

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 5
SERIES 2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT CRESTED BUTTE, COLORADO, AMENDING CHAPTER 4 ANIMALS, ARTICLE II DOGS, DIVISION 2 LICENSE, SECTION 4-33 FEE; TERM, AND SECTION 4-35 DUPLICATE TAGS AND AMENDING CHAPTER 4 ANIMALS, ARTICLE II DOGS, DIVISION 5 ENFORCEMENT AND PENALTY, SECTION 4-82 MINIMUM PENALTIES FOR VIOLATION OF SECTION 4-18 OF THE TOWN CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO

WHEREAS, the Town of Mt. Crested Butte, Colorado (“Town”) is a Colorado home-rule municipality having all the powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the Town, acting through its Town Council (“Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, pursuant to this authority, the Council has previously adopted regulations concerning the licensing of Dogs within the Town, codified as Chapter 4, Article II, Division 2 of the Code of the Town of Mt. Crested Butte (“Code”); and

WHEREAS, the Council desires to establish fees concerning licensing of dogs through the passage of Resolutions, rather than future Code amendments, to streamline the issuance of licensing; and

WHEREAS, the Council has previously adopted a minimum fine schedule for convictions for a violation of Section 4-18 of the Code; and

WHEREAS, the Council has determined that it would aid the administration of justice to permit the Mt. Crested Butte Municipal Court Judge to set the appropriate fine for violations of Section 4-18 of the Code without minimum limits imposed by the Council; and

WHEREAS, the Council therefore finds it necessary and prudent to make corresponding amendments to the Code thereof.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ORDAINS THAT:

Section 1. Chapter 4 Animals, Article II Dogs, Division 2 License, Section 4-33 Fee; term, is amended to read as follows:

Sec. 4-33 Fee; term.

(a) The fee for licensing an unaltered dog or licensing a spayed or neutered dog, shall be in the amount set by the town council by resolution. The fee shall be paid by the owner to the town clerk.

(b) Such license issued shall be for a period of that corresponds to the duration of

the rabies vaccination. Licenses expire simultaneously with the duration of the rabies vaccination. There shall be no proration of license fees for portions of years. The fee for the renewal of a license shall be in the amount set by the town council by resolution.

Section 2. Chapter 4 Animals, Article II Dogs, Division 2 License, Section 4-35 Duplicate Tags, is amended to read as follows:

Sec. 4-35 Duplicate tags.

If a dog licensing tag is lost, destroyed or mutilated, a duplicate shall be issued by the town clerk upon presentation of the receipt showing inoculation and payment of the licensing fee for the current year and upon payment of a fee in the amount set by the town council by resolution.

Section 3. Chapter 4 Animals, Article II Dogs, Division 5 Enforcement and Penalty, Section 4-82 Minimum penalties for violation of Section 4-18, is amended to read as follows:

Sec. 4-82 Minimum penalties for violation of Section 4-18.

Upon conviction for a violation of section 4-18, running at large, the penalty to be imposed by the court, which may not be suspended, shall be in accordance with the limits established in section 1-14 of this Code.

Section 4. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 18th day of April, 2023, on first reading, and introduced, read, and adopted on second and final reading this 16th day of May, 2023.

TOWN OF MT. CRESTED BUTTE, COLORADO



By: Nicholas Kempin, Mayor

ATTEST:



Tiffany O'Connell, Town Clerk