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6.04.010 Definitions. As used in this chapter, the following words and phrases shall have the following meanings unless the context otherwise indicates:

"At large" means an animal that is off the premises of the owner, as owner is defined in this section, and is not under the actual physical control of such owner.

"Humane traps" means box-type live traps which do not cause bodily harm to the animal intended to be captured or any other animal or person coming in contact with such trap.

"Owner" means any person owning, keeping, harboring, or having the full or temporary care of an animal at the time any violation of this chapter is committed.

"Person" means any person regardless of age and specifically including minors under the age of eighteen years. (Ord. 1-1985 §1(part), 1985: prior code §11-1-10)

6.04.020 Animal fights. No person shall keep or cause to be kept any place where any fowl or any animals are suffered to fight upon exhibition or for sport upon any wager. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(a))

6.04.030 Odors. The maintenance on any premises in the town of a dog or other animal in such living quarters so as to cause annoying and offensive odors to permeate the neighborhood, or to seriously annoy persons passing to and from upon the streets or sidewalks, is declared to be a nuisance and shall not be permitted within the town. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(b))

6.04.040 Abandonment of animals. It is unlawful for any person to abandon any animal or to cause any animal to be abandoned. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(c))

6.04.050 Animals at large. A. It is unlawful for any person owning or having in his possession or custody any chickens or feathered fowl to have the same running at large in the town and upon the property of others or upon the streets, alleys or other public places within the town.

B. It is unlawful for any person owning or having in his possession or custody any livestock to have the livestock be running at large and unattended within the town. For the purpose of this section, livestock shall be defined as any bovine animal, horse, mule or ass. Unattended animals in violation of this section shall be ordered impounded by the town marshal in a pound, stable or other location designated by the marshal, and the reasonable cost of transporting, feeding and keeping such animal shall be paid by the owner before the animal is released from the pound.

C. It shall not be a defense to this section that the owner did not permit the animals to be running at large. (Ord. 1-1985 §1(part), 1985: prior code §11-1-2)

6.04.060 Cruelty to animals. A. It is unlawful for any person to commit or cause to be committed any act of cruelty, abandonment, harassment or torture to any animal or cause any animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of the animal shall not be a defense for such acts or for a violation of this section.

B. It is unlawful for the owner, possessor or keeper of any animal to negligently or intentionally deprive such animal of adequate and wholesome food and water, protection from the elements, opportunity for exercise, or adequate veterinary care, or otherwise neglect such animal in such a manner as to endanger its health or cause it to suffer. (Ord. 1-1985 §1(part), 1985: prior code §11-1-3)

6.04.070 Feeding impounded animals. In case any animal shall be at any time impounded and shall continue to be without necessary food or water more than twelve consecutive hours, it shall be lawful for any person from time to time and as often as shall be necessary, to enter into or upon

any pound or corral in which any such animal shall be confined, and supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him from the owner of such animal. (Ord. 1-1985 §1(part), 1985: prior code §11-1-4)

6.04.080 Bird restrictions. It is unlawful for any person at any time within the corporate limits of the town to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any song bird or insectivorous bird; or in any manner molest or injure the nest eggs or young of any such bird; or have in possession the nest eggs, young or body of such bird except as prescribed by the Colorado State Fish and Game Commission. (Ord. 1-1985 §1(part), 1985: prior code §§11-1-5, 10-7-11)

6.04.090 Possession of certain animals unlawful. A. It shall be unlawful for any person to possess, display, sell, or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any animals as pets, playthings, novelties or gifts.

B. This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons engaged in the business of selling the same to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls, rabbits or any animals as pets, playthings, or novelties. (Ord. 1-1985 §1(part), 1985: prior code §11-1-6)

6.04.100 Dead animals. All animals which die shall be disposed of by the owners or keepers within twenty-four hours of their death by burial, incineration in a facility approved by the animal control officer, or by rendering. No dead animal shall be dumped or abandoned on any public or private property. (Ord. 1-1985 §1(part), 1985: prior code §11-1-7)

6.04.110 Trapping and hunting. A. When deemed necessary by a marshal or the animal control officer for the health, safety and welfare of the residents of the town, such marshal or officer and/or his agents may place a humane trap on the property of the resident of the town when the resident requests such trap for the purpose of capturing any wild pet animal creating a nuisance in the town.

B. Animal control officers are authorized to use and may designate others in writing to use any tranquilizer guns, firearms, humane traps or other suitable devices to subdue, transport or destroy any animal that is deemed by the animal control officer to be of a danger to itself, other animals, persons or property.

C. It is unlawful for any person to hunt, set or cause to be set within the town any trap or snare for the purpose of sport, capturing, killing or injuring any animal, whether wild or domestic, without having received written authorization by the animal control officer as provided in subsection B of this section. (Ord. 1-1985 §1(part), 1985: prior code §11-1-8)

6.04.120 Animal control officer--Duties. A. The animal control officer shall have the duty and the power to enforce this chapter and Chapter 6.08 of this title.

B. It shall be the duty of the animal control officer to keep, or cause to be kept, records of the impoundment and disposition of all impounded animals and of all reports of animal bites reported to the animal control officer.

C. It shall be lawful for the animal control officer or any police officer to go upon private property to capture any animal to be impounded for violation of this chapter or Chapter 6.08 of this title, if:

1. The officer has obtained a search warrant or exigent circumstances exist; or

2. The officer has obtained the consent of the person in possession of the property; or

3. The officer is in pursuit of an animal which is or has been running at large. This section shall not be deemed to authorize entry into any enclosed building on private property. (Ord. 1-1985 §1(part), 1985: prior code §11-1-9)

6.04.130 Violation--Penalty. Any person found guilty of violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991; Ord. 1-1985 §1(part), 1985: prior code §11-1-11)

Chapter 6.08

DOGS AND CATS

Sections:

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6.08.010 Definitions. As used in this chapter, the following words and phrases shall have the following meanings unless the context otherwise indicates:

"Cat" means male, female, and neutered members of the family felis catus.

"Dog" means male, female and neutered members of the family canis familiaris.

"Female cat" means any cat of female gender upon whom no alternative surgery of the genital organs has been performed.

"Female dog" means any dog of female gender upon whom no alternative surgery of the genital organs has been performed.

"Fierce or vicious cat or dog" means any cat or dog that, without provocation, bites or attacks human beings or other animals on private or public property within the town; a cat or dog that, without provocation, approaches in apparent attitude of attack upon a human being or other animal on private or public property within the town; or a cat or dog that runs after, leaps at, or pounces upon, or bites, barks, growls, or snaps at horses, bicycles, or any other means of transportation being ridden, driven, or operated at any place within the town.

"Kennel" means any place where dogs or cats are born, bred, raised, boarded, fed, or sold for any valuable consideration but shall not include a household which sells only the offspring of a female dog or female cat maintained solely as a family pet.

"Male dog" means any dog of male gender upon whom no alternative surgery of the genital organs has been performed.

"Neutered cat" means any male or female cat upon which alternative surgery of the genital organs has been performed.

"Neutered dog" means any male or female dog upon which alternative surgery of the genital organs has been performed.

"Owner" means any person owning, keeping, harboring, or having the full or temporary care of a dog or cat at the time any violation of this chapter is committed.

"Permit" means to allow, acquiesce in, or fail to take reasonable steps to prevent.

"Person" means any person regardless of age and specifically minors under the age of eighteen years.

"Provocation" means such conduct towards a dog or cat as could reasonably be expected to cause such dog or cat to take some retaliatory or self-protective action. Provocation shall include a person's unlicensed, uninvited, or illegal presence upon or within private property inhabited by or belonging to the cat or dog's owner, as defined herein, or private property inhabited by or belonging to members of such owner's household.

"Rabies" means that communicable disease of wild and domestic animals transmittable to human beings and defined as follows in Borland's Medical Dictionary: "Specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite by an infected animal and due to a filterable virus."

"Running at large" means a dog that is off the premises of the owner, as "owner" is defined in this section, and is not under the actual physical control of such owner by adequate leash, cord or chain.

"Town clerk" means the town clerk or his or her designee.

"Transient" means any dog or cat whose entire period of residency within the town is and will be less than forty-five days. (Ord. 1-1985 §2(part), 1985: prior code §11-2-1)

6.08.020 Vaccination--Required. It is unlawful for the owner of any cat or dog to fail to have such cat or dog vaccinated each year against rabies by a veterinarian licensed to practice veterinary medicine within the state. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(a))

6.08.030 Vaccination--Exemption. Section 6.08.020 shall not apply to those owners who have in their possession a letter from a licensed veterinarian stating that such vaccination would to a reasonable degree of medical probability result in the death of such cat or dog. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(b))

6.08.040 Vaccination certificate or letter. It is unlawful for the owner of any cat or dog to fail to produce, upon request of a police officer or other person duly appointed and employed as an animal control officer, either a valid and current certificate of rabies vaccination for such cat or dog or a letter from a licensed veterinarian stating that such vaccination would to a reasonable degree of med-

ical probability result in the death of such cat or dog. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(c))

6.08.050 Tags required. The owner of any dog shall cause to be placed upon the neck of such dog so owned, kept or harbored, a collar made of durable material, having attached thereto a metal tag showing that the dog has a current rabies vaccination, together with an identifying number thereon corresponding to the number on a certificate of vaccination. The collar with the tag attached thereto shall be kept on such dog at all times. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(d))

6.08.060 Running at large prohibited. It is unlawful for any owner to have a dog running at large within the town. It shall not be a defense to this section that the owner did not permit the dog to be running at large. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(a))

6.08.070 Animals injured while at large. Dogs or cats injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such animals shall be liable for all veterinary expenses and impoundment fees. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(b))

6.08.080 Dead animals. If any dog or cat dies while running at large in the town, the owner shall be liable for disposal fees established by the designated animal shelter facility in addition to penalties for violation of this chapter. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(c))

6.08.090 Restraints. It is unlawful for the owner of any dog to permit such dog to be off the premises of such owner unless such dog is on a leash no longer than six feet and strong enough to control such animal and held by a person competent to restrain such animal. (Ord. 1-1985 §2(part), 1985: prior code §11-2-4)

6.08.100 Vicious cats or dogs. A. It is unlawful for any person to keep or harbor a fierce or vicious cat or dog within the town. Fierce or vicious cats or dogs are declared to be a public nuisance.

B. In addition to any penalties which are provided in this code for a violation of this chapter, the municipal judge shall have the authority, upon a conviction for a violation of this chapter, and upon making a finding that such dog or cat constitutes a clear and present danger to the citizens of the town, to order that such dog or cat be de-

stroyed in a humane manner by the animal control officer or by persons so authorized by the town administrator. In the event a vicious dog or cat cannot be taken up and caught by the animal control officer or any marshal exposing himself to danger of personal injury from such dog or cat, it shall be lawful for the animal control officer or any marshal to forthwith destroy such dog without notice to the owner, keeper or possessor thereof. (Ord. 1-1985 §2(part), 1985: prior code §11-2-5)

6.08.110 Noisy cats or dogs. It is unlawful for any person to keep or harbor any cat or dog which, by loud frequent or habitual barking, yelping, yowling or howling causes a serious annoyance. Any violation of this section is deemed to be a public nuisance. (Ord. 1-1985 §2(part), 1985: prior code §11-2-6)

6.08.120 Poisoning cats or dogs prohibited. It is unlawful for any person to poison any cat or dog or to distribute poison in any manner whatsoever with the intent of or for the purpose of poisoning any cat or dog. (Ord. 1-1985 §2(part), 1985: prior code §11-2-7)

6.08.130 Instigating cat or dog fights. It is unlawful for any person to cause, instigate or encourage any dog or cat fight within the town. (Ord. 1-1985 §2(part), 1985: prior code §11-2-8)

6.08.140 Illegal kennels prohibited. It is unlawful for any person to keep, operate, or maintain a dog or cat kennel in any zone restricting such use within the town, and such keeping, operating or maintaining is declared to be a public nuisance. (Ord. 1-1985 §2(part), 1985: prior code §11-2-9)

6.08.150 Limit on number of pets. A. On and after May 3, 1985, it is unlawful for any person to maintain on one property in any town residential zone the combined total of more than three dogs or cats over the age of six months or more than one litter of dogs or cats.

B. Any person who, prior to May 3, 1985, has provided the town with the name, age, sex, color photograph, and rabies tag number of each dog and/or cat then owned by such person and who, prior to May 3, 1985 has paid to the town clerk the full fee required in subsection C of this section may maintain all such cats or dogs after May 3, 1985 but may not replace any such cat or dog who dies or is otherwise permanently removed from such person's household if such replacement would cause the total number of dogs and cats to exceed the limitations of subsection A of this section.

C. The fee required in subsection B of this section shall be five dollars for each neutered cat and each

neutered dog and ten dollars for each female cat, female dog, male dog and male cat. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(a--c))

6.08.160 Permit. Upon receipt of the information and documents required by Section 6.08.150(B) and upon payment of the fee provided for in Section 6.08.150(B) and specified in Section 6.08.150(C), the town clerk shall issue to such person a permit authorizing such person to continue to maintain those animals. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(d))

6.08.170 Enforcement. The town marshal or other person duly employed and appointed as an animal control officer may serve a summons and complaint upon any person for violation of any provision of Sections 6.08.150 and 6.08.160 upon their own initiative when they have personally observed the violation. Otherwise, such summons and complaint shall not be served unless a complaint has first been signed, verified and filed with the municipal court by two persons over the age of eighteen who do not live in the same household. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(e))

6.08.180 Impoundment--Generally. Dogs running at large and fierce or vicious dogs or cats may be impounded by the town police or other persons duly appointed and employed for that purpose either on their own initiative or after the signing of a complaint by a private party. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(a))

6.08.190 Impoundment--Registry. Any person impounding a dog or cat under this chapter shall maintain a complete registry of such impoundment, entering therein the breed, color, sex, and rabies tag number, if any, of such cat or dog, and the date, time, and location of such impoundment. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(b))

6.08.200 Impoundment--Notice. As soon as practicable, the animal control officer shall attempt to give notice via telephone to the owner of any impounded dog or cat. If such telephone contact is unsuccessful, not later than three days after the impoundment the animal control officer or any person designated by the town administrator shall give written notice of such impoundment to the owner by ordinary mail. If the owner of the impounded dog or cat is unknown to the town's humane officers, such owner is notified by this provision that he may contact the designated municipal pound facility for purposes of inquiring as to whether or not his dog or cat has been impounded. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(c))

6.08.210 Impoundment--Reclaiming. Except as otherwise expressly provided in this chapter, the owner of any dog or cat impounded under this chapter may reclaim such dog or cat upon payment of all costs and charges for such impounding and maintenance and upon presentation of proof that such cat or dog has been vaccinated as required by this chapter. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(d))

6.08.220 Impoundment--Disposition. Except as otherwise expressly provided in this chapter, any dog or cat that has not been reclaimed by its owner within six days of its impoundment may be destroyed, sold, or otherwise disposed of. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(e))

6.08.230 Impoundment--Biting of dogs or cats. Any dog or cat that has bitten a human being or other animal may be impounded by the animal control officer or other persons duly appointed and employed for that purpose. Such dog or cat may be kept in impoundment for observation for up to ten consecutive days. Such dog or cat may be reclaimed by its owner at the expiration of such ten-day period upon presentation of proof that such cat or dog has been vaccinated as required by this chapter and upon payment of all costs and charges for impounding and maintenance. Any such dog or cat that is not reclaimed by its owner within twelve days of its impoundment may be destroyed, sold or otherwise disposed of. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(f))

6.08.240 Violation--Penalty. A. Except as otherwise expressly provided in this chapter, any person found guilty of violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars.

B. Any person found guilty of violating any provision of Section 6.08.100 shall be punished by a fine not less than twenty-five dollars nor more than one thousand dollars for the first offense; by a fine not less than fifty dollars nor more than one thousand dollars for the second offense; and by a fine of not less than one hundred dollars nor more than three hundred dollars for the third offense. A charge of violation of any provision of Section 6.08.100 shall require a mandatory court appearance. Additionally, the punishment imposed for a finding of guilty of a third or later violation of any provision of Section 6.08.100 shall in no case be less than a fine of one hundred dollars.

C. 1. Any person found guilty of violating any provision of Sections 6.08.060 through 6.08.090 shall be punished by a fine of not less than fifteen dollars nor more than one thousand dollars for the first offense; by a fine of not less than twenty-five dollars nor more than one thousand dollars for the second offense; and by a fine of

not less than fifty dollars nor more than one thousand dollars for the third offense.

2. A third charge of violation of any provision of Sections 6.08.060 through 6.08.090 and all charges of violation of any provisions of the sections after the third charge shall require a mandatory court appearance.

D. In those cases resulting in conviction of violation of any provision of Sections 6.08.060 through 6.08.100, the fine imposed shall be no less than double the minimum fine required by this chapter if the animal involved is a male dog, male cat, female dog, or female cat, as the same are defined in Section 6.08.010 of this chapter. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991; Ord. 1-1985 §2(part), 1985: prior code §11-2-12)

Title 7

(RESERVED)