

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE I

Administration and Abatement of Nuisances

Sec. 7-1. Common law nuisances.

Any nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the Town, and any person, corporation or association causing or permitting any such nuisance shall be in violation of this Article. (Ord. 1-1992, § 1)

Sec. 7-2. Author of nuisances.

Any state of things prohibited by this Article shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof. (Ord. 1-1992, § 1)

Sec. 7-3. Prohibition of nuisances.

No person being the owner, agent or occupant, or having under his or her control any building, lot or premises or unimproved real estate within the limits of the Town, shall maintain or allow any nuisance to be or remain therein. (Ord. 1-1992, § 1)

Sec. 7-4. Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Police Department dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated. (Ord. 1-1992, § 1)

Sec. 7-5. Constitution of separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice given to abate the same. (Ord. 1-1992, § 1)

Sec. 7-6. Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Article. (Ord. 1-1992, § 1)

Sec. 7-7. Abatement of nuisance.

(a) Should any such nuisance, within or upon any public or private premises or as aforesaid, not be abated forthwith after the notice herein provided shall be given, the Chief of Police may declare the same to be a nuisance and may abate the same, which order shall be executed without delay, and the Chief of Police shall have the authority to call for the necessary assistance therefor.

(b) In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the Town, the Chief of Police or Superintendent of Streets may abate the same forthwith without such notice being given.

(c) Any officer who shall be duly authorized to abate any nuisance specified in this Article shall have the authority to engage the necessary assistance and incur the necessary expense therefor.

(d) The expense incurred by the Town in abating any nuisance may be recovered by proper action from the author thereof. (Ord. 1-1992, § 1)

Sec. 7-8. Right of entry.

The Town Administrator, Chief of Police or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect of the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof. (Ord. 1-1992, § 1)

Secs. 7-9—7-20. Reserved.

ARTICLE II

Nuisances

Sec. 7-21. Accumulation to constitute nuisances.

Whenever there shall be in or upon any lot or piece of ground within the limits of the Town any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type upon any private or public property, except in areas specifically zoned by the Zoning Ordinance of the Town for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall constitute a nuisance and shall be in violation of this Article. (Ord. 1-1992, § 1)

Sec. 7-22. Discharge of nauseous liquids.

No person shall, himself or herself or by another in the Town, discharge out of or from or permit to flow from any house or place any foul or nauseous liquid or substance of any kind whatever into or upon any adjacent ground or lot or into any street, alley or public place. (Ord. 1-1992, § 1)

Sec. 7-23. Littering.

(a) It shall be unlawful for any person to throw or cause to be thrown or permit anyone in his or her employ to throw onto any public highway, thoroughfare, street, sidewalk or other place any kind of wire or scrap paper; any ashes, cans or glass of any character; old clothes; cloth of any kind; boots; shoes; hats; leather; hair; straw or hay; animal, vegetable or any other substance whatever; or any type of advertising matter; or to distribute or cause to be distributed or permit anyone in his or her employ to distribute any type of advertising matter in such a manner so as to cause the littering of any public highway, thoroughfare, street, sidewalk or public place. It shall further be unlawful for any person to sweep or cause to be swept, or cause anyone in his or her employ to sweep, from any store, office,

warehouse, factory, hotel or any other building, occupied in whole or in part for commercial purposes, any refuse or dirt from such building onto any public highway, thoroughfare, street, sidewalk or other public place in the Town.

(b) It shall be unlawful for any person, firm, association or corporation to drive, move or propel a vehicle or to allow a vehicle owned by such person, firm, association or corporation to be driven, moved or propelled in such a manner so as to cause to be spilled, dropped or jostled onto any street, highway, thoroughfare, sidewalk or other public place in the Town any trash or rubbish; or to load or allow a vehicle to be so loaded so that the contents or any portion of the contents of such vehicle shall be spilled, dropped or jostled from such vehicle. Vehicles, including trucks loaded with or transporting any construction material, dirt, earth, clay, stone, macadam, brick, cement, sand, fuel, coal, wood, refuse or garbage, shall be loaded and the vehicle shall be in such condition so that none of the contents shall be loosed or spilled along the route which the vehicle is traveling.

(c) It shall be unlawful for any person operating a vehicle or being a passenger in any vehicle to throw or cause to be thrown from such vehicle onto any public highway, thoroughfare, street, sidewalk or other public place in the Town any rubbish or trash, fruit or fruit particles, wrappers, containers, paper, paper products, bottles, glass, cans, hulls, handbills, confetti, shavings, shells, stalks, animals, cloth or any other material of any kind which would render such public highway, thoroughfare, street, sidewalk or other public place unsightly, unsafe, unclean or unsanitary.

(d) The owner or person in control of any private property shall at all times maintain the premises free of litter. No person shall throw or deposit litter on any private property in the Town, whether owned by such person or not; provided, however, that the owner or person in control of private property may maintain authorized private receptacles for the deposit of rubbish or other waste materials in such a manner that waste materials will be prevented from being carried or deposited onto any public or private property. (Ord. 1-1992, § 1)

Sec. 7-24. Nuisances enumerated.

(a) Stale matter. No person whatsoever shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation.

(b) Sewer inlet. No person shall, in the Town, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that shall have a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

(c) Transporting of garbage; manure. Every cart or vehicle used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street.

(d) Streets, streams and water supply. No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substances, or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public or private grounds. No person shall, in the Town, throw or deposit or cause or permit to be thrown or deposited anything specified in any foregoing part of this Section or any other substance

that would tend to have a polluting effect into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

(e) Dead animal; removal. When any animal shall die in the Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith to a distance of not less than five thousand (5,000) feet beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal shall be in any street, highway or public grounds in the Town, it shall be the duty of the Town Administrator to cause such body to be removed forthwith to a distance of not less than five thousand (5,000) feet beyond the limits of the Town.

(f) Abate noisemakers. The use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter.

(g) Unused appliances. No person whatsoever shall keep any unused refrigerator, washer, dryer, freezer or other appliance within any accessible yard or lot, carport or residential garage within the Town limits without first removing the door of the same.

(h) Stagnant ponds. The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

(i) Unauthorized posting of handbills, posters and placards. Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house shall be deemed a nuisance and may be abated as provided in this Chapter. (Ord. 1-1992, § 1)

Sec. 7-25. County Health Department powers.

The County Health Department has the full power to take all measures necessary to promote the health and cleanliness; to abate all nuisances of every description on public and private property; to prevent the introduction or spreading within the Town of malignant, contagious and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease or having been exposed thereto; and to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations. (Prior code 7.04.020)

Sec. 7-26. Trees defined.

Trees, as regulated by this Chapter, means dead, dying, diseased or weakened trees; dead, dying or weakened branches in otherwise healthy trees; tree stumps and shrubs and trees such as are growing wild and without care and maintenance. (Ord. 7-2004 § 1)

Sec. 7-27. Types of trees and plants restricted.

(a) It is unlawful to sell or import into the Town or to plant or cause to be planted within the Town limits any of the following species of trees: any cotton-bearing cottonwood tree (*Populus*); and female box elder tree (*Acer negundo*).

(b) In addition, it is unlawful to plant or cause to be planted any of the following species of trees on the public right-of-way of any street, alley, sidewalk or other public place within the Town:

- (1) Any of the poplar species (*Populus*);
- (2) Any of the willow species (*Salix*);
- (3) The box elder tree (*Acer negundo*);
- (4) Any weeping or pendulous-type tree;
- (5) Any tree with a bushy growth habit which cannot be maintained to a single leader or trunk;
and
- (6) Any tree, shrub or hedge growth which by its habit or growth would obstruct, restrict or conflict with necessary and safe use of the public right-of-way, such as upright evergreens, and Chinese or Siberian elm species (*Ulmus pumila*). (Prior code 11.16.020)

Sec. 7-28. Area for control designated; trees deemed public nuisance when.

The entire Town shall be considered as the specific area within which trees are to be protected and controlled. Trees, or parts thereof, in a dead, dying, diseased or unsafe condition, or trees or wood cut from trees which may serve as breeding places for insects, rodents or the European bark beetle, shall be considered a public nuisance. (Ord. 7-2004 § 1)

Sec. 7-29. Removal of trees; required when.

Upon determination by a forester or other competent authority of any tree disease or other pestilence such as Dutch elm disease, which endangers the health of trees or plants, the Town shall notify, in writing, the owner, occupant or other person in charge of any piece of land whereon such diseased trees or plants are located, and direct such person to eradicate, remove or otherwise control such conditions, in accordance with Section 7-31 of this Chapter. (Ord. 7-2004 § 1)

Sec. 7-30. Removal responsibility of owner or occupant.

(a) It is unlawful for any owner, occupant or other person in charge of any piece of land within the Town to maintain any of the following:

- (1) Dead, dying or obviously weakened trees, regardless of species or variety;
- (2) Dead, dying or obviously weakened branches in any trees, regardless of species or variety;
- (3) Shrubs or trees growing wild and without care or maintenance;

(4) Stumps of elm trees with tree bark remaining thereon; and

(5) Elm wood cut from trees, whether or not they were diseased, that is cut, piled or stored and which has the tree bark remaining thereon. Any elm trees that are cut must have their bark removed prior to piling or storing and in no event later than twenty-four (24) hours after cutting. No elm wood may be brought into the Town limits prior to having its bark removed.

(b) It is further unlawful for any owner, occupant or other person in charge of any piece of land within the Town to fail to remove or otherwise destroy all such described trees, or wood cut from trees.

(c) For the purpose of this Chapter, the owner, occupant or person in charge shall also be responsible for any trees or plants located between his or her property line and the edge of the adjacent street or public right-of-way, as well as those on his or her own property. (Ord. 7-2004 § 1)

Sec. 7-31. Removal at direction of Town.

If any owner (in case of standing trees), occupant or person in charge of any lot, block, parcel or land (in the case of wood cut from trees) within the Town fails to remove trees, as required by this Chapter, within twenty (20) days after being notified to do so by the administrative authority by either certified mail or personal service, the Town may direct that the trees be removed by an employee or a subcontractor of the Town and charge the total cost thereof to such owner or person in charge of such land, together with five percent (5%) additional for inspection and other incidentals. (Ord. 7-2004 § 1)

Sec. 7-32. Property owner's right to hearing.

The person to whom the required notice under Section 7-31 above is directed may file a written request for a hearing before the Board of Trustees within the twenty-day period of compliance prescribed in Section 7-31 by filing the written request with the Town Clerk. The hearing shall be held as soon as practicable after the filing of the request, and the person to whom notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. The decision of the Board of Trustees after the hearing shall be final and, until such decision, the Town shall not commence any of the procedures for removal under Section 7-31. However, if the decision of the Board of Trustees is adverse to the person requesting the hearing, then he or she shall have twenty (20) days, or such longer period of time as may be designated by the Board of Trustees, from such decision to perform the work himself or herself; and if such work is not performed within such time period, the Town may then implement Section 7-31. (Ord. 7-2004 § 1)

Sec. 7-33. Abatement by Town; collection of costs.

(a) In the event the trees on any lot, property or piece of ground are removed and destroyed by order of the administrative authority, the total cost of removing and destroying such trees shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such lot, property or piece of ground, by certified mail, notice of assessment of such cost.

(b) Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such ground, and shall have priority over all liens, except general

taxes and prior special assessments, and the same may be certified, at any time after such failure, to so pay the same within thirty (30) days, by the Town Clerk to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected. (Ord. 7-2004 § 1)

Sec. 7-34. Enforcement authority.

The administrative authority is authorized and directed to administer and enforce all the provisions of this Chapter. (Ord. 7-2004 § 1)

Sec. 7-35. Right of entry on property.

Upon presentation of proper credentials, the administrative authority or agents of the Town may enter upon any property, vacant lots or premises in the Town to perform any duty imposed by this Chapter. (Ord. 7-2004 § 1)

Sec. 7-36. Violation; penalty.

Every person convicted of a violation of any provision stated or adopted in this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), by imprisonment not exceeding one (1) year or by both such fine and imprisonment. In addition, the Municipal Judge may order the defendant to remove such trees within twenty (20) days and, if the defendant fails to do so, the Town may remove such trees pursuant to Section 7-31 and charge back the property owner for its costs plus the five-percent fee for inspection and other incidentals. (Ord. 7-2004 § 1)

Secs. 7-37—7-50. Reserved.

ARTICLE III

Weeds and Brush

Sec. 7-51. Weeds; growth and accumulation on premises and adjoining alleys prohibited.

No owner of any lot, block or parcel of ground within the Town, nor any tenant or agent in charge thereof, shall allow or permit weeds to grow, or remain when grown on such lot, block or parcel of ground, or on or along any sidewalk or street adjoining the same, or in the half of the alley contiguous to the same, and such weeds shall be cut close to the ground and kept so cut. (Prior code 7.04.350)

Sec. 7-52. Weeds; abatement by Town; assessment of cost.

If any owner, tenant or agent in charge fails to cut weeds as required by this Article within five (5) days after being notified to do so by the Town Clerk by certified mail, the administrative authority may direct that the weeds be cut by an employee of the Town and charge the cost thereof to such owner, tenant or agent in charge, together with five percent (5%) additional for inspection and other incidentals. (Prior code 7.04.360)

Sec. 7-53. Weeds; abatement by Town; collection of cost.

(a) In the event the weeds on any lot, block or parcel of ground, or along the sidewalk or street adjoining the same, or the alley behind the same, are cut by order of the Town Clerk, the whole cost of cutting such weeds, together with five percent (5%) for inspection and other incidentals, shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such lot, block or parcel of ground, by certified mail, notice of the assessment of such cost.

(b) Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time, after such failure to so pay the same, within thirty (30) days, by the Town Clerk to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent (10%) penalty to defray the cost of collection, as provided by the laws of the State. (Prior code 7.04.370)

Sec. 7-54. Weeds; failure to cut to constitute violation.

Failure of any owner, tenant or agent in charge to cut such weeds, after five (5) days' notice to do so, shall constitute a violation of this Article. (Prior code 7.04.380)

Secs. 7-55—7-70. Reserved.

ARTICLE IV

Trash, Rubbish and Waste Material

Sec. 7-71. Responsibility of owners, lessees, etc., for refuse, trash, etc., on premises.

(a) It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, to maintain the premises at all times in a clean and orderly condition, permitting no deposit or accumulation of refuse, trash or tree limbs, other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance and a violation of this Article.

(b) Every owner remains liable for violations of responsibilities imposed upon him or her by this Article even though an obligation is also imposed on the occupants of his or her building or premises, and even though the owner has an agreement imposed on the occupant, the duty of furnishing required equipment or of complying with this Article.

(c) Every owner shall, where required by this Article, furnish and maintain such approved sanitary facilities as required for the prevention of insect and rodent infestation and the infestation of obnoxious weeds and other vegetation or the pollution of air or water.

(d) Every occupant shall be responsible for keeping his or her dwelling, structure or premises which he or she occupies and controls in a clean, safe and sanitary condition and shall dispose of all

his or her rubbish, refuse, garbage and other organic waste including growth from weeds, vegetation and trees in a manner required by this Article. (Prior code 7.04.390)

Sec. 7-72. Removal of refuse from business required.

Automobile parts, refuse of all kinds, wool, hides, junkyard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the County disposal site by the establishment creating such deposit. Any accumulation of refuse that is highly explosive, hazardous or inflammable which might endanger life or property shall be removed to such places as approved by the Town, State or federal agency, such removal to be handled by the establishments authorized and permitted therefor. (Prior code 7.04.400)

Sec. 7-73. Accumulation and deposit of refuse, garbage, etc., prohibited.

It is unlawful to deposit or place any refuse in such a manner that the same is or tends to become a nuisance or in such a manner that endangers or tends to endanger the public safety. No person shall in any manner throw, place, scatter, deposit or bury any refuse in or upon any public street, alley or other public place or upon his or her own premises or the premises of another. (Prior code 7.04.410)

Sec. 7-74. Trash barrels, bags, tree limbs, garbage, etc., in alley prohibited.

It is unlawful to set, stand or deposit any barrels, cans, bags, tree limbs or refuse in the alley. The owner or occupant shall keep all such articles upon his or her own premises next to the alley, to provide for alley maintenance. (Prior code 7.04.420)

Sec. 7-75. Throwing refuse in streets, vacant lots, etc., prohibited.

It is unlawful for refuse of any kind or nature whatsoever to be thrown or swept into any street, sidewalk, gutter, sewer intake, alley, vacant lot or other property. (Prior code 7.04.430)

Sec. 7-76. Unauthorized molesting or removal of refuse containers prohibited.

No person shall molest, remove, handle or otherwise disturb any refuse containers, bags or brackets, or contents for servicing by the collectors; provided that this Section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents. (Prior code 7.04.440)

Secs. 7-77—7-90. Reserved.

ARTICLE V

Dogs

Sec. 7-91. Defined.

Dog, as used in this Article, means any dog, bitch, whelp or other canine over three (3) months of age. (Prior code 6.08.010)

Sec. 7-92. License required.

(a) The owner, possessor or keeper of any dog within the Town shall secure a license for such dog from the Town Clerk on or before January 1 of each year or within thirty (30) days after the dog reaches the age of six (6) months. Dogs purchased, obtained or otherwise acquired subsequent to January 31 in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of the Town shall have thirty (30) days after becoming such residents to secure a license. Licenses shall be valid for the calendar year in which issued. No refunds shall be made and no prorations shall be made, except that a license issued after November of any year shall be valid for the next ensuing calendar year.

(b) Nothing to the contrary in this Section withstanding, no person or family shall own, possess or keep more than two (2) dogs in this Town unless they shall have first obtained a kennel license and paid the fee therefor and zoning requirements have been met. (Prior code 6.08.020; Ord. 1-1992, § 1)

Sec. 7-93. License fees.

(a) The annual license fee for each dog which has been neutered or spayed shall be five dollars (\$5.00), and the annual license fee for each dog which has not been neutered or spayed shall be ten dollars (\$10.00).

(b) The annual kennel license fee shall be one hundred dollars, (\$100.00) in addition to the license fee for each dog owned, except that the regular license fee shall not apply to veterinarians and other persons who board dogs for a fee. (Prior code 6.08.030)

Sec. 7-94. Rabies vaccination required.

The owner, possessor or keeper of every dog within the Town shall have such dog inoculated against rabies between January 1 and April 1 of each year. Dogs purchased, obtained or otherwise acquired or brought into the Town subsequent to April 1 in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the Town. (Prior code 6.08.040)

Sec. 7-95. Rabies vaccination by licensed veterinarian.

The inoculation required by Section 7-94 shall be made by any veterinarian licensed to practice veterinary medicine in the State. (Prior code 6.08.050)

Sec. 7-96. Rabies vaccination prerequisite to license issuance; application form.

Upon application for a dog license, the applicant shall exhibit to the Town Clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this Article. All applications for license shall be made on forms provided by the Town Clerk. (Prior code 6.08.060)

Sec. 7-97. Tag issuance.

It shall be the duty of the Town Clerk to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in this Article and presenting the certificate of inoculation required by this Article, a dog tag for each dog licensed and inoculated. (Prior code 6.08.070)

Sec. 7-98. Possession of tag.

Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions of this Article shall be permitted to possess a dog tag as provided for in Section 7-97. (Prior code 6.08.080)

Sec. 7-99. Tag description.

The dog tag provided for in this Article shall be of such size, shape, color and material as may be deemed expedient and suitable by the Town Clerk. Such tag shall contain a number stamped thereon in numerical order and shall also indicate the year for which the same is issued and, in the discretion of the Town Clerk, the word "LaSalle." (Prior code 6.08.090)

Sec. 7-100. Attachment of tag to dog's collar or harness.

Every owner, possessor or keeper of a dog within the Town shall place upon such dog a collar or harness made of durable material to which the dog tag herein provided for shall be attached. (Prior code 6.08.100)

Sec. 7-101. Tag worn only by licensed dogs.

No person shall affix to the collar or harness of any dog, or permit to remain so affixed, a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license. (Prior code 6.08.110)

Sec. 7-102. Tag; records of issuance; duplicates; transfer.

The Town Clerk shall keep a record of the date of issue of each dog tag provided for in this Article, the person to whom such tag is issued and the number thereof. If the dog tag herein provided for is lost or destroyed, a duplicate tag may be obtained from the Town Clerk upon the payment of a fee of one dollar (\$1.00). In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the Town Clerk upon proof being presented that the inoculation and licensing requirements of this Article have been complied with and upon the payment of the fee of one dollar (\$1.00). (Prior code 6.08.120)

Sec. 7-103. Impoundment; authority generally.

It is lawful for any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, to impound any dog which is not wearing a dog tag as herein provided and any dog which he or she reasonably believes to be in violation of any of the provisions of this Article, whether such dog is wearing a dog tag or not. It is lawful for any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, to go upon private property for the purpose of catching any dog to be impounded. (Prior code 6.08.130)

Sec. 7-104. Pound establishment and operation.

The Board of Trustees shall have the right to establish a dog pound for the Town to be operated by Town personnel, or at the election of the Board of Trustees, it may contract with a public or private person or organization, specifically including the humane society for the County, for the operation of a dog pound for and on behalf of the Town; or, in the discretion of the Town, the Town may enter into any agreement with and use any dog pound established for the mutual benefit of local municipalities. (Prior code 6.08.140)

Sec. 7-105. Impoundment; filing complaint against owner.

If a dog is impounded, it shall be the duty of any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, to institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate Section of this Article. Nothing herein contained shall be construed as preventing any police officer, dog catcher or officer, agent or employee of said humane society from instituting a proceeding in the Municipal Court of the Town for violation of this Article where there is no impoundment. (Prior code 6.08.150)

Sec. 7-106. Impoundment; notice to owner.

A reasonable effort shall be made by any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, to notify the owner, possessor or keeper of an impounded dog, that the dog has been impounded. (Prior code 6.08.160)

Sec. 7-107. Impoundment, redemption and disposition.

(a) The owner or other person having a legal right to the immediate possession of any dog which has been impounded pursuant to Section 7-103 shall have the right to redeem the dog from the impounding facility during the time that the dog is kept there and until the dog is disposed of pursuant to subsection (b) of this Section. The person seeking to redeem the dog shall satisfy the police officer, dog catcher, humane officer or other person then lawfully in charge of the impounding facility that such person in fact is the owner of the dog or is the person having the lawful right to immediate possession of the dog. The person desiring to redeem any dog shall be obligated to pay all fees and charges of the humane society or other impounding facility and, in addition, shall pay a redemption fee of twenty dollars (\$20.00). However, if the same owner, or a member of his or her immediate

family, has redeemed the same dog from the Town impounding facility within the preceding twelve (12) months, or three (3) times within the previous twenty-four (24) months, the redemption fee shall be eighty dollars (\$80.00). As an additional condition to the right to redeem, the owner, keeper, harbinger or other person responsible for the dog must immediately apply for a license if the dog is not then currently licensed, and must produce the vaccination certificate and pay the fee required by Section 7-93 at the time application is made to redeem.

(b) Any dog which has been impounded and not redeemed shall be disposed of in a humane manner by the Town or by the humane society of the County, if the society is then under contract with the Town, seventy-two (72) hours after 12:00 midnight of the day the dog was impounded, or as soon thereafter as possible. (Prior code 6.08.170; Ord. 6-1982, § 1)

Sec. 7-108. Interference with police officer, dog catcher or humane officer.

It is unlawful for any person to interfere with, molest, hinder or obstruct any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, in the discharge of his or her official duties under this Article. (Prior code 6.08.200)

Sec. 7-109. Instigating or encouraging dog fights prohibited.

No person shall cause, instigate or encourage any dog fight within the Town. (Prior code 6.08.210)

Sec. 7-110. Confinement or muzzling of dogs during rabies danger; impoundment of dogs not confined or muzzled.

Whenever the Mayor is of the opinion that any danger exists from hydrophobia in the Town or other danger exists from dogs running at large within the Town, he or she shall issue a proclamation requiring every owner, possessor or keeper of any dog within the Town to confine or securely muzzle the same for such time as he or she may designate, during which time it shall be unlawful for any dog to be within the Town unless so securely muzzled within a good and substantial wire or leather muzzle securely fastened and put on so as to prevent any such dog from biting. It shall be the duty of any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, to take up and impound any dog that may be found during the time so designated by the Mayor as aforesaid unless muzzled or confined as herein provided. (Prior code 6.08.220)

Sec. 7-111. Female dogs in heat.

Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or other enclosure shall be so constructed or situated as to prevent other dogs from gaining access to such yard, pen or other enclosure. (Prior code 6.08.230)

Sec. 7-112. Failure to keep dogs from running at large; impounding of dogs running at large.

(a) The owner, keeper, harborer or any other person who has assumed the responsibility for a dog shall be obligated to prevent the dog from running at large in the Town, and failure to satisfy that obligation shall be unlawful. A dog shall be considered running at large when it is neither on the premises of the owner, keeper, harborer or other person responsible, nor on a leash ten (10) feet or less in length, attached to the dog and held by or tied to a person. A dog also shall be considered running at large, whether or not on a leash, when the dog is within a public area designated as being off limits to dogs. For the foregoing provision to apply, such public area must have been designated by resolution of the Board of Trustees and the area must have been reasonably signed to warn the public that dogs are not allowed.

(b) Any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, is authorized and directed to impound dogs which are found running at large.

(c) This Section shall not apply to seeing eye dogs accompanied by their masters, nor to dogs participating in dog shows, dog exhibits or dog training activities, to the extent that such shows, exhibits and activities are conducted in compliance with the requirements of this Code.

(d) It shall be no defense to a prosecution under Subsection (a) of this Section that the dog alleged to have run at large was impounded in connection with the incident, nor shall the payment of a redemption fee protect the owner, keeper, harborer or other person responsible for the dog from prosecution for violation of the provisions of this Article. (Prior code 6.08.240)

Sec. 7-113. Vicious dogs.

(a) No person shall own, keep, harbor or possess any vicious dog in the Town; provided, however, that a dog shall not be deemed a vicious dog because it has attacked or bitten any of the following persons:

(1) Any person engaged in the unlawful entry into or upon the dog owner's property where such dog is kept;

(2) Any person engaged in the unlawful entry into the dog owner's automobile or other vehicle wherein such dog is confined;

(3) Any person engaged in attempting to stop a fight between such dog and another animal;
or

(4) Any person engaged in attempting to aid such dog when it is injured.

(b) For purposes of this Section, a person shall be presumed to be lawfully upon the private property of such owner unless such person's presence is deemed a trespass. Further, for purposes of this Section, a person is lawfully upon the private property of such owner when he or she is on the property in the performance of any duty imposed upon him or her by the laws of the State or Town, or the laws or postal regulations of the United States or when he or she is on such property at the invitation, expressed or implied, of the owner thereof.

(c) It is the duty of the humane officer, police officer or other designated officer of the Town to investigate all complaints concerning vicious or dangerous dogs. After such investigation, the officer shall determine whether such dog is vicious or dangerous.

(d) If a dog, being unprovoked, attacks, bites, chases or runs after any person or animal, the humane officer, or any such police officer of the Town, may deem the dog to be a vicious dog.

(1) The officer may capture such dog and impound it until such time as a court hearing can be held before the Municipal Court, as provided under paragraph (e) below. The owner of such dog shall be liable for any impounding fees assessed during the time of impoundment.

(2) If such dog cannot be safely captured and presents a real and present danger to the officer or the public, the officer may destroy such dog on site.

(e) If the humane officer, or any such police officer of the Town, deems a dog to be vicious, he or she may issue a written warning to the owner of such dog, stating his or her determination that such dog is vicious, and shall request the owner to confine the dog to the limits of a leash, muzzled or not; or he or she may cause criminal charges to be filed in Municipal Court against the owner, alleging the vicious propensities of such dog. If a complaint has been filed in Municipal Court against the owner, keeper, harbinger or any other person who has assumed responsibility for any dog within the Town for a violation of this Section, the Municipal Judge shall have the authority, upon making the finding that such dog is a vicious animal, and further, that such dog, as a result, constitutes a real and present danger to the citizens of the Town, to order the dog be destroyed in a humane fashion. (Prior code 6.08.250; Ord. 7-1986, § 1)

Sec. 7-114. Confinement of biting dogs.

(a) The owner, possessor or keeper of any dog which has bitten or which is suspected to have bitten any person or which is suspected of having rabies shall immediately notify any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, of such fact.

(b) Any dog which has bitten or which is suspected to have bitten any person or which is believed to have rabies or to have been exposed to rabies shall be confined, upon order of any police officer, dog catcher or officer, agent or employee of the humane society for a period of ten (10) days for observation. Such dog shall either be confined at the residence of the owner, possessor or keeper thereof, if such confinement can be accomplished without exposing such dog to the public, or, at the option of any police officer, dog catcher or officer, agent or employee of the humane society of the County, if the society is then under contract with the Town, such dog shall be confined at the Town pound or at a private veterinary hospital at the expense of the owner, possessor or keeper of the dog. It is unlawful for any owner, possessor or keeper of such dog to permit such dog during confinement to come into contact with the public. (Prior code 6.08.260)

Sec. 7-115. Notice or knowledge of violation not necessary for prosecution of owner.

For the purpose of prosecution for violations of this Article, it is not necessary, in order to obtain a conviction, to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question, that such dog was violating any of the provisions of this Article at the time and place

charged, it being the purpose and intent of this Article to impose strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog. (Prior code 6.08.270)

Sec. 7-116. Humane officers; identification.

Humane officers of the Town shall be provided with certificates by the Chief of Police that they are such officers or agents, in such form as the Board of Trustees may choose, or with a badge bearing the name of the Town and humane officer and shall, if requested, show such certificate or badge when acting officially. (Prior code 6.08.290)

Sec. 7-117. Humane officers; authority.

If a dog is impounded, it shall be the duty of the humane officer or any police officer to institute proceedings in Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this Article. Nothing herein shall be construed as preventing the humane officer, any police officer or any citizen from instituting a proceeding in Municipal Court for violation of this Article where there is no impoundment. It also is the intention of this Section that under those circumstances, the humane officers will be deemed *peace officers* within the meaning of the Colorado Municipal Court Rules of Procedure, for purposes of issuing summonses and/or summonses and complaints relating to enforcement of this Article. (Prior code 6.08.291)

Secs. 7-118—7-130. Reserved.

ARTICLE VI

Cats

Sec. 7-131. Definitions.

The definitions and terms used in this Article, unless the context otherwise indicates, are herewith defined as follows:

- (1) *Cat owner* means every person in possession of or who harbors any cat or who shall allow any cat to remain about his or her premises for a period of thirty (30) days.
- (2) *Cat* means any member of the family of *Felis catus*, regardless of sex.
- (3) *Harboring*: The occupant of any premises on which an animal is kept or to which it customarily returns daily for food and care for a period of thirty (30) days is presumed to be harboring or keeping the animal within the meaning of this Article. (Ord. 3-1988, § 1)

Sec. 7-132. Cats running at large prohibited; impoundment.

It is unlawful for any owner, keeper or harborer of any cat to permit, knowingly or unknowingly, such cat to run at large or stray beyond the limits or premises of its owner, keeper or harborer unless under the control of some responsible person by leash or otherwise. Any cat, not under said control

of some responsible person, found in any street, avenue, alley or public place in the Town or on the premises of a private person, provided that said person makes a written complaint to the Police Department or the Town humane officer, shall be deemed to be running at large; and it is lawful for the Police Department or Town humane officer to cause such cat to be impounded. (Prior code 6.12.010)

Sec. 7-133. Obstructing impoundment prohibited.

No person shall obstruct, hinder or prevent the impounding of any cat running at large contrary to the provisions of this Article. (Prior code 6.12.030)

Sec. 7-134. Impoundment of rabies suspects and biting cats.

(a) Any cat which is suspected of having rabies or which has bitten a person or other animal shall be impounded either in the pound or placed under the supervision of a licensed veterinarian for observation. All fees for such impounding and observation shall be charged to the owner of such animal.

(b) The cat shall be placed in a suitable facility and quarantined for a period of ten (10) days at the expense of the owner.

(c) Upon determination that the cat is infected with rabies, it shall be immediately destroyed. (Prior code 6.12.040)

Sec. 7-135. Disposition of rabies suspects.

Cats known to have been bitten by or exposed to a rabid animal shall be:

- (1) Immediately destroyed upon determination that said cat is rabid; or
- (2) Released upon proof of immunization and booster injections given by a licensed veterinarian at the expense of the owner. (Prior code 6.12.050)

Sec. 7-136. Breaking open or damaging pound prohibited.

It is unlawful for any person to break open, destroy or damage any place used by the Town as a cat pound, or any door, gate, fence or enclosure thereof, or to take or attempt to take therefrom, any cat therein impounded without first having paid the fees provided in this Article. (Prior code 6.12.060)

Sec. 7-137. Seizure.

(a) It shall be lawful for any police officer or animal warden to go on any premises in the Town for the purpose of determining whether any cat is being harbored, maintained or kept on said premises in violation of any of the provisions of this Section.

(b) It shall be unlawful for the owner of any cat to fail to provide information to any such police officer or animal warden necessary for determination of compliance with any of the provisions of this Section.

(c) If any police officer or animal warden determines that there is a violation of this Article, it shall be lawful for said person to seize the animal or animals involved and impound it or them under Section 7-139. (Ord. 3-1988, § 2)

Sec. 7-138. Reporting animal bites; quarantine.

(a) Duty to report. Any person having knowledge of an animal bite shall immediately report the incident to an officer of the Police Department.

(b) Quarantine of animals. Any cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer. If the cat is not confined on the owner's premises, confinement shall be in the Town's animal shelter or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined to the Town's animal shelter. The owner of any cat that has been reported as having inflicted a bite on any person shall, on demand, produce said animal for quarantine as prescribed in this Section. Refusal to produce said cat constitutes a violation of this Section and each day of such refusal shall constitute a separate and individual violation.

(c) Removal of animals from quarantine. It shall be unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the consent of the impounding agency. (Ord. 3-1988, § 3)

Sec. 7-139. Impounded animals.

(a) Animal shelter. An animal shelter shall be provided for the purpose of boarding and caring for any cat impounded under the provisions of this Article. The animal shelter may be owned and operated by the Town, the Weld County Humane Society or any licensed veterinarian within the State.

(b) Removal of animals from animal shelter. It shall be unlawful for any person to remove any impounded cat from the animal shelter without consent of the Police Department.

(c) Removal of bite animals from quarantine. Cats impounded because of bites shall not be removed from quarantine until after the ten (10) day observation period has expired and the County Department of Health issues a release.

(d) Disposition of impounded animals. After such cat has been held for a period of three (3) days, the cat shall be deemed abandoned and an officer of the Police Department may instruct a licensed veterinarian to humanely euthanize such animal. If the owner or other person having a legal right to the immediate possession of any cat which has been impounded pursuant to this Article wishes to redeem such animal, an impound fee of ten dollars (\$10.00) must be paid to the impounding facility before such animal may be released. However, if the same owner, or a member of his or her immediate family, has redeemed the same cat from the Town impounding facility within the preceding twelve (12) months, the redemption fee shall be twenty dollars (\$20.00); and if the same owner, or a member of his or her immediate family, has redeemed the same cat from the Town impounding facility two (2) times within the previous twelve (12) months, or three (3) times within

the previous twenty-four (24) months, the redemption fee shall be forty dollars (\$40.00). (Ord. 3-1988, § 4)

Sec. 7-140. Nuisance.

(a) It shall be unlawful for any cat owner or keeper to harbor, maintain or permit on any lot, parcel of land or premises under his or her control, any cat which by any sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

(b) No household, place or business may have more than two (2) cats over six (6) months of age. All households presently owning between three (3) and five (5) cats currently may maintain the cats currently owned but shall not maintain more than two (2) cats upon the death or loss of those presently owned.

(c) Any violation of a subsection under this Section shall be deemed a nuisance, and the cats which are the subject of said violation shall be subject to impoundment under Sections 7-132, 7-137 and 7-139. (Ord. 3-1988, §5)

Sec. 7-141. Enforcement.

It shall be the duty of the Police Department and/or the Town humane officer to enforce the provisions of this Article. (Prior code 6.12.070)

Secs. 7-142—7-160. Reserved.

ARTICLE VII

Control of Smoking

Sec. 7-161. Purpose.

The purpose of this Article is to preserve the public health, safety and welfare by controlling the smoking of tobacco or any other plant or weed under certain circumstances in any property owned by the Town. (Ord. 2-1993, §1)

Sec. 7-162. Definitions.

The definitions and terms used in this Article, unless the context otherwise indicates, are herewith defined as follows:

Public meeting means any meeting held by any commission, committee or board of the Town that is open to the public.

Public place means any enclosed area within buildings, equipment, vehicles or other property owned by the Town.

Smoking means the carrying of a lighted pipe, lighted cigar or lighted cigarette of any kind and includes the lighting of a pipe, cigar or cigarette of any kind. (Ord. 2-1993, §1)

Sec. 7-163. Smoking prohibited in certain places.

Smoking is prohibited in all public places except in those areas designated by the Board of Trustees. Such designation may be changed from time to time by resolution. (Ord. 2-1993, §1)

Sec. 7-164. Smoking prohibited during public meetings.

Smoking will be prohibited during public meetings. The chairperson may recess periodically during meetings and allow persons wishing to smoke access to areas designated for smoking. (Ord. 2-1993, §1)

Sec. 7-165. Signs posted.

By order of the Board of Trustees, signs will be posted designating where smoking is and is not permitted. (Ord. 2-1993, §1)

ARTICLE VIII

Prairie Dog Restrictions

Sec. 7-166. Rodents; nuisance defined.

(a) The following rodents are declared to be detrimental and injurious to the public health, safety and welfare of the inhabitants and property, both public and private, of the Town, and they are determined and declared a public nuisance: prairie dogs.

(b) Nothing contained in Subsection (a) above shall be construed or intended to include, within the definition of a public nuisance, any animal designated by a state or federal agency as an endangered animal under state or federal law.

(c) Nothing contained in Subsection (a) above shall be construed or intended to authorize the destruction or removal of an animal declared a public nuisance in violation of any state or federal law, rule or regulation related to any threatened or endangered animal. (Ord. 5-2011, §1)

Sec. 7-167. Control of infestation; defined.

(a) No owner of property within the Town, nor any tenant or agent in charge thereof, shall allow or permit said property to become or remain infested with prairie dogs or prairie dog nests or burrows; provided, however, that, where such nests or burrows are necessary for the maintenance of wildlife listed as threatened or endangered by any state or federal law, rule or regulation, such nests or burrows may be maintained in accordance with such state or federal law, rule or regulation.

(b) For the purpose of this Section, *infestation* means the presence of more than one (1) prairie dog burrow or nest per nine hundred (900) square feet of ground. (Ord. 5-2011, §1)

Sec. 7-168. Nuisance; abatement; notice.

(a) If an owner of any property within the Town, or any tenant or agent in possession or in charge thereof, fails or refuses to remove or eliminate rodent infestations or rodent nests or burrows as required in Section 7-167 above within thirty (30) days after being served notice to do so by an agent or employee of the Town, the Town may have the rodents, nests or burrows removed and abated by an employee of the Town or by a private firm or individual, as provided in this Section, and charge the cost thereof to such owner, tenant or agent. In the event the Health Department or other public health official identifies the presence of a communicable disease, abatement shall occur within a much shorter time as specified by the Health Department or official.

(b) Notices, as required by this Section, shall:

(1) Be in writing;

(2) Specify the time and date by which the owner, tenant or agent must abate the nuisance;

(3) Specify that, unless abated, the Town may undertake to abate the nuisance and charge the cost thereof to the owner, tenant or agent;

(4) Specify that, unless promptly made, payment of abatement costs may be compelled through legal court action;

(5) Specify that failure to make payment for abatement costs will cause a lien to be placed against the property upon which the abatement occurred; and

(6) Specify that all procedures and acts undertaken to abate said nuisance shall conform to all municipal, state and federal law and regulations governing the taking, trapping, killing and disposal of wildlife and wildlife nests and burrows.

(c) If it is determined that employees of the Town are not available to abate the nuisance pursuant to the provisions of this Section, the Town may solicit bids from properly licensed individuals or firms to undertake the necessary abatement, retaining the most qualified bidder to accomplish the abatement.

(d) If a private person or firm accomplishes the abatement as provided in this Section, the Town shall provide a copy of the bid with the notice for payment served on any owner, tenant or agent as provided in Section 7-169 below.

(e) In order to encourage the provision of services to protect the public health and safety and to allow the Town to allocate its limited fiscal resources, nothing contained in this Section shall be intended or construed to impose any duty of care, liability or obligation on the Town or any of its employees or agents where none otherwise existed.

(f) Nothing contained herein shall be construed or intended to authorize the destruction or removal of an animal declared a public nuisance in violation of any state or federal law, rule or regulation related to any threatened or endangered animal. (Ord. 5-2011, §1)

Sec. 7-169. Payment of abatement costs; notice.

If the Town undertakes the abatement process as provided in Section 7-168 above, a written notice for payment shall be provided to the owner, tenant or agent in charge of the lot, block or parcel upon which the nuisance was abated. This notice shall be sent by certified mail and contain the amount owed and a statement that it shall be paid to the Town of LaSalle within thirty (30) days after the mailing of the same by the Town Clerk. A copy of the bid, as provided in Subsection 7-168(d) above, shall be attached. Such notice shall be a condition precedent to the maintenance of any action at law to recover the Town's abatement costs. (Ord. 5-2011, §1)

Sec. 7-170. Failure to pay assessment.

Failure to pay an assessment as provided for in Sections 7-168 and 7-169 above within thirty (30) days shall cause such assessment to become a lien against the lot, block or parcel of land upon which abatement occurred. The assessment shall have priority over all liens, except general taxes and prior special assessment, and the same may be certified, at any time after such failure to pay, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State. (Ord. 5-2011, §1)

Sec. 7-171. Nuisance abatement to conform to law.

Any person, firm, business or contractor undertaking to remove, eliminate or abate any nuisance, as provided under Sections 7-166 through 7-169 above, shall comply with all municipal, state and federal regulations and laws governing the taking, trapping, killing and disposal of wildlife and wildlife nests or dens. (Ord. 5-2011, §1)

Sec. 7-172. Permit required.

Any relocation, removal or extermination of prairie dogs from private land requires a permit issued by the Town. For relocation or removal to a wildlife recovery program, a permit issued by the Colorado Department of Wildlife may be required. (Ord. 5-2011, §1)

Secs. 7-173—7-180. Reserved.