

ORDINANCE NO. 1122 (2021)

AN ORDINANCE AMENDING SECTION 6.30.000 OF THE CRAIG MUNICIPAL CODE TO DEFINE AREAS WHERE DOG EXCREMENT IS PROHIBITED AND ALLOW FOR A FINE TO BE IMPOSED WHEN VIOLATED WITHIN THE CITY OF CRAIG

WHEREAS, the City Council has determined that it is necessary to clearly define the requirements of owners removing and disposal of dog excrement within the City of Craig due to continuing issues with dog excrement being present within the City;

AND WHEREAS, the City Council determines that it is in the best interest of the City of Craig and necessary for the preservation of the general welfare of the people of the City of Craig to modify the Code as follows.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO:

Section 1. Removal and disposal of dog excrement. Section 6.30.000 of the Craig Municipal Code is hereby amended as follows:

When any dog defecates upon any property other than that of the owner or custodian, including common areas of condominiums, townhouses, duplexes or apartments, it shall be the duty of the owner or custodian of such dog immediately to remove and properly dispose of such feces as outlines in Section 6.30.010.

- (a) The terms “dog” and “owner” as used in this section shall be as defined in CMC 6.04.
- (b) No person owning, keeping or in charge of any dog shall fail to prevent such dog from defecating upon any public property, sidewalk or way within the area or boundaries as specified in this chapter.
- (c) It is an affirmative defense to a charge of violating this section that the defecation occurred on private property and that the prior express permission of the owner or all tenants thereof had been obtained.
- (d) It is an affirmative defense to a charge of violating this section that the owner, keeper or person in charge of such dog immediately removed or cleaned up such deposit and disposed thereof by depositing it in a receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.
- (e) No person shall fail to possess a shovel, scoop or other suitable equipment for removing dog excrement while the dog and the owner, keeper or person in charge of the dog are upon any public property, sidewalk or way within the jurisdictional boundary of this chapter. For the purposes of this section, an Animal Control Officer, police officer or other officer or agent of the City of Craig having jurisdiction to enforce this code may make a prima facie determination as to the sufficiency of any scoop, shovel or removal device. The owner, keeper or person in charge of the dog shall be relieved from the obligations of this subsection if the dog is used or participating in a parade, exhibition or demolition authorized by the City of Craig; the dog is being actively used or is participating as an operative of a law enforcement search, investigation or other official law enforcement activity; or the dog is being transported in an automobile, truck or similar conveyance at all times while being transported on or within the specified areas. Law enforcement officers shall be required to properly remove and dispose of excrement of law enforcement canine(s) after completion of any search, investigation or official law

enforcement activity.

- (f) Violation of subsection (b) of this section constitutes a separate and distinct offense from subsection (e) of this section.
- (g) Every person convicted of a violation of subsection (b) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction \$25.00; second conviction \$50.00; third and each subsequent conviction \$100.00. In applying this schedule, the date when the actual violation occurred shall control, regardless of the date of the conviction, and the record of the violator for three years prior to the date of the current violation shall be considered.
- (h) Every person convicted of a violation of subsection (e) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction \$25.00; second conviction \$50.00; third and each subsequent conviction \$100.00. In applying this schedule, the date when the actual violation occurred shall control, regardless of the date of the conviction, and the record of the violator for three years prior to the date of the current violation shall be considered.
- (i) This chapter is applicable in, and the jurisdictional boundary is designated to be all areas within the City of Craig including but not limited to all public parks, trails, sidewalks and bike paths that are owned and maintained by the City of Craig.
- (j) Any person who is blind, as that term is defined in C.R.S. §26-2-103(3) and uses a guide dog shall be exempt from the provisions of this chapter.

Section 2. If any subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. All other provisions of Title 6 of the Craig Municipal Code shall remain in full force and effect.

Section 3. The City Council deems it appropriate to publish the title of this ordinance, together with a summary of the ordinance and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. This ordinance shall be effective immediately upon passage.

Section 5. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Jarrod Ogden, Mayor

ATTEST:

Liz White, City Clerk

FINALLY READ, PASSED AND APPROVED AFTER PUBLIC HEARING THIS _____ DAY
OF _____ 2021.

Jarrod Ogden, Mayor

ATTEST:

Liz White, City Clerk