

TITLE 4
POLICE REGULATIONS

Subject	Chapter
Animals And Animal Control	1
Dogs	2
Weapons	3
Minors	4
Marijuana Facilities	5

Chapter 1 & 2
Amended : see ordinance 199

CHAPTER 1

ANIMALS AND ANIMAL CONTROL

SECTION:

- 4-1-1: Definitions
- 4-1-2: Permit Requirements
- 4-1-3: Removal Of Animals Upon Denial Or Revocation Of Permit
- 4-1-4: Existing Animals
- 4-1-5: Running At Large Prohibited
- 4-1-6: Impoundment And Redemption Procedures
- 4-1-7: Violation And Penalty

4-1-1: **DEFINITIONS:** As used in this chapter, the following words shall have the meanings set forth:

- ANIMAL:** Includes cattle, horses, mules, sheep, goats, swine and other hard hoofed animals. The term does not include dogs and cats.
- BOARD:** The board of trustees of the town.
- CLERK:** The duly appointed and acting clerk of the town.
- FOWL:** Includes chickens, ducks, geese, turkeys and other poultry.
- LOT:** The tract or parcel of land described in the application required by subsection 4-1-2B1 of this chapter.
- PERSON:** Person, partnership, corporation or any association of any of them.
- TOWN:** The town of Flagler, Colorado.

TOWN MANAGER: Person appointed by the board of trustees with the duty to enforce town codes and ordinances. (Ord. 122, 12-11-1984; amd. 2004 Code)

4-1-2: PERMIT REQUIREMENTS:

- A. Permit Required; Exceptions: It shall be unlawful for any person to keep or maintain animals, rabbits or fowl within the corporate limits of the town unless such person holds a valid permit to do so issued in accordance with this chapter.

A permit shall not be required for the temporary keeping of animals in connection with the lawful operation of a meat processing plant or in connection with the treatment of animals by a licensed veterinarian.

- B. Permit Procedures And Conditions: A permit for the keeping of animals, rabbits and fowl may be obtained in accordance with the following procedures and upon the following terms and conditions: (Ord. 122, 12-11-1984)

1. Application; Contents: A person seeking a permit shall file an application with the clerk on forms provided by the clerk. The application shall contain, at a minimum, the following information:

a. Name of person seeking the permit;

b. The number and kind of animals, rabbits or fowl to be kept;

c. A description of the tract or parcel of land on which the animals, rabbits or fowl are to be kept, described with sufficient particularity to establish the external boundaries of such tract or parcel; and

d. A description of the structure, pen or premises in which the animals, rabbits or fowl are to be kept.

The application shall be accompanied with a fee established from time to time by resolution of the board and shall be accompanied by the signatures of not less than seventy five percent (75%) of all owners of and all adult persons occupying real estate within three hundred feet (300') of the external boundary lines of the lot described in the application stating that such persons do not object

to the issuance of the permit. (Ord. 122, 12-11-1984; amd. Ord. 126, 5-17-1989)

Separate applications with respect to cattle, horses, mules, goats, swine, other hard hoofed animals, rabbits, chickens, ducks, geese, turkeys and other poultry, with payment of a separate fee for each application and accompanied by a separate list of signatures, shall be filed with the town clerk in order to obtain original permits.

All fees, when paid, shall be nonrefundable in order to cover administrative costs, whether or not the permit applied for is issued. (Res., 1985)

2. Preliminary Review Of Application: Upon the filing of the application, the clerk shall review the same as to form and shall, within ten (10) days after filing, approve it as to form or return it to applicant with a written statement setting forth in what particulars the application is not approved as to form.

3. Action By Board: When an application is approved as to form by the clerk, it shall be submitted promptly to the board for action at its next regular meeting. In acting on an application, the board shall approve, deny or postpone action until not later than the next regular meeting. In approving an application, the board may impose reasonable conditions as to numbers of animals, rabbits or fowl, type and location of structure or pen and maintenance and care thereof. In the case of denial, the applicant may, upon request, have the application reconsidered at the next regular meeting of the board. Denial or approval by the board, or action on reconsideration thereof, shall be final.

4. Term Of Permit; Nontransferability: Permits approved and issued in accordance with this chapter shall be for a term ending on the last day of the twenty fourth month following such approval. Permits shall be issued only to the applicant and shall not be transferable.

5. Renewal Permits: A renewal permit must be obtained prior to the expiration of an issued permit. Applications for renewal permits shall be on the same form as original applications; except, that they need not be accompanied by signatures of nonobjectors unless there is a material change from the terms of the previous permit in any of the information set forth. (Ord. 122, 12-11-1984)

Applications for renewal permits may describe additional land to be included in the lot described in the original application, if contiguous

to the lot, and the addition of such land shall not be deemed a material change from the original application. (Res., 1985)

- C. **Revocation Of Permit:** A permit may be revoked by action of the board if it finds, after a hearing at a regular or special meeting of the board, upon due notice to the holder of the permit specifying the reasons for such revocation, that the conditions of the permit have been violated or that the holder has been found to have violated any of the terms of this chapter by the municipal court. (Ord. 122, 12-11-1984; amd. 1992 Code)

4-1-3: REMOVAL OF ANIMALS UPON DENIAL OR REVOCATION OF PERMIT: Any person keeping animals, rabbits or fowl in violation of this chapter by reason of denial or revocation of a permit shall remove the same from such person's premises within ten (10) days after such denial or revocation. (Ord. 122, 12-11-1984)

4-1-4: EXISTING ANIMALS: A person keeping animals, rabbits or fowl on the effective date hereof shall have a period of sixty (60) days after such date within which to file an application for a permit, and until after such period or until an application is finally acted upon, such person shall not be in violation of this chapter. (Ord. 122, 12-11-1984)

4-1-5: RUNNING AT LARGE PROHIBITED:

- A. **Animals Generally:** No animal shall be permitted to run at large within the corporate limits of the town. Any such animal so running at large is hereby declared to be a nuisance, and it shall be a violation of this chapter for any person, being the owner of or having charge or control of any such animal, to permit such animal to run at large contrary to the provisions of this section.
- B. **Fowl And Rabbits:** It shall be a violation of this chapter for any person who keeps within the corporate limits any fowl or rabbits to fail to keep the same securely enclosed in a pen or building, or to permit the same to run at large or go upon the premises of another. (Ord. 122, 12-11-1984)

4-2-1

4-2-2

E. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

F. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

VIOIOUS DOG:

A dog that without provocation bites or attacks a person or other animal on public property or, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack while such person is on public property including a sidewalk or street. (Ord. 134, 4-13-1998)

4-2-2: DOG LICENSES AND TAGS:

- A. License Required; Contents: The owner, possessor or keeper of any dog within the town shall secure a license for such dog from the town clerk on or before March 1 each year or within thirty (30) days after the dog reaches the age of six (6) months. Dogs purchased, obtained or otherwise acquired subsequent to March 1 in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of the town shall have thirty (30) days after becoming residents to secure a license hereunder. The license, which may be in the form of a receipt, shall state the name of the owner, the date of issuance and date of inoculation and a description of the dog. (Ord. 95, 2-11-1971; amd. Ord. 123, 5-11-1987) *Amended see ord 199*
- B. License Fees: The annual license fee for dogs shall be three dollars (\$3.00) for neutered dogs of either sex and six dollars (\$6.00) for unneutered or intact dogs of either sex. (Ord. 123, 5-11-1987)
- C. Rabies Vaccination Required¹: The owner, possessor or keeper of every dog within the town shall have such dog inoculated against rabies by a licensed veterinarian between January 1 and March 1 at

1. See also section 4-2-6 of this chapter.

CHAPTER 2

DOGS

SECTION:

- 4-2- 1: Definitions
- 4-2- 2: Dog Licenses And Tags
- 4-2- 3: Prohibited Acts
- 4-2- 4: Female Dogs In Heat
- 4-2- 5: Vicious Dogs
- 4-2- 6: Rabies Control
- 4-2- 7: Poisoning Dogs Prohibited
- 4-2- 8: Impoundment And Redemption Procedures
- 4-2- 9: Interference With Town Officers
- 4-2-10: Violation And Penalty

4-2-1: **DEFINITIONS:** As used in this chapter, certain terms and words are hereby defined as follows:

DOG: Any animal of the canine species regardless of sex.

DOG OWNER: Every person in possession of or harboring any dog on his or her property or who shall allow any such dog to remain about his or her premises or property for a period of at least ten (10) consecutive days.

PIT BULL DOG:

- A. The bull terrier breed of dog;
- B. Staffordshire bull terrier breed of dog;
- C. The American pit bull terrier breed of dog;
- D. The American Staffordshire terrier breed of dog;

4-1-7

4-1-7

and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 122, 12-11-1984; amd. 1992 Code)

4-1-6: IMPOUNDMENT AND REDEMPTION PROCEDURES:

- A. Impoundment; Redemption Fees: If any animal shall be found running at large contrary to the provisions of this chapter, it shall be the duty of the town manger, town marshal, or other designee to take up and impound the animal in a secure place suitable for safekeeping, and such animal so taken up and impounded shall not be released, except for sale or disposition, until the owner or person entitled to possession thereof shall pay to the town for that purpose the sum of twenty five dollars (\$25.00) for the taking up of such animal together with the sum of twenty five dollars (\$25.00) per day for each and every day such animal shall be kept by the town, such funds to be paid into the treasury of the town.
- B. Notice Of Impoundment And Sale: Upon the taking up and impounding of any such animal, the town manager, town marshal, or other designee shall, forthwith, give notice thereof by serving a copy of written notice on the owner or possessor of such animal, if known, otherwise by publishing a copy of such notice one time in a newspaper of general circulation within the town or by posting copies of such notice in the Flagler post office and in the Flagler municipal building. The notice shall set forth a description of the animal impounded, give the location of such impoundment and shall state that, unless said owner or possessor shall pay the charges and reclaim the animal within seven (7) days from said date of impoundment, the animal will be sold or disposed of. (Ord. 122, 12-11-1984; amd. 1992 Code; 2004 Code)
- C. Disposition Of Proceeds: In case an animal sold pursuant to this section shall be sold for a sum exceeding the fees and charges to be paid for redemption and expenses of sale, such excess sum shall be paid over to the clerk who shall pay the same, upon order of the board, to the owner of such animal or to the person entitled to possession of the same upon claim and proper proof within one year from date of sale.
- D. Disposal Of Animals: In the event such animal is infected or cannot be sold, it may be disposed of. (Ord. 122, 12-11-1984; amd. 1992 Code)

4-1-7: VIOLATION AND PENALTY: Violation of any provision of this chapter or failure to continue to comply with any conditions of a permit issued hereunder shall constitute a misdemeanor

least as often as every three (3) years. Dogs purchased, obtained or otherwise acquired or brought into the town subsequent to March 1 in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the town unless satisfactory evidence of prior inoculation shall be presented to the town clerk. (Ord. 95, 2-11-1971; amd. Ord. 123, 5-11-1987)

- D. Application For License: Upon application for a dog license, the applicant shall exhibit to the town clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this chapter. Applications for licenses shall be made in such form as required by the town clerk.

E. Dog Tags:

1. Issuance Of Tags: The town clerk shall issue to each applicant, upon payment of the license fee and presentation of the certificate of inoculation, a license tag for the dog licensed hereunder. The owner, possessor or keeper of said dog shall attach said dog tag to a harness or collar around the neck of said dog, and said harness or collar shall be worn by the dog at all times. The dog tag shall be in the form determined by the town clerk and shall show the year of issuance and serial number.

No person shall affix to the collar or harness of any dog or permit to remain so affixed a tag evidencing licensing except the dog tag issued to that dog at the time of issuance of its license. (Ord. 95, 2-11-1971)

2. Duplicate Tags: If a dog tag is lost or destroyed, a duplicate tag may be obtained from the town clerk.

3. Change In Ownership: In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained, and such new dog shall be issued by the town clerk upon presentation to him of satisfactory evidence that the inoculation and licensing requirements of this section have been complied with and upon the payment of the fee. (Ord. 95, 2-11-1971; amd. 2004 Code)

- F. Records Kept: The town clerk shall keep a record of the date of issue of each dog tag issued under this chapter and the person to whom such tag is issued and the number thereof. (Ord. 95, 2-11-1971)

4-2-3: **PROHIBITED ACTS:** The board of trustees hereby finds, determines and declares that the following actions of dogs are detrimental to the public health, safety and welfare of the inhabitants of the town of Flagler, and hereby declares that it shall be unlawful for any dog owner to allow his or her "dog", as defined above, to:

- A. Run at large in the town of Flagler unless said dog is under reasonable control of the owner. For the purpose of this chapter, a dog shall be deemed under such reasonable control when said dog is accompanied by its owner, or, some member of the owner's family, or with some employee or agent of the owner, with the dog attached to a leash. Though not all conclusive of the finding of "not being under reasonable control of the owner", a dog shall be deemed not under reasonable control when: 1) said dog inflicts damage or injury (by biting, jumping upon, urinating or defecating upon private or public property, or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family or property; 2) in the case of any unspayed female dog not securely confined in the owner's yard, pen or other enclosure.
- B. Menace or attack persons or vehicles.
- C. Attack other animals.
- D. Go upon school premises without the permission of the person in charge thereof.
- E. Bark, whine, howl or make other noise in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous.
- F. Damage public property or private property not owned by the owner.
- G. Be abandoned.
- H. Be tied or otherwise physically fastened to any object on public property when the owner has departed from the immediate vicinity of the location where the animal has been physically fastened; or be tied or otherwise physically fastened on private property so as to create an immediate danger to the physical well being of the animal or any person.

- I. Defecate upon public property or private property not owned by the owner, and such excreta is not immediately removed by the owner at that time. (Ord. 134, 4-13-1998)

4-2-4: **FEMALE DOGS IN HEAT:** Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure, which shall be so constructed or situated as to prevent other dogs from gaining access thereto. (Ord. 95, 2-11-1971)

4-2-5: **VICIOUS DOGS:**

- A. Prohibited; Impoundment: No person shall own, keep, possess or harbor a vicious dog within the town. It shall be the duty of the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees to take up and impound any dog which is a vicious dog. In the event a vicious dog cannot be taken up and caught by the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees without exposing himself to danger of personal injury from such dog, it shall be lawful for the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees forthwith to destroy such dog without notice to the owner, keeper or possessor thereof. (Ord. 95, 2-11-1971; amd. Ord. 134, 4-13-1998)

- B. Pit Bull Dogs Prohibited: It shall be unlawful for any person to keep, harbor, own, or in any other way possess within the corporate limits of the town any pit bull dog. (Ord. 134, 4-13-1998) *Amended see ord 199*

4-2-6: **RABIES CONTROL¹:**

- A. Confinement Or Muzzling Of Dogs During Rabies Danger: Whenever the mayor shall be of the opinion that any danger exists from hydrophobia in the town or other danger exists from dogs running at large within the town, he shall issue his proclamation requiring every owner, possessor or keeper of any dog within the town to confine or securely muzzle the same for such time as he may designate, during which time it shall be unlawful for any dog to be within the town

1. See also subsection 4-2-2C of this chapter.

unless so securely muzzled with a good and substantial wire or leather muzzle securely fastened and put on so as to prevent any such dog from biting. It shall be the duty of the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees to take up and impound any dog that may be found during the time so designated by the mayor as aforesaid unless muzzled or confined as herein provided.

- B. **Confinement Of Biting Dogs:** The owner, possessor or keeper of any dog which has bitten or which is suspected to have bitten any person or which is suspected of having rabies shall immediately notify the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees of such fact. Any dog which has bitten or which is suspected to have bitten any person or which is believed to have rabies or to have been exposed to rabies may be confined, upon order of the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees, for a period of ten (10) days for observation. Such dog shall either be confined at the residence of the owner, possessor or keeper thereof, if such confinement can be accomplished without exposing such dog to the public, or, at the option of the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees, such dog shall be confined at the town pound or at a private veterinary hospital at the expense of the owner, possessor or keeper of the dog. It shall be unlawful for any owner, possessor or keeper of such dog to permit such dog during confinement to come into contact with the public. (Ord. 95, 2-11-1971; amd. Ord. 134, 4-13-1998)

4-2-7: **POISONING DOGS PROHIBITED:** It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the town. (Ord. 95, 2-11-1971)

4-2-8: **IMPOUNDMENT AND REDEMPTION PROCEDURES:**

- A. **Authority To Impound:** It shall be lawful for the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees to impound any dog which is not wearing a dog tag as herein provided and any which they reasonably feel to be in violation of any of the provisions of this chapter, whether such dog is wearing a dog tag or not. It shall be lawful for

the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees to go upon private property for the purpose of catching any dog to be impounded.

- B. Dog Pound: The town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees shall have the right to establish a dog pound for the town to be operated by town personnel, or at his election, he may, subject to the approval of the board of trustees, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the town.
- C. Court Proceedings: If a dog is impounded, it shall be the duty of the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees, immediately, to institute proceedings in the municipal court on behalf of the town against the owner, possessor or keeper of such dog, if known, charging the owner, possessor or keeper with a violation of the appropriate section of this chapter. Nothing herein contained shall be construed as preventing any person from instituting a proceeding in the municipal court for violation of this chapter where there is no impoundment.
- D. Notice Of Impoundment: Not later than two (2) days after impoundment, the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog if the address of such person be known; if the owner, possessor or keeper of such dog is not known or if his address cannot be determined, the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees shall cause to be posted within two (2) days after impoundment in a conspicuous place in the town for three (3) consecutive days a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up.
- E. Redemption Or Disposal Of Impounded Dogs:
 - 1. If a complaint has been filed in the municipal court of the town against the owner, possessor or keeper of any impounded dog for a violation of this chapter, then such dog shall not be released from impoundment except on order from a municipal judge. In addition to

any penalties which may be provided for in this chapter for violation hereof, the municipal judge shall require such owner, possessor or keeper to pay the fees herein provided for in subsection F of this section and shall have the authority, upon making a finding that such dog constitutes a nuisance or that such dog is a vicious dog or that such dog constitutes a clear and present danger to the citizens of the community, to order that such dog be destroyed in a humane manner by the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees or by persons authorized to do so by the mayor.

2. If a complaint has not been filed in municipal court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five (5) days from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees or by persons authorized to do so by the mayor. (Ord. 95, 2-11-1971; amd. Ord. 134, 4-13-1998)

- F. **Redemption Fees:** Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the town the sum of twenty five dollars (\$25.00) as an impoundment fee together with the sum of twenty five dollars (\$25.00) for each day of impoundment for cost of care and any and all license or rabies inoculation fees provided for in this chapter. (Ord. 95, 2-11-1971; amd. 1992 Code; 2004 Code)

4-2-9: **INTERFERENCE WITH TOWN OFFICERS:** It shall be unlawful for any person to interfere with, molest, hinder or obstruct the town manager or any law enforcement officers, employees or agents of the town as designated by the board of trustees in the discharge of their official duties under this chapter. (Ord. 95, 2-11-1971; amd. Ord. 134, 4-13-1998)

4-2-10: **VIOLATION AND PENALTY:** Except for licensing and impoundment penalties, as specifically set forth in this chapter, and except for violations of subsection 4-2-3A, section 4-2-4 or 4-2-5 of this chapter, as set forth below, any person violating any provisions of this chapter shall, upon conviction thereof, be subject to penalty not to exceed five hundred dollars (\$500.00) per offense.

For the purpose of prosecution for violations of this chapter, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this chapter at the time and place charged, it being the purpose and intent of this chapter to impose strict liability upon the owner, possessor, or keeper of any dog for the action, conduct, and condition of such dog.

For purposes of assessing the penalty for conviction of any person violating subsection 4-2-3A, section 4-2-4 or 4-2-5 of this chapter, the following accelerating schedule shall apply:

First offense within 365 days	\$10.00 to \$500.00
Second offense within 365 days	\$25.00 to \$500.00
Third offense within 365 days	\$50.00 to \$500.00
Fourth offense within 365 days	Discretion of the court, not to exceed \$500.00

The above schedule of fines shall not include lawfully assessed impound fees or other costs incurred in confining a dog pursuant to this chapter. (Ord. 134, 4-13-1998; amd. Ord. 171, 10-10-2005)

CHAPTER 3

WEAPONS

SECTION:

- 4-3-1: Use Of Weapons Unlawful; Exceptions
4-3-2: Parent Responsible For Minor's Use
4-3-3: Penalty

4-3-1: **USE OF WEAPONS UNLAWFUL; EXCEPTIONS:** It shall be unlawful for any person, except a law enforcement officer in the performance of his duties, to fire, shoot or discharge a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or any air gun, gas operated gun or spring gun or any instrument, toy or weapon commonly known as a "pea shooter", "slingshot" or "beanie" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth herein or by any other name; provided, that nothing in this section shall prevent the use of such instruments in any private grounds or residence under circumstances when such instruments can be fired, discharged or operated in such a manner as not to endanger persons or property and in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such private grounds or residence. (Ord. 100, 8-12-1974)

4-3-2: **PARENT RESPONSIBLE FOR MINOR'S USE:** It shall be unlawful for the parent, guardian or other person having legal control or custody of any minor to allow said minor to fire, shoot or discharge any instrument or weapon described in section 4-3-1 of this chapter contrary to its terms. (Ord. 100, 8-12-1974)

4-3-3: **PENALTY:** Any person who shall violate any of the provisions of this chapter shall, on conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 100, 8-12-1974; amd. 1992 Code)

CHAPTER 4

MINORS

SECTION:

4-4-1: Halloween Curfew

4-4-1: **HALLOWEEN CURFEW:**

- A. Purpose: The town board of trustees finds that, from time to time in prior years, on the evening of October 31 and the early morning hours of November 1, persons under the age of eighteen (18) years have created disturbances in the streets of the town, have trespassed on private property, have carried away or removed property without the consent of its owner, have created noise inappropriate for the hour and have created an unreasonable burden upon the law enforcement officers of the town, and the board further finds that it is necessary to restrict the movements of such persons on the streets of the town at such times when the activity aforesaid is most likely to occur.
- B. Age And Hour Restrictions: It shall be unlawful for any person under the age of eighteen (18) years to be or remain upon any street, alley or other public place in the town subsequent to the hour of eleven o'clock (11:00) P.M. or prior to the hour of five o'clock (5:00) A.M. on October 30, October 31 and November 1, except for lawful employment or unless there exists a reasonable necessity therefor or unless such person is accompanied by the parent, guardian or other person of the age of twenty one (21) years or older having permission of the parent or guardian to have the custody and care of such person.
- C. Responsibility Of Parent Or Guardian: It shall be unlawful for any parent, guardian or other person having care or custody of any person under the age of eighteen (18) years to allow or permit any such child to be or remain upon any street, alley or other public place in the town subsequent to the hour of eleven o'clock (11:00)

P.M. or prior to the hour of five o'clock (5:00) A.M. on October 30, October 31 and November 1, except for lawful employment or unless there exists a reasonable necessity therefor or unless such person is accompanied by the parent, guardian or other person of the age of twenty one (21) years or older having permission of the parent or guardian to have the custody and care of such person.

- D. Penalty: Any person who shall be convicted of a violation of this section shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 90, 10-10-1967; amd. 1992 Code)

CHAPTER 5

MARIJUANA FACILITIES

SECTION:

- 4-5-1: Purpose And Prohibition
- 4-5-2: Definitions
- 4-5-3: Enforcement
- 4-5-4: Violation
- 4-5-5: Disposition Of Fines And Forfeitures
- 4-5-6: Surcharges
- 4-5-7: Scope

4-5-1: **PURPOSE AND PROHIBITION:** The purpose of this chapter is to promote the general public welfare and safety throughout the Town of Flagler, Kit Carson County, Colorado, and, as such, upon the passage of this chapter, the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within the incorporated areas of the Town of Flagler, Kit Carson County, Colorado, shall be strictly prohibited. (Ord. 191, 9-16-2013)

4-5-2: **DEFINITIONS:** Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in article XVIII, section 16 of the Colorado Constitution. These definitions include, but are not limited to the following:

**MARIJUANA
ACCESSORIES:**

Means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

**MARIJUANA
CULTIVATION
FACILITY:**

Means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**MARIJUANA
ESTABLISHMENT:**

Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

**MARIJUANA OR
MARIHUANA:**

Means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**MARIJUANA
PRODUCT
MANUFACTURING
FACILITY:**

Means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**MARIJUANA
PRODUCTS:**

Means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

**MARIJUANA TESTING
FACILITY:**

Means an entity licensed to analyze and certify the safety and potency of marijuana.

**MEDICAL MARIJUANA
CENTER:**

Means an entity licensed by a State agency to sell marijuana and marijuana products pursuant to section 14 of article XVIII of the Colorado

Constitution and the Colorado Medical Marijuana Code.

**RETAIL MARIJUANA
STORE:**

Means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. (Ord. 191, 9-16-2013)

4-5-3: **ENFORCEMENT:** This chapter shall be enforced by the Town of Flagler Code and Ordinance Enforcement Officer as appointed by the Town Board of Trustees. (Ord. 191, 9-16-2013)

4-5-4: **VIOLATION:** It shall be unlawful for any person to violate any provision of this chapter. All violations of this chapter shall be brought in the Flagler Municipal Court. (Ord. 191, 9-16-2013)

4-5-5: **DISPOSITION OF FINES AND FORFEITURES:** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this chapter shall be paid into the Treasury of the Town of Flagler. The fine for a first offense and for any subsequent offense shall be up to five hundred dollars (\$500.00) per violation and each day shall be deemed a separate violation. (Ord. 191, 9-16-2013)

4-5-6: **SURCHARGES:** In addition to the fines and penalties prescribed in this chapter, any person convicted of a violation of this chapter shall be subject to the statutory surcharges as may be adopted and imposed by the Flagler Municipal Court. These surcharges shall be paid to the Town Clerk by each person convicted of violating this chapter. (Ord. 191, 9-16-2013)

4-5-7: **SCOPE:** This chapter shall apply within the incorporated Town of Flagler. This chapter shall in no way limit application and enforcement of any Statutes of the State of Colorado but shall be in addition thereto. (Ord. 191, 9-16-2013)

ORDINANCE NO. 199

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, TO **AMEND TOWN ORDINANCES NUMBER 123 AND ORDINANCE NUMBER 134**, ANY AND ALL RESOLUTIONS CONCERNING DOG LICENSING OR DOG REQUIREMENTS.

Whereas, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, the board of Trustees of the Town of Flagler hereinafter referred to as the "Board" has previously adopted Ordinance No. 123 and Ordinance No. 134; and

Whereas, Colorado Revised Statute 31-15-401(1)(m) gives to the governing body of each municipality the power and authority to regulate animals, including dogs, and to prohibit the running at large of dogs, and other wrongful conduct on the part of dogs and dog owners, and to generally enforce all necessary ordinances for the general welfare of Town residents; and

Whereas, Ordinance No. 123, adopted by the Town on May 11th, 1987, provides for the licensing, vaccination, and control of dogs and dog owners; and

Whereas, Board of Trustees has determined Ordinance No. 122 is amended and by replaced with Section 3 herewith; and

Whereas, Board of Trustees has determined Ordinance No. 123 is repealed and replaced with Section 1 herewith; and

Whereas, Ordinance No. 134, adopted by the Town on April 13th, 1988, provides for the definition of vicious dogs, prohibited dog breeds, and enforcement of actions of dogs and dog owners, including responsibility of town personnel to enforce and fines and penalty assessments; and

Whereas, the Board of Trustees has determined Ordinance No. 134 should be amended by repealing Section 1, Item D.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:

Section 1. Dog License Fees

This section replaces Ordinance No. 123 in its entirety.

Initial License:

The owner, possessor, or keeper of any dog within the Town of Flagler shall secure a license for such dog from the Town Clerk within 30 days of the dog reaching 6 months of age, or within 30 days of possession of a dog that is older than 6 months of age.

Each owner is required to provide the Town Clerk with proof of rabies vaccination from a licensed veterinarian for each dog at the time of requesting the initial license. The Town Clerk will provide a license certificate and numbered tag and record the expiration date of the rabies vaccination for each license number.

The fee for the initial dog license is \$15.00 for a 3-year license, and \$6.00 for a 1-year license for a dog that has not been spayed or neutered and \$8.00 for 3-year license and \$3.00 for a 1-year license for a dog that has been spayed or neutered.

Renewed License:

Upon expiration date of the rabies vaccination, the dog owner will have 30 days to renew their town dog license and shall provide to the Town Clerk the rabies certificate with updated expiration date.

The fee for renewal dog license is \$15.00 for a 3-year license, and \$6.00 for a 1-year license for a dog that has not been spayed or neutered and \$8.00 for 3-year license and \$3.00 for a 1-year license for a dog that has been

ORDINANCE NO. 199

spayed or neutered. A late fee of \$3.00 per month will apply for dog licenses that are not renewed within 30 days of rabies expiration.

Section 2. Pit Bull Dogs

This section amends Section 1, Item D of Ordinance No. 134

Pit Bull Dogs:

Pit Bull Dogs are no longer prohibited. This section is repealed.

Section 3. Impoundment

This section replaces Section 9 and Section 10 of Ordinance No. 122

The Town of Flagler will not impound animals and will request the Kit Carson County Sheriff to remove the animal from the Town of Flagler. Owners who have animals impounded with the county at the request of the Town of Flagler will incur a processing cost by the Town of \$25.00

Section 4. Noise Enforcement.

The Town of Flagler cannot respond to noise enforcement concerns regarding dogs barking within the Town of Flagler. All noise complaints must be filed with the Kit Carson County Sheriff's Office.

Section 5. Separability.

If any one or more sections of parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention of the Board of Trustees that various provisions hereof are severable.

Section 6. Effective Date

This ordinance shall take effect from and after its passage and publication as provided by the laws of the State of Colorado.

Adopted and Approved this _____ day of _____, 2023

Signed:

Mayor

Attest:

1st Notice of Reading- April 7, 2023

2nd Notice of Hearing - May 8, 2023

[SEAL]

Town Clerk