

ORDINANCE NUMBER 244

AN ORDINANCE TO AMEND ORDINANCE NUMBER 239, SECTION 2, CONCERNING THE REGULATION OF DOGS AND PRIVATE PROPERTY

WHEREAS, the Board of Trustees of the Town of Hugo, hereinafter referred to as the "Board" and the "Town", respectively, previously adopted Ordinance Number 239 titled "An Ordinance Relating to and Regulating Dogs; Providing for Vaccination and Licensing Thereof, and Providing Penalties for the Violation Thereof"; and

WHEREAS, in adopting Ordinance Number 239, the Board did not intend to allow any defense to the trespass of an owner's dog onto anyone else's property, without permission of the landowner; and

WHEREAS, Section 2.10 of Ordinance 239 may be interpreted to allow a dog to defecate upon private property provided the excreta is immediately removed by the owner of the dog; and

WHEREAS, the Board wishes to clarify and correct any misstatement of Section 2.10;

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

Section 1. Restatement of Section 2.10 of Ordinance 239. On the adoption of this Ordinance, Section 2.10 of Ordinance 239 shall be restated and amended to state as follows:

2.10 Defecate upon public property and such excreta is not immediately removed by the owner at that time; or enter onto or defecate upon private property, unless the owner of the private property has given his or her consent.

Section 2. SEVERABILITY. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 3. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

Section 4. Recording and Authentication. Immediately upon its passage, this Ordinance shall be recorded in the Town of Hugo Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, shall be published as required by law.

ADOPTED AND APPROVED this _____ day of _____, 2015.

Mayor

ATTEST:

Town Clerk

Published in the Eastern Colorado Plainsman this _____ of _____ 2015.