

**TOWN OF LYONS, COLORADO
ORDINANCE 1057**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CHAPTER 7 ARTICLE 6
SECTION 190(B) AND SECTION 230 OF THE LYONS MUNICIPAL CODE RELATED TO NOISE
RELATED TO ANIMAL OR FOWL AND AMENDING CHAPTER 7 ARTICLE 6 SECTION 50 OF THE
LYONS MUNICIPAL CODE RELATED TO ANIMALS RUNNING AT LARGE**

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to make and publish ordinances; and

WHEREAS, pursuant to that power the Board previously enacted Article 6, Chapter 7, of the Lyons Municipal Code ("LMC") entitled "Animal Regulations"; and

WHEREAS, the Municipal Prosecutor and County Sheriff's Office have determined that certain provisions of the LMC relating to Article 6, Chapter 7 require updating to increase enforcement ability and compliance; and

WHEREAS, in the interest of the health, safety and welfare of the citizens of the Town of Lyons, and visitors to the town, the Board of Trustees determines there is the need to: 1) clarify violations for running-at-large issues and assist in defining running-at-large; 2) to remove the time frame for violations for animal noise issues; and 3) to allow law enforcement to issue penalty assessments for certain animal violations and establish a fine structure.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS,
THAT:**

Section 1. The recitals set forth above are hereby incorporated by reference.

Section 2. Section 1: Chapter 7, Article 6, Section 50 of the Lyons Municipal Code entitled "RUNNING AT LARGE" is hereby amended by removing voice control and amending sections 7-6-50(3) and (4) to read as follows:

Sec. 7-6-50. Running at large.

It shall be unlawful for the owner or keeper of any dog to fail to prevent the dog from running at large within the Town limits. A dog is presumed to be at large if injury, damage or trespass has occurred even if said dog is under leash control at the time of injury, damage or trespass. Every owner or keeper of any dog of any age shall keep such dog exclusively upon his or her own premises unless the dog is:

- (1) Under the effective control of a person by means of a substantial leash, cord, chain or other device.
- (2) In a vehicle or is similarly physically confined and inaccessible to any passerby.
- (3) In a fenced dog park area or any other area designated as an off leash area by the Town Administrator.

In addition, no dog shall be tied to any fence, post, pole or any other structure and no dog shall be allowed on the playground or athletic fields located in Bohn Park or Lavern Johnson Park, as posted.

Section 3. Chapter 7, Article 6, Section 190(b) of the Lyons Municipal Code entitled "NOISE RELATED TO ANIMAL OR FOWL" is hereby amended by removing the time restriction in

section 7-6-190(b) to read as follows:

Sec. 7-6-190(b) In any prosecution for violation of this Section, the fact that howling, barking, squawking, crowing or other noise from the same premises disturbed any two (2) or more persons in different households shall create a rebuttable presumption that the howling, barking, squawking, crowing or other noise was unlawful.

Section 4. Chapter 7, Article 6, Section 230 of the Lyons Municipal Code entitled "Animal violations – Penalty Assessments" is hereby enacted and adopted to read as follows:

7-6-230 – Animal Violations – Penalty Assessments.

The following identified animal code violations are considered penalty assessments and the fines listed will be utilized. Nothing in this section prevents law enforcement from issuing a summons for a violation. Each penalty assessment will also include a court surcharge of \$25.

Code	Title	Town Fine 1 st Off./2 nd /3rd
7-6-20(a)	Dog license required	\$45
7-6-20(b)	Dog rabies inoculation required	\$45
7-6-20(c)	Dog rabies tag required	\$45
7-6-30(a)	Cat inoculation required	\$45
7-6-50	Dog at large	\$50/\$90/SUM
7-6-50(5)	Dogs tied to fence, post, pole, or any other structure	\$50/\$90/SUM
7-6-5-(6)	Dogs on the playground or athletic fields at Bohn or Lavern Johnson Park	\$50/\$90/SUM
7-6-60	Damage to property by dog	\$50/\$90/SUM
7-6-70	Injury to wildlife by dog	\$50/\$90/SUM
7-6-80	Failure to Remove of dog excrement	\$50/\$90/SUM
7-6-90	Failure to confine a female dog in heat	\$50/\$90/SUM
7-6-190	Noise related to animals or fowl (including barking dogs)	\$50/\$90/SUM

Section 5. Article 6 of Chapter 7 as amended is hereby amended from the previous Article 6 of Chapter 7 to renumber each of the sections as appropriate.

Section 6. Code Revisions. Because this Ordinance revises an entire Sections of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 8. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 9. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2, 3, and 4 of this Ordinance within the Lyons Municipal Code.

Section 10. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 1st DAY OF APRIL 2019

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 15TH DAY OF APRIL 2019.

TOWN OF LYONS, COLORADO



Connie Sullivan, Mayor

ATTEST:

