

**ORDINANCE NO.
SERIES 2015**

AN ORDINANCE AMENDING TITLE 5. GENERAL OFFENSES, CHAPTER 5.40. ANIMALS, SECTION 5.40.050, ANIMAL CONTROL AND RESTRAINT OF THE GUNNISON MUNICIPAL CODE RELATING TO DANGEROUS DOGS AND VICIOUS ANIMALS

WHEREAS, City staff has recommended amendments to Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 1. Dangerous Dog, and 2. Vicious Animals, of the Gunnison Municipal Code (G.M.C.); and

WHEREAS, the City wishes to clarify the impoundment and release of alleged dangerous dogs and alleged vicious animals to reduce undue costs to animal owners while protecting the community by modifying the City of Gunnison Municipal Code; and

WHEREAS, the City Council finds that such changes would benefit the health, safety and welfare of the City's residents and, therefore, is in the City's best interest.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. G.M.C. Title 5. General Offenses, Chapter 5.40. Animals, Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 1. Dangerous dog, b., is amended to read as follows:

- b. The animal control officer, neighborhood services officer, or any police officer may impound any animal which is reasonably believed to be a dangerous dog.
 - i. A dog may be released to the owner, pending court procedures, provided the animal is not exhibiting overtly aggressive or dangerous behavior, is not exhibiting any symptoms of disease, the owner can assure that the dog will remain under the owners' control, and that such control will be sufficient to prevent a reoccurrence of the reason for initial impoundment, that the owner will present the dog for inspection on request of the animal control officer, and that the owner will report any change in the animal's health to animal control officer until the case is resolved.
 - ii. An owner may request the animal be housed in a facility licensed to board and care for animals, at the owner's expense.

Section 2. G.M.C. Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 2. Vicious Animals, b., is amended to read as follows:

- b. The animal control officer, neighborhood services officer, or any police officer may impound any animal which is reasonably believed to be vicious.

- i. An animal may be released to the owner, pending court procedures, provided the animal is not exhibiting overtly aggressive or dangerous behavior, is not exhibiting any symptoms of disease, the owner can assure that the animal will remain under the owners' control and that such control will be sufficient to prevent a reoccurrence of the reason for initial impoundment, that the owner will present the animal for inspection on request of the animal control officer, and that the owner will report any change in the animal's health to animal control officer until case is resolved.
- ii. An owner may request the animal be housed in a facility licensed to board and care for animals, at the owner's expense.

Section 3. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this ____ day of _____, 2015, on first reading, and introduced, read, and adopted on second and final reading this ____ day of _____, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

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