

ORDINANCE NO. 283

AN ORDINANCE TO AMEND ORDINANCE NO 239, SECTION 25, PENALTY FOR VIOLATION, CONCERNING REGULATION OF DOGS WITHIN THE TOWN OF HUGO

Whereas, Colorado Revised Statutes 31-15-401(1)(m)(l) gives to the governing body of each municipality the power and authority to regulate and to prohibit the running at large and keeping of animals, including dogs; and

Whereas, the Board of Trustees of the Town of Hugo, hereinafter referred to as the "Board" and the "Town", respectively, previously adopted Ordinance No. 239 titled "An Ordinance Relating to and Regulating Dogs; Providing for Vaccination and Licensing Thereof; and Providing Penalties for the Violation Thereof"; and

Whereas, the Board has determined that it would be in the best interests of the citizens of the Town to increase the enforceability and penalties as to persons violating the above ordinance;

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

Section 1. Amendment of Section 25. Upon adoption of this Ordinance, Section 25 thereof, shall be amended to state as follows:

Section 25. PENALTY FOR VIOLATION.

A. Any person violating any provision of this ordinance may upon conviction, be punished by a fine not to exceed \$2,650.00 for each offense or by other alternative penalty or a combination of fine and alternative penalty determined by the Municipal Judge to be appropriate under the circumstances. Alternative penalties shall include, but not be limited to, requiring the violator and his or her dog to complete a Court approved obedience training program, having the dog, or dogs, muzzled as well as kept on a leash when the dog is off the violator's premises and out of a fenced yard area, having the violator provide proof of increased liability insurance for having an Aggressive or Dangerous dog, and / or requiring the violator to remove the subject dog, or dogs, from the Town of Hugo.

B. Should an alleged violator fail to appear for his or her Court hearing, the Court may accept statements and / or evidence from the Town as to the facts underlying the charges against the alleged violator. The Hugo Municipal Court Judge may then enter a default against the violator imposing a fine, court cost, and one or more penalties as set forth in Section 25A above. Any imposed fine may be submitted to the Town's collection sources by the Municipal Court Clerk. Additionally, upon motion of the Hugo Town Attorney, any assessed fine may be treated as a delinquent municipal charge and assessment pursuant to Town Ordinance Number 243, and certified by the Town Clerk to the Lincoln County Treasurer to be collected and paid over by the Treasurer to the Town in the same manner as taxes are authorized to be collected by state statute. Such assessment shall only apply if the convicted violator owns real property within the Town of Hugo and the subject dog, or dogs, found to be in violation of Ordinance Number 239 was or were housed upon the violator's real property.

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. This Ordinance shall take effect thirty days after publication. Thereafter, 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.

Adopted and approved this 13th day of February 2023.

Lora Bledsoe, Mayor

ATTEST:

Maria Nestor, Town Clerk