shall have clearly delineated the boundaries of his property by a continuous obstruction (e.g., wall, fence) and shall have posted, in at least two (2) conspicuous places on the perimeter of the property (and at all obvious entrances), signs (at least four (4) inches by fourteen (14) inches in size and printed) warning of the danger. It shall be the duty of the animal control officer and all police officers to take up and impound any dog which is a vicious dog. In the event a vicious dog cannot be taken up and caught by the animal control officer or any police officer exposing himself or herself to danger or personal injury from such dog, it shall be lawful for the animal control officer or any police officer to destroy without notice to the owner or keeper thereof. (Code 1971, § 5-37; Ord. No. 37-1973, § 3; Ord. No. 49-1978, § 4)

Sec. 6.08.130. Alteration deposit provided at discretion of animal control officer.

The animal control officer shall, at his discretion, provide a deposit for the alteration of any dog at a reduced fee when the same is found running at large within the limits of the City and a penalty assessment is paid for such violation, provided, however, that such deposit shall not be greater than the difference between the penalty assessment actually paid and the penalty assessment which would have been appropriate had the dog been altered. (Code 1971, § 5-38; Ord. No. 49-1978, § 5)

Sec. 6.08.140. Impoundment generally.

It shall be the duty of every police officer or every person duly deputized for that purpose, to apprehend any dog as may be required by the provisions of this Chapter and to impound such dog in a suitable animal pound to be provided by the City, within or without the City limits. The person in charge of such pound, herein referred to as the animal control officer, upon receiving such dog, shall make a complete registry of such dog upon a book by him or her kept for such purposes, entering the breed, color and sex of such dog and whether licensed. If licensed, he and she shall enter the name and address of the owner and the number of the licensing tag. (Code 1962, § 635; Ord. No. 5-1964, § 6; Ord. No. 12-1965, § 6; Code 1971, § 5-44; Ord. No. 37-1973, § 4; Ord. No. 49-1978, § 6)

Sec. 6.08.150. Notice to owner; redemption.

When any dog is impounded, as provided in Section 6.08.140, it shall be the duty of the animal warden to make reasonable efforts to notify the owner, possessor or person who harbors the same, if known. If the owner or possessor is not known or cannot be contacted directly, the Animal Warden shall post at City Hall and at the pound a notice containing a description of such dog and information as to when and where caught. A charge of fifteen dollars (\$15.00) is hereby made for the impounding of any dog; and an additional charge of ten dollars (\$10.00) per day is hereby made for each day or part thereof, the dog is kept in the pound, including the day of impounding. No dog shall be released from the pound until the owner shall have paid all charges for impounding the dog and until the dog has been licensed and vaccinated in accordance with this Chapter. (Code 1962, § 6-3-6; Ord. No. 5-1964, § 9; Ord. No. 12-1965, § 7; Code 1971, § 5-45; Ord. No. 6-1973, § 6; Ord. No. 9-1976, § 3; Ord. No. 31-1978, § 1; Ord. No. 30-1981, § 3)

Sec. 6.08.160. Disposition of unclaimed or infected dogs.

It shall be the duty of the animal control officer to keep all dogs impounded under the provisions of this Chapter for a period of five (5) days after the owner, if known, has been notified or reasonable efforts of notification have been made as provided in this Chapter or for a period of five (5) days after the date of posting in the event that the owner is unknown. If at the expiration of such time the dog shall not have been redeemed, it may be destroyed or otherwise disposed of at the discretion of the animal control officer. However, such animal control officer shall not release the dog so impounded except on payment of the fees and charges as provided for in this Chapter, as well as the regular licensing fee. (Code 1962, § 6-3-7; Ord. No. 5-1964, § 8; Ord. No. 12-1965, § 8; Code 1971, § 5-46; Ord. No. 49-1978, § 7)

Sec. 6.08.170. Confinement of certain dogs.

The animal control officer shall not release any fierce, dangerous or vicious dog unless suitable provisions are made for him or her by his owner to protect the public against these propensities and no female dog in heat shall be released unless the owner has facilities for caring for and confining such dog as provided in Section 6.08.110. If the municipal judge shall find that any dog complained of is vicious, as defined in Section 6.08.120, in addition to any fine or sentence imposed, he and she may issue an appropriate order to an owner or keeper to restrain the offending dog or he or she may order the dog to be disposed of. The failure or refusal of any party to do as so ordered shall be deemed to be a separate and distinct offense and each day's violation thereof shall be a separate and distinct offense subject to the penalties provided for in this Code. (Code 1962, § 6-3-17; Ord. No. 12-1965, § 18; Ord. No. 25-1967, § 11; Code 1971, § 5-47; Ord. No. 6-1973, § 7; Ord. No. 37-1973, § 5; Ord. No. 49-1978, § 8)

Sec. 6.08.180. Release upon compliance with provisions of Chapter.

It is the duty of the City to release any dog from the animal pound of the City upon receipt of satisfactory proof of ownership thereof, upon payment of any fee due the City and upon proper

vaccination for rabies (or presentation of proof of vaccination for rabies) and proper licensing of such dog except when continued confinement is otherwise required by the provisions of this Chapter. (Code 1962, § 6-3-17; Ord. No. 12-1965, § 18; Ord. No. 25-1967, § 11; Code 1971, § 5-48; Ord. No. 6-1973, § 7; Ord. No. 37-1973, § 6)

Chapter 6.12

RABIES CONTROL

Sec. 6.12.010. Muzzling required upon proclamation.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he and she deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless it be noticeably infected with rabies and displaying vicious propensities in which event it shall be killed by the City Police or by any person duly deputized for this purpose, without notice to the owner.

Dogs impounded during the period of such proclamation shall be dealt with as provided in this Chapter for dogs running at large without licenses. (Code 1962, § 6-3-9; Ord. No. 12-1965, § 10; Code 1971, § 5-58)

Sec. 6.12.020. Procedure when dog is exposed to or contracts rabies.

If any dog is believed to have rabies or has been bitten by a dog suspected of having rabies such dog shall be confined by leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of at least two (2) weeks. The owner shall notify the animal warden of the fact that this dog has been exposed to rabies and at the discretion of the animal warden he and she is hereby empowered to have the dog removed from the owner's premises to a veterinarian hospital and there placed under observation for a period of at least two (2) weeks at the expense of the owner. Every owner or other person who suspects or has ascertained that a dog is rabid shall immediately notify the Animal Warden or City Police, who shall either remove the dog to the pound or summarily destroy it. (Code 1962, § 6-3-10; Ord. No. 12-1965, § 11; Code 1971, § 5-59)

Sec. 6.12.030. Reserved.

Editor's note—Ord. No. 6-1973, § 9, repealed former §§ 560, 561, 563 and 564 requiring an annual vaccination for dogs, providing for the issuance of a tag signifying inoculation against rabies, requiring attachment of such tag to the collar or harness and providing for the filing, registration and period of validity of the certificate of vaccination and the tag. Said sections were derived from Code 1962, §§ 6-3-11, 6-3-12, 6-3-14, 6-3-15; Ord. No. 12-1965, §§ 12, 14, 15, 16; Ord. No. 25-1967, §§ 8—10; and Ord. No. 18-1971, § 3. (Code 1971, § 5-60)

Sec. 6.12.040. Duty of persons inoculating.

It shall be the duty of each person legally authorized to perform vaccinations on dogs when inoculating any dog to fill out a triplicate certificate with the information required by law and immediately present one triplicate copy to the owner or harbinger of the inoculated dog and to mail one triplicate copy to the office of the City Finance Director within five (5) days from the date of the inoculation. The remaining triplicate copy of the certificate shall be retained by the person performing the vaccination. The City Finance Director shall retain and file the copies of such triplicate certificates as the official registry of all dogs inoculated with antirabid vaccine for the City. (Code 1962, § 6-3-13; Ord. No. 12 1965, § 14; Ord. No. 25 1967, § 8; Code 1971, § 5-62; Ord. No. 6 1973, § 8)

Sec. 6.12.050. Reserved.

Editor's note—Ord. No. 6-1973, § 9, repealed former §§ 5-60, 5-61, 5-63 and 5-64 requiring an annual vaccination for dogs, providing for the issuance of a tag signifying inoculation against rabies, requiring attachment of such tag to the collar or harness and providing for the filing, registration and period of validity of the certificate of vaccination and the tag. Said sections were derived from Code 1962, §§ 6-3-11, 6-3-12, 6-3-14, 6-3-15; Ord. No. 12-1965, §§ 12, 14, 15, 16; Ord. No. 25-1967, §§ 8—10; and Ord. No. 18-1971, § 3. (Code 1971, § 5-63)

Sec. 6.12.060. Vaccination without cost provided at discretion of animal control officer.

The animal control officer shall at his discretion provide for the vaccination of any dog without cost to the owner or harbinger thereof in hardship cases and in such instances that vaccination service is not available elsewhere for a reasonable fee. (Code 1962, § 6-3-16; Ord. No. 12-1965, § 17; Code 1971, § 5-65; Ord. No. 49-1978, § 9)

Sec. 6.12.070. Present valid licenses not affected; expiration date of existing licenses.

The adoption of this ordinance [No. 6-1973] shall not in any way affect the validity of any unexpired dog licenses heretofore issued by the City, provided that all such currently valid licenses which do not otherwise earlier expire shall be deemed to expire one (1) year from the date upon which such dog was last inoculated against rabies. (Code 1971, § 5-66; Ord. No. 6-1973, § 10)

Editor's note—Section 10 of Ord. No. 6-1973 repealed former § 566 pertaining to unlawful possession of tags and certificates and enacted in lieu thereof a new § 5-66 [6.12.070] as herein set out. Former § 5-66 was derived from Code 1962, § 6-3-19; Ord. No. 12-1965, § 20; and Ord. No. 1-1966, § 1. (Code 1971, § 5-66)

Chapter 6.16

PENALTIES

Sec. 6.16.010. General penalty.

Any person convicted of violating any provision of Chapters 6.08 and 6.12 shall be subject to punishment as set forth in Section 1.04.080 of this Code. (Code 1971, § 5-67; Ord. No. 6-1973, § 11; Ord. No. 12-1996, § 2)

Sec. 6.16.020. Penalty assessment and schedule.

(a) Notwithstanding the provisions of Section 6.16.010 hereof, a person charged with one or more of the violations of Chapters 6.08 and 6.12 listed below shall have the option of paying the below specified penalty assessments therefor to the City Animal Control Officer in lieu of further proceedings or defense of such violation(s) in court or of appearing in court to defend such charge(s). If such person elects to appear in court, he and she shall be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided in Section 6.16.010 hereof if found guilty of such charges.

(b) In the event a person elects to pay the prescribed penalty assessment as permitted in Subsection (a) hereof, such payment shall constitute an acknowledgement of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation and upon accepting the prescribed penalty assessment the City Animal Control Officer shall issue a receipt to the violator acknowledging payment thereof.

(c) The penalty assessment and the nature of the violation for which the penalty assessment may be accepted and paid by the violator under the privileges of this Section shall be as prescribed at Section 2.12.050(d) of this Code.

(d) In determining the appropriate penalty assessment for a violation of the "dog running at large" Section hereof, the first offense shall be deemed the first violation occurring after the date of issuance (and the anniversary date thereof) of the license tag worn by the offending dog or simply the first such violation in the case of an unlicensed dog. The numbering of such offenses shall be deemed to begin anew on the date a new annual license is issued for a dog and, again, on the anniversary date of issuance; provided that if such new license is issued fewer than eleven (11) months from the date of issuance (or anniversary date thereof) a former license was acquired hereunder, the number of such offenses shall not begin anew until the actual expiration date (or first anniversary thereof) of the former license. (Code 1971, § 5-68; Ord. No. 6-1973, § 11; Ord. No. 9-1976, § 4; Ord. No. 87-1976, §§ 2, 4; Ord. No. 24-1978, §§ 3, 4; Ord. No. 49-1978, §§ 10—14; Ord. No. 7-1979, § 1; Ord. No. 30-198, § 4; Ord. No. 15-1984, § 1; Ord. No. 77-1992, § 7)

Sec. 6.16.030. Presumption.

In any prosecution charging a violation of any provision of the Dog Control Code concerning the running at large of dogs within the City, proof that the particular dog described in the complaint was running at large, together with proof that the defendant named in the complaint was at the time the dog was running at large the owner (or keeper) of the dog as shown on the registration form required by Subsection 6.08.030(c) above, shall constitute in evidence a prima facie presumption that the registered owner (or keeper) of the dog was the person who permitted the dog to run at large. (Code 1971, § 5-69; Ord. No. 77-1976, § 1)