

## CHAPTER 7

### Health, Sanitation and Animals

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## ARTICLE I

### Administration and Abatement of Nuisances

#### Sec. 7-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

(1) **Littering** means the scattering or dropping of rubbish, trash or other matter on town property (organic or mineral).

(2) **Rubbish or Junk** means any type of debris, trash, waste and rejected or accumulated matter, including but not limited large cardboard boxes or parts, large tree trimmings, discarded fence posts, crates, unlicensed vehicles, vehicle tires, scrap metal, bedsprings, water heaters, furniture (other than furniture specifically designed and intended for outdoor use), all other household goods or items and any other accumulation of items or materials not designed for outdoor decoration purposes or uses.

(3) **Trash** means any worn-out, broken up, used or worthless matter or material.

(4) **Waste Material or Garbage** consists of glass, metal material, furniture, vehicle parts, dead animals, debris or rubbish from construction, demolition or repair of buildings; material resulting from the preparation or consumption of meats, fish, fowl, birds, fruit, or vegetables.

#### Sec. 7-2. Conditions constituting nuisances.

Whenever there shall be in or upon any lot or piece of ground within the Town limits any **item as described in Sec. 7-1**, or any conditions established as a nuisance by this Chapter, upon any private or public property, except in areas specifically zoned by Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall be unlawful and shall constitute a nuisance. Natural material used to provide wildlife habitat is exempt.

#### Sec. 7-3. Nuisances prohibited.

(a) No person being the owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits shall maintain or allow violation of Sec. 7-2.

#### Sec. 7-4. Notice to owner; failure to comply.

(a) The Town shall give written notice to every person, corporation or association owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a specific nuisance exists in violation of the provisions of this Chapter. Said notice shall direct the person, corporation or association to comply with the provisions of this Article within ten (10) days after the date of mailing or written action by the Town Code Enforcement Officer if the property owner resides within the Town and fifteen (15) days if the property owner resides outside the Town.

(b) Any notice given pursuant to this Article shall state that if the work required is not done within the time specified, the Town shall cause the same to be done at the expense of the property owner.

(c) Any notice authorized by this Section may be served by mailing via regular United States mail a copy of the notice to the record owner of such property. Service on one (1) owner of the property shall be deemed

service on all owners.

(d) If any property owner shall fail to comply with the notice requirements within the time limits as set forth in the notice as provided in Subsection (a), the Town may direct that the nuisance or violation shall be abated and the Town shall remove or cause to be removed said nuisance or cause for violation, and the Town employees or contractors acting upon behalf of the Town shall have the right to go upon and enter private premises in order to remove the nuisance or cause for violation.

**Sec. 7-5. Work done by Town at cost to owner.**

If the Town causes the work to be done, the Town Clerk shall send a statement of the cost of such work to the property owner at his or her last known address. Any such statement shall be paid by the property owner within thirty (30) days after the statement is mailed to him or her. After such thirty (30) days, any unpaid amount shall bear interest at the rate of six percent (6%) per annum. If any property owner is unable to pay the cost of such work within thirty (30) days, he or she may enter into an agreement for the payment of the same in monthly installments over a period not to exceed two (2) years; and the unpaid cost shall, by agreement, be made a lien on the lands of such property owner. Any unpaid balance due under such agreement shall bear interest at the rate of six percent (6%) per annum. The agreement shall be filed or recorded in the office of the County Clerk and Recorder.

**Sec. 7-6. Report of unpaid costs; notice to owner.**

The Town Clerk shall, not later than July 1 of each year, report to the Board of Trustees as to any costs for work done by the Town under this Article which have not been paid by the property owner or made the subject of an agreement with the property owner, as authorized in Section 7-5 above. Notice shall be mailed by the Town Clerk to each property owner. Such notice shall state the amount claimed to be due from such property owner, the date, place and time that the report will be made to the Board of Trustees, the description of the property to be assessed, the description of the work performed and that the Board of Trustees will be asked to assess the cost of the work, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection against the property of such owner. Such notice shall be mailed at least ten (10) days, and not more than forty-five (45) days, before the date the report will be made to the Board of Trustees.

**Sec. 7-7. Assessment of cost against property.**

The Board of Trustees shall, when the report is presented to it, consider ordering by resolution the assessment of such costs, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection, against real estate. Such assessment shall be certified by the Town Clerk to the County Treasurer and shall be on a parity with a tax lien for general state, county, city, town or school taxes. Such assessment shall become delinquent on the first day of the September after the date of assessment; and, after the same becomes delinquent, the property shall be advertised and sold by the County Treasurer at the same time or times, in the same manner and under all the same conditions and penalties and with the same effect as prescribed by the general laws of the State for the sale of real estate in default of payment of general taxes.

**Sec. 7-8. Objection to assessment.**

(a) In the event that any person, corporation or association desires to object to any assessments made in accordance with the terms and provisions of this Article, written objection shall be delivered to the Town Clerk within thirty (30) days after the receipt of the notice of assessment.

(b) Upon receipt of any written objection hereunder in accordance with Subsection (a) above, the Town Clerk shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector or objectors may appear and have their objection heard before the Board of Trustees.

(c) At the time of any hearing held in accordance with Subsection (b) above, the Board of Trustees shall hear evidence from the Town Board and the objector or objectors regarding any assessments made in accordance with the terms and conditions of this Article. A majority vote of the members of the Board of Trustees shall serve to affirm any assessments made under the terms and provisions of this Article. Should the Board of Trustees fail to uphold any assessment, the objector or objectors hereunder shall be discharged from any liability therefor.

**Secs. 7-9--7-20. Reserved.**

## ARTICLE II

### Specific Nuisances

#### **Sec. 7-21. Abandoned containers, wells or cisterns**

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded well, cistern, icebox, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device.

#### **Sec. 7-22. Stagnant water.**

The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

#### **Sec. 7-23. Littering.**

No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste materials, refuse, garbage, trash, debris or other foreign substances, nor shall any person owning or occupying any lot of ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.

#### **Sec. 7-24. False alarms.**

(a) As used in this Section, the following terms shall have the meanings indicated:

(1) ***Alarm or alarm system*** shall mean any mechanical or electrical device or system which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for the detection of fire or other hazard to life or property, or used for mechanically or electronically alerting others by an externally audible or visual signal to the commission of an unlawful act, whether installed inside or outside a building.

(2) *False alarm* shall mean an alarm signal necessitating a response by the Police Department alone or in conjunction with other emergency agencies, where an emergency situation does not exist. *False alarm* shall not include alarms occasioned by natural or man-made disasters or power failures which are beyond the control of the owner or occupier of the premises

**Sec. 7-25. Sump pump discharge.**

It shall be unlawful for any property owner to allow the discharge from a sump pump to drain off the property.

**Sec. 7-26. Non-Street Legal Motorized Machines.**

- (a) Operation of non-street legal recreational motorized machines, including but not limited to motorcycles, all terrain vehicles, snowmobiles, go-carts and scooters, powered by internal combustion engines or electric motors, that are not licensed for street use, is prohibited on all streets.
- (b) The vehicles in Section 7-26(a), may be operated on private property with the land owner's permission. Noise limits are set at 50 db as described in Chapter 10 Article VI Section 10-91 of this Code.

**7-27---7-40. Reserved.**

## **ARTICLE III Weeds and Brush**

### **Sec. 7-41. Definitions.**

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

Weed -means any plant listed by the State of Colorado as a nuisance or invasive species.

### **Sec. 7-42. Declaration of nuisance.**

Any weeds found growing in any lot or tract of land in the Town is hereby declared to be a nuisance.

### **Sec. 7-43. Duty of property owner to cut.**

It shall be the duty of each and every person, corporation or association owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to a height of 6 inches all **vegetation, excluding ornamental shrubs and landscaping vegetation**, within a minimum of 25 feet from any dwelling. Large undisturbed areas that is in a natural state, without structures, is generally considered exempt if it can be considered habitat for wild life.

### **Sec. 7-44. Removal from Town.**

All weeds and brush cut in accordance with Section 7-43 hereof shall be, immediately upon being cut, removed from the Town or otherwise entirely destroyed by the owner or occupant of the lot upon which the weeds and brush have been cut.

### **Secs. 7-45 Burn Permit.**

All persons burning outside of homes must provide notice to the Florence Fire Protection District, and must comply with such rules, regulations, and guidelines in effect from the fire district, state of Colorado, Fremont County, and Town.

### **7-46--7-60. Reserved.**

**ARTICE IV**  
**Trees**

**Sec. 7-61. Cotton-bearing cottonwood trees.**

(a) It shall be unlawful for any person to sell, plant, transplant, keep or maintain any cotton-bearing cottonwood trees in the Town.

(b) Excluded from the effect of the ordinance codified herein shall be all cotton-bearing cottonwood trees in existence as of August 1 2004. Determination of the age of a cotton-bearing cottonwood tree for the purposes of enforcement of the ordinance codified herein shall be under the exclusive control of the Town Board or designated appointee.

(c) For purposes of the enforcement of the ordinance codified herein, the Town declares cotton bearing cottonwood trees to be a nuisance and subject to the provisions of this Code with regard to the abatement of nuisances.

(d) The Board of Trustees finds that the lands adjoining certain irrigation canals, lands containing wetlands and open space lands may likewise provide a natural and historic habitat for cotton-bearing cottonwood trees, and that the preservation of this habitat is also in the best interests of the Town and its citizens. The provisions of the ordinance codified herein shall not apply to any such areas which may be specifically designated by the Board of Trustees. Any such designations shall be appropriately posted by the Town Board.

(f) Nothing in the ordinance codified herein shall prevent or supersede the powers of the Town as set forth in this Code to require the trimming or removal of cotton-bearing cottonwood trees which are subsequently declared to constitute a nuisance as dangerous or hazardous trees under the provisions of this Code.

**Sec. 7-62. Tree and plant diseases declared a public nuisance; abatement on private property.**

(a) The existence of any destructive or communicable disease or other pestilence that endangers the growth, health, life or well-being of trees or plants in the Town, or that is capable of causing an epidemic spread of communicable disease or insect infestation, shall be considered a public nuisance subject to abatement in accordance with the provisions of this Code.

(b) Upon the discovery of any such disease, pestilence or insect infestation, the Town Board or designee shall cause written notice to be served upon the owner of the property upon which such diseased tree or plant is situated, which notice shall require such property owner to eradicate, remove or otherwise control such condition in accordance with the nuisance abatement provisions of this Code. In the event the property owner fails to comply with the requirements of any such notice, the Town may enter upon the private property and abate the nuisance existing thereon in accordance with the nuisance abatement provisions of this Code. Assessment of any costs against the property for worked performed by the Town, or on the Town's behalf, shall likewise be done in accordance with the nuisance abatement provisions of this Code.

**Sec. 7-63. Permit required for planting, pruning or removing trees in public places.**

It shall be unlawful for any person to plant, prune, remove, destroy or cause to be planted, pruned, removed or destroyed, any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town without having first obtained a written permit therefore from the Town. An approved landscape plan by the Planning Department shall be considered a permit.

**Sec. 7-64. Application required for planting, pruning or removing trees in public places.**



(a) Any person desiring to plant, prune, remove, or destroy any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town shall first make written application at the Town Hall. Such application shall set forth the name and address of the applicant, the name and address of the person doing the work, the kind or species of tree or shrub to be planted and the location of the planting, together with such other information as the Planning and Zoning Committee may in its discretion require. The Committee may attach such conditions as may be deemed advisable with regard to the performance of the work authorized by the permit.

(b) No fee shall be required for permits issued pursuant to this Section.

**Sec. 7-65. Duty of the Town to trim and maintain trees in public places.**

It shall be the duty of the Town to trim, prune, remove or destroy any trees, shrubs or hedges in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town.

**Secs. 7-66--7-80. Reserved.**

## ARTICLE V

### Animals, Fowl and Bees

#### Sec. 7-81. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

- (1) Animal, excluding cats and dogs, means hard-hoofed or non hard-footed animals.
- (2) Bees means honey-producing insects of the genus *Apis*, including all life stages.
- (3) Domestic fowl means chickens, ducks, geese, turkeys, pigeons and other domestic fowl. Canaries, parakeets and similar birds kept solely as pets are excluded from this term.
- (4) Person means any person, firm, partnership, corporation or association.

#### Sec. 7-82. Keeping of animals.

Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to keep, harbor, maintain or allow to run or fly at will any animals, dogs, cats, livestock or other species of animals that is not native to the area within the Town.

#### Sec. 7-83. Exceptions.

(a) This Article shall not be applicable to the display of domestic fowl or animals by entrants in any show or fair authorized by the Town or to the temporary maintenance by a licensed veterinarian of animals or fowl during the time necessary for treatment.

(b) Keeping of animals, fowl, or bees within the Town, a person owning one (1) acre of land or more shall be permitted to have (1) animal of 150 pounds or more, per acre; or permitted two (2) animals less than 150 pounds per acre. Animals shall be fenced, corralled, or tied to prevent animals from running loose.

(c) Domestic fowl shall be kept in a fenced area and shall not be in a crowded condition. Feed and water shall be covered with water changed to prevent bacteria, mosquito and other insects from the area.

(d) No animals or fowl shall be slaughtered for sale within the Town.

(e) No refuse and/or manure will be kept on-site for later use and shall be disposed of, plowed under or removed by owner or agent not less than every 4 to 6 weeks or by notice from the Town Of Williamsburg; any odor shall be corrected by request or by order of a Town Official. No refuse or manure shall be allowed to accumulate on or move across any adjacent property owned by another person. Failure to comply with this ordinance is subject to an initial fine of \$100 and cleanup costs, if any, accrued by the Town.

(f) All hived bees shall not be closer than 55 feet from other property lines. All bees shall be in hives that are workable and that frames can be removed and examined for health and must conform to any County or State requirements.

#### Secs. 7-84--7-100. Reserved.

## ARTICLE VI

### Dogs

#### **Sec. 7-101. Definitions.**

For all purposes of this chapter, the following words shall be defined as follows:

A. "Destructive dog" means any dog which has at any time prior injured any type of property belonging to any person or entity other than the owner of the dog, or any dog which the owner thereof knows or should know has destructive tendencies.

B. "Dog" means any dog whether male or female excepting puppies which have not yet been weaned.

C. "Dog kennel" means any collection of four (4) or more dogs owned by one (1) person or (1) household at one (1) time and kept at the same location.

D. "Noisy dog" means any dog that barks, yelps or howls loudly and at frequent intervals, or continuously or for 15 minutes or longer.

E. "Owner" means any person who owns, keeps, harbors or possesses a dog in the Town, and shall also mean and include any and all persons who own, keep, harbor or possess a dog which at any time runs at large within the Town, whether such person is a resident or nonresident of the Town; except that "owner" shall not mean nor include any person or persons owning, keeping, harboring or possessing a dog when such person or persons are merely traveling through the Town or visiting or sojourning in the Town for a period of less than one (1) month.

F. "Pound" means the enclosure provided by the Town for keeping dogs or a humane shelter not operated by the Town but used by the Town for impounding animals.

G. "Run at large" or "running at large" means any dog when off or away from the premises of the owner, possessor or keeper and not under the control thereof by means of a leash no more than ten (10) feet in length.

H. "Vicious dog" means any dog that bites or bites at any person or other living animal, or otherwise attacks any person or other living animal in a dangerous, threatening or terrorizing manner unless the dog is on the premises occupied by its owner.

#### **Sec. 7-102 License required.**

All dogs in the Town shall be licensed and registered by their owners. Applications for licenses shall be made to the Town Clerk who shall issue licenses and tags. Dog licenses issued by the Town Clerk shall continue valid for a period of one or two years from the date of issuance. Applications for dog licenses must be submitted to the Town Clerk during the last month prior to the expiration of any prior valid license except as provided in this section. An owner who acquires a dog not previously licensed and registered must, within thirty (30) days, license and register such dog. Further, the owner of a newborn dog must license and register the same within thirty (30) days after the dog reaches the age of four months.

#### **Sec. 7-103 License application—Fee.**

Applications to license and register dogs shall be submitted to the Town Clerk. Applicants shall submit a certificate from a licensed veterinarian which indicates that the dog to be licensed has been inoculated with a rabies vaccine within the previous two years. Applicants shall further submit the name and address of the dog owner together with the name, breed, color, and sex of the dog. Applicants shall pay to the Town Clerk a license fee to be set by resolution. Upon submission of a proper application to license and register a dog, the

Town Clerk shall issue to the applicant a metal tag for the dog licensed. License fees may be changed by Resolution.

**Sec. 7-104 Change in ownership.**

Whenever the ownership of a dog changes, the new owner shall, within thirty (30) days of the change, register the dog and pay the fees as provided by Sec. 7-103.

**Sec. 7-105 Registration exemptions.**

No dog shall be required to be registered if it belongs to a nonresident of the Town who has been within the Town for fewer than thirty (30) days, nor for any dog brought into the Town for purposes of participating in a dog show nor for any dog less than four (4) months of age. Seeing Eye dogs used to assist blind persons shall be registered as required in this chapter, but no fee shall be charged therefor.

**Sec. 7-106 Kennels.**

Any person or entity keeping four (4) or more dogs at one time in one (1) place for a period of more than thirty (30) days shall be deemed to be operating a kennel. No person or entity shall maintain a kennel within the Town without first having received a license therefor. Application for such a license shall be made to the Town Clerk and shall state the name of the applicant, location of the kennel, number of dogs to be kept therein and shall have the names of all persons residing within one thousand (1,000) feet of the proposed location stating that they consent thereto. The Code Enforcement Officer will inspect the kennel facility and make a recommendation to the Town Clerk. Upon the payment of one hundred dollars (\$100.00) by the applicant, the Town Clerk, if the Clerk finds the application to be in order, shall issue a license to the applicant, good for one (1) year from the date of issuance. No person shall maintain within the Town a kennel having more than ten (10) dogs.

**Sec. 7-107 Dogs at large prohibited.**

No person shall permit any dog under his care to run at large within the Town.

**Sec. 7-108 Biting dogs—Dogs suspected of rabies.**

Any dog which is known to have or is suspected of having bitten or injured any person so as to cause an abrasion of the skin, or any dog which in the opinion of the health officer or any licensed veterinarian of the State of Colorado appears to be infected with rabies, shall be impounded at the expense of the owner thereof, closely confined, as directed by the health officer, for a period of fourteen (14) days; and if during such period such dog displays symptoms of illness, its disposition shall be determined by the Health Officer. A dog which is known to have been exposed to an animal infected with rabies shall be impounded at the expense of the owner thereof, and the disposition of such dog shall be made as directed by the Health Officer, or, when permitted by the Health Officer, shall be closely confined by its owner in accordance with the directions of the Health Officer for a period of not less than six (6) months from the date of exposure. If the owner of any such dog cannot be determined or located, then such dog shall be confined under the direction of the Health Officer, and if such dog is not claimed from the Health Officer, the officer may order such dog destroyed. In case such dog is claimed by the owner thereof, the cost of such confinement shall be paid by the owner before such dog is released.

**Sec. 7-109 Noisy dogs.**

No person or entity shall keep a noisy dog upon any premises within the Town. Any dog which continually disturbs any person by means of continuous noise shall be deemed to be a nuisance. Upon complaint made to the Code Enforcement Officer, the Code Enforcement Officer shall investigate the matter and if he/she finds the complaint to be sustained he/she shall file a complaint against the person keeping such animal in

Municipal Court. If any person is convicted of keeping a noisy dog twice in any one (1) year period, he shall be fined a minimum of one hundred fifty dollars (\$150.00) plus Court costs.

**Sec. 7-110 Vicious dogs—Prohibited.**

No person or entity shall keep a vicious or destructive dog within the Town. Upon complaint made to the Code Enforcement Officer, the Code Enforcement Officer shall investigate the matter and if he finds the complaint to be sustained, he shall file a complaint against the person keeping such animal in Municipal Court. If any person is convicted of keeping a vicious or destructive dog twice in any one (1) year period, he shall be fined a minimum of three hundred dollars (\$300.00) plus Court costs.

**Sec. 7-111 Vicious dogs—Impoundment.**

The Code Enforcement Officer shall impound any dog running at large, or which is proven, in the manner provided in to be a vicious or destructive dog, even though such dog is under the direct supervision and control of a person while it is off the premises occupied by its owner. The Code Enforcement Officer shall also impound any dog proven to be a noisy dog in the manner provided in upon any complaint made to the Code Enforcement Officer.

**Sec. 7-112 Vicious dogs—Destruction.**

The Code Enforcement Officer may kill any vicious dog running at large, at any time or place, when there is a grave and imminent danger of its doing harm or injury to any person; and if a dog proved to be noisy, vicious or destructive is impounded, the Code Enforcement Officer may kill the same after ten (10) days from impounding the same, unless the owner shall dispose of such dog within five (5) days after the same shall be impounded, in such manner that the inhabitants of the Town shall be assured that any such dog shall no longer pose a danger to the inhabitants of the Town.

**Sec. 7-113 Impounded dogs—Notification of owner.**

The Code Enforcement Officer shall list with the Town Clerk all dogs impounded giving the names of the owner, if known, and if not known, the tag number of the dog, and a description thereof. The Town Clerk shall then make no less than two (2) attempts on separate days but within five (5) days of receiving such list to notify the owner of the dog that the dog is impounded.

**Sec. 7-114 Impounded dogs—Redemption.**

Any dog impounded other than a noisy, vicious or destructive dog, may be redeemed by the owner thereof upon payment to the Town of those fees set by the Board of Trustees. Any dog not redeemed within ten (10) days may be disposed of as directed by the Town or by such other person as the Board may designate.

**Sec. 7-115 Violation—Penalty.**

Any person, firm or corporation who violates any section of this chapter for any violation for which a penalty has not been assessed, shall be considered to have committed a civil infraction and not a crime, and shall be subject to a fine not exceeding four hundred ninety-nine dollars (\$499.00) for each such infraction. Each day upon which such infraction continues shall constitute a separate infraction.