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### ANIMALS

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## Chapter 6-04

### General Provisions

#### 6-04-010 Purpose.

The city council declares that the purpose of this title is to provide for the control of rabies for the protection and control of animals within the city, and that such matters are in the interest of and are those in which the city has responsibility for the public health, welfare, and safety. (Ord. 233 Art. I, 1975)

#### 6-04-020 Title.

This title is known and may be cited as the "Broomfield Animal Care and Control Ordinance." When citing the provisions of this title in any summons, subpoena, pleading, summons and complaint, or other document, it shall be sufficient to make reference to the Broomfield Animal Care and Control Ordinance. (Ord. 233 Art. II, 1975; Ord. 1013 §1, 1993)

#### 6-04-030 Recordkeeping requirements.

The humane officer shall keep accurate and detailed records of the impoundment and disposition of all animals coming into his or her custody, and of all reports of animal bites reported to him or her. (Ord. 233 Art. XII §1, 1975)

#### 6-04-040 Right of entry for inspection.

(A) Whenever it is necessary to make an inspection to enforce any of the provisions of this title or other applicable law, or to perform any duty imposed by this title or other applicable law, or whenever the humane officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this title or other applicable law, the humane officer is authorized to enter such building or premises at any reasonable time to inspect the same and perform any duty imposed upon him or her by this title or other applicable law; provided that:

(1) If such building or premises is occupied, the humane officer shall first present proper credentials to the occupant and request entry explaining his or her reasons therefor.

(2) If entry is refused, the humane officer shall give the owner or occupant, or if the owner or occupant cannot be located after reasonable effort, the humane officer shall leave at the building or premises, twenty-four hours' written notice of intention to inspect. The notice given to the owner or occupant, or left on the premises, shall state that the property owner has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

(3) After expiration of the twenty-four-hour period from the giving of such notice, the humane officer may appear before the municipal court of the city and, upon a showing of probable cause, shall obtain a search warrant entitling him or her to enter the building or upon the premises to be inspected. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied building or premises, the humane officer may enter into the building or upon the premises, using such reasonable force as may be necessary to gain entry therein.

(4) For the purposes of this section, a determination of *probable cause* will be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The humane officer, when applying for such search warrant, shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in order to obtain a search warrant. It is unlawful for any owner or occupant of a building or premises to resist such reasonable force used by the humane officer acting pursuant to this subdivision.

(B) Notwithstanding subsection (A) of this section, if the humane officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the humane officer shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the humane officer shall first present proper credentials to the owner or occupant and demand entry, explaining his or her reasons therefor and the purpose of the inspection.

(C) Notwithstanding subsection (A) of this section, the animal control officer may enter upon private property for the purpose of seizing an animal to be impounded if the animal control officer is in pursuit of an animal which he or she has probable cause to believe to be in violation of any of the provisions of this title and which has strayed to or taken refuge on such private property in the course of such pursuit. However, the animal control officer may not enter the interior of a dwelling to remove such an animal without a court order or the consent of an occupant of the dwelling over the age of eighteen years.

(D) No person shall fail or refuse, after proper demand has been made upon him or her as provided in subsection (B) of this section, to permit the humane officer to make any inspection provided for by subsection (B). Any person violating this subsection shall be guilty of an unlawful act.

(E) The licensee or permittee of any license or permit issued pursuant to this title does thereby consent and agree to the entry upon the premises described in the license or permit by the humane officer for the purpose of conducting such inspections as are required by this title or other applicable law. (Ord. 233 Art. XII §2, 1975; Ord. 993 §1, 1993)

## Chapter 6-08

### Definitions

#### 6-08-010 Definitions generally.

For the purposes of this title, unless the context clearly indicates otherwise, the following words and terms are defined as set forth in this chapter. (Ord. 993 §2, 1993)

#### 6-08-020 Animal.

*Animal* means any living creature, domesticated or wild, other than a human being. (Ord. 233 Art. III §1(a), 1975; Ord. 993 §2, 1993)

#### 6-08-030 Animal control officer.

*Animal control officer* means any officer or employee of the city designated by the city to enforce the provisions of this title, including but not limited to, community service officers and police officers. (Ord. 993 §2, 1993)

#### 6-08-040 Animal owner.

*Animal owner* means any person over the age of eighteen years who owns, keeps, harbors, allows to remain about his or her premises, or otherwise has custody or control of any animal in the city, whether individually or in conjunction with others for any length or duration of time, whether such person is a resident or nonresident of the city. The parent, guardian, or custodian of any child under the age of eighteen years who owns, keeps, harbors, or has custody of any animal shall be deemed to be the owner of such animal. This definition shall not include animal control officers, community service officers, and police officers while acting in accordance with their official duties under this title. (Ord. 233 Art. III §1(d), 1975; Ord. 993 §2, 1993)

#### 6-08-050 Cat.

*Cat* means any domesticated animal of the species *Felis catus*. (Ord. 233 Art. III §1(c), 1975; Ord. 993 §2, 1993)

#### 6-08-060 Commercial kennel.

*Commercial kennel* means any establishment or other place where one or more animals, either temporarily or permanently, are bred, born, raised, boarded, trained, kept, or fed for money or any other consideration, or for sale. (Ord. 233 Art. III §1(f), 1975; Ord. 993 §2, 1993)

#### 6-08-070 Dog.

*Dog* means any domesticated animal of the species *Canis familiaris*. (Ord. 233 Art. III §1(b), 1975; Ord. 993 §2, 1993)

**6-08-080 Guard dog.**

*Guard dog* means any dog disciplined to protect persons and/or property by attacking or threatening to attack any person found within the area authorized to be patrolled by such dog. (Ord. 233 Art. III §1(h), 1975; Ord. 993 §2, 1993)

**6-08-090 Harbor.**

*Harbor* means the act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care. (Ord. 233 Art. III §1(i), 1975; Ord. 993 §2, 1993)

**6-08-100 Humane officer.**

*Humane officer* means any person designated by the humane society as a law enforcement officer or any person designated by the City of Broomfield and who qualifies to perform such duties under the laws of the State of Colorado. (Ord. 233 Art. III §1(j), 1975; Ord. 993 §2, 1993)

**6-08-110 Leash.**

*Leash* means a substantial chain, cord, rope, or similar device sufficient to hold in restraint the animal to which it is attached. (Ord. 233 Art. III §1(k), 1975; Ord. 993 §2, 1993)

**6-08-120 Pet shop.**

*Pet shop* means any person engaged in the business of breeding, buying, selling, or boarding animals of any species. (Ord. 233 Art. III §2(l), 1975; Ord. 993 §2, 1993)

**6-08-130 Rabies inoculation.**

*Rabies inoculation* means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health, and administered by a licensed veterinarian. (Ord. 233 Art. III §2(m), 1975; Ord. 993 §2, 1993)

**6-08-140 Running at large.**

*Running at large* means any animal, unless specifically excepted by this title, off the premises of the owner and not under the direct and competent control of the owner or the owner's authorized agent by means of a leash, except an animal within the automobile or other vehicle of its owner. An animal shall also be deemed to be running at large when it is on an unfenced portion of the premises of the owner or keeper and the owner or keeper is not physically present and able to control the actions of said animal.

(A) For the purposes of this definition, *premises of the owner* shall not include common areas of condominiums, townhouses, and apartment buildings; and any animal not in the effective control of its owner by means of a leash within the common area of a condominium, townhouse, or apartment building, or the grounds thereof, shall be deemed to be running at large.

(B) For purposes of this definition, *direct or competent control* does not include leashes anchored to the real property of the animal's owner, keeper, or their authorized agent, if such leash extends beyond the property line of the owner, keeper, or authorized agent. (Ord. 233 Art. III §2(n), 1975; Ord. 993 §2, 1993)

**6-08-150 Stray animal.**

*Stray animal* means any animal, with or without a registration-rabies inoculation tag, found loose anywhere within the city. (Ord. 233 Art. III §2(o), 1975; Ord. 993 §2, 1993)

**6-08-160 Veterinarian.**

*Veterinarian* means a person licensed by the state to practice veterinary medicine. (Ord. 233 Art. III §2(p), 1975; Ord. 993 §2, 1993)

**6-08-170 Veterinary hospital.**

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or for the diagnosis and treatment of diseases and injuries of animals. (Ord. 993 §2, 1993)

## Chapter 6-12

### Animals Running at Large; Strays; Impoundment; Disturbing the Peace

#### 6-12-010 Running at large prohibited.

It is unlawful for any person owning or having charge of any animal, except an ordinary domesticated house cat and except for dogs used by the city for public health or public safety purposes, to permit the animal to run at large within the city. (Ord. 233 Art. V §1, 1975; Ord. 993 §3, 1993; Ord. 1696 §1, 2002)

#### 6-12-020 Incompetent control prohibited.

(A) It is unlawful for any person owning any animal to permit the animal to be in the care and custody of a person who is not competent to restrain and control the animal.

(B) Any person owning or having charge of any cat shall maintain reasonable control over such cat. For purposes of this title, a cat shall not be deemed under reasonable control when such cat inflicts damage or injury to the person or property of anyone other than the owner or keeper thereof. (Ord. 233 Art. V §2, 1975; Ord. 993 §3, 1993)

#### 6-12-030 Impoundment.

(A) Any stray animal, with or without a registration-rabies tag, found loose anywhere within the city may be taken into custody by an animal control officer and impounded in a humane manner.

(B) Animal control officers are authorized to go upon private property to take into custody any animal in violation of this title or other applicable law, provided that the officer witnessed the violation. Whenever it is necessary to make an inspection of private property to enforce any of the provisions of this chapter or other applicable law, the inspection shall be made pursuant to the requirements and procedures set forth in chapter 6-04 of this title.

(C) Sick or injured animals found on public property may be impounded and given adequate veterinary medical treatment. In the event a seriously or critically injured animal is impounded and such animal is without identification, without a rabies tag or other means of identifying the owner, or the owner cannot be reached after reasonable attempts, such animal may be humanely destroyed without being held for any period. In the event a seriously or critically injured animal is in the custody of an animal control officer and such animal is without identification, without a rabies tag or other means of identifying the owner, or the owner cannot be reached after reasonable attempts, such animal may be humanely destroyed without being impounded. (Ord. 993 §3, 1993)

#### 6-12-040 Notice of impoundment.

(A) As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. Any impounded animal shall be released to the owner upon payment of the impoundment fee, boarding fee, veterinary care charges, and any other costs associated with impoundment. If such animal is not redeemed within five days, it shall be considered abandoned and may be euthanized or placed for adoption at the discretion of the Animal Shelter; provided, however, that under no circumstances shall any impounded live animal be given or sold to any institution or agency for experimental or medical research projects of any kind. The failure of the owner to redeem an animal shall release the city and animal shelter, and their officers, employees, and agents, from any and all liability for the animal's subsequent euthanization or adoption.

(B) A complete and accurate record of all animals impounded shall be maintained, including the facts regarding the release or method of disposal of such animals. (Ord. 993 §3, 1993)

#### 6-12-050 Proceedings against violators; animal control officer authority.

If an animal is impounded, the animal control officer may institute proceedings in the municipal court on behalf of the city against the owner, charging the owner with a violation of the appropriate section or sections of this title or other applicable law. Nothing contained in this section shall be construed as preventing the animal control officer from instituting a proceeding in the municipal court for violations of this title or other applicable law where there has been no impoundment. (Ord. 993 §3, 1993)

**6-12-060 Refusal to retrieve impounded animal; owner liable for fees.**

The refusal or failure to retrieve any impounded animal by the owner of the animal shall not relieve the owner of the duty to pay the impoundment fee and other charges which have been assessed. The owner of any animal who fails or refuses to pay such fees and charges shall be in violation of this section, and may be cited into the municipal court and fined or imprisoned, or be subject to both such fine and imprisonment, as provided by this title upon conviction of violation of this section. (Ord. 993 §3, 1993)

**6-12-070 Dead animals; disposal; owner notification.**

(A) It shall be unlawful for the owner or keeper of any dead animal or any premises upon which the same may be located, to permit or allow such animal to remain undisposed of for a period longer than twenty-four hours after death, or to deposit or bury or cause to be deposited or buried the body of any dead animal or portion thereof on any public street, alley, sidewalk, park, irrigation ditch, or any public grounds without authority from the city, or upon any private property without express permission of the owner.

(B) Any dead animal found in any public street or on any public property shall be deemed running at large and shall be removed therefrom and disposed of by the humane officer. The owner of such animal, if ascertainable, shall be so notified and advised by the humane officer. (Ord. 233 Art. V §5, 1975; Ord. 993 §3, 1993)

**6-12-080 Disturbing the peace prohibited.**

(A) It is unlawful for any animal owner or for any person in charge of any animal to own, keep, or have in his or her possession such an animal which disturbs the peace and quiet of any person or neighborhood by barking, fighting, howling, crying, or emitting any other similar sound.

(B) No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two or more complaining witnesses from separate households who shall have signed such complaint and shall have testified at trial. An animal control officer or police officer who has personally investigated the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its barking, fighting, howling, crying, or similar sound, may satisfy the requirement for the second complaining witness and may testify to his or her observations at trial.

(C) This section shall not apply to an animal control officer in the performance of his or her duties nor to veterinary hospitals. (Ord. 233 Art. V §6, 1975; Ord. 924 §1, 1992; Ord. 993 §3, 1993)

**6-12-090 Confinement during estrus.**

Any unsprayed female animal in the stage of estrus (heat) shall be securely confined within a house, building, or other secure enclosure which is so constructed as to prevent other animals from gaining access to the confined animal, except for purposes of planned breeding. Any owner or any person in charge of an animal who does not adequately so confine such animal during the state of estrus, or whose animal during estrus creates a neighborhood nuisance by attracting other animals, shall be ordered by the animal control officer to remove the animal to a boarding kennel, to a veterinary hospital, or to the city animal shelter. All expenses incurred as a result of such confinement shall be paid by the animal owner. Failure to comply with the animal control officer's removal order shall be a violation of this title, and the animal shall then be impounded at the owner's expense. (Ord. 233 Art. VII §1, 1975; Ord. 993 §3, 1993)

**Chapter 6-16**

**Rabies Control**

**6-16-010 Rabies inoculation and registration required; applicability.**

(A) It is unlawful for any person to own, keep, harbor, or possess any dog, cat, or ferret over the age of three months which has not been inoculated against rabies with a rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Colorado, and which has not been registered with the city as required by this chapter.

(B) The owner acquiring any dog, cat, or ferret shall have the animal inoculated against rabies and registered with the city within thirty days after acquiring the animal, or within thirty days after the animal attains the age of

three months, whichever occurs last, and shall have the animal so vaccinated and registered thereafter as set forth in this chapter.

(C) Any person moving into the city from a location outside of the city shall comply with this section within thirty days after having moved into the city.

(D) If any dog, cat, or ferret has inflicted a bite on any person within a ten-day period preceding the date on which such animal is to be vaccinated, the owner of the animal shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after an observation period advised by the Colorado Department of Health. Further, the veterinarian shall inquire before any rabies inoculation is given whether such animal to be vaccinated is under quarantine or has inflicted a bite upon any person within the last ten days.

(E) The requirement for rabies inoculation as set forth herein is intended primarily to apply to dogs, cats, and ferrets; provided, however, that whenever it is deemed advisable in the interest of the public health, welfare, and safety, the city council may order that all animals, or certain specified animals within the city which are susceptible to the rabies virus, shall be vaccinated against rabies, such vaccination to be performed by a licensed veterinarian. (Ord. 233 Art. IV §1, 1975; Ord. 1289 §2, 1997; Ord. 1409 §§1, 2, 1999)

**6-16-020 Certificate of vaccination; contents; issuance.**

Upon vaccination for rabies, the veterinarian administering the vaccination shall execute and furnish to the animal owner as evidence thereof a certificate of vaccination, upon a form furnished by the city. The certificate shall contain the following:

- (A) The name, address, and telephone number of the owner of the inoculated animal;
- (B) The breed, sex, color, and name of the inoculated animal;
- (C) The date of inoculation;
- (D) The type of vaccine used;
- (E) Where applicable, the tag number of the rabies vaccination tag issued; and
- (F) The signature of the veterinarian issuing the certificate. (Ord. 233 Art. IV §2, 1975)

**6-16-030 Registration complementary to rabies inoculation requirements; provision of forms and tags.**

(A) It is the intent of this chapter that the registration of dogs, cats, and ferrets be coordinated with and be complementary to the requirements for rabies inoculations set forth in this chapter.

(B) It shall be the duty of the city clerk to acquire and to furnish the certificate of vaccination forms and the rabies tags as required by this chapter. The rabies vaccination tags shall be of a size, shape, color, and material as may be deemed suitable by the city clerk; provided, however, that the color or size thereof shall be changed each year. Each such tag shall have the following printed thereon:

- (1) City of Broomfield;
- (2) Rabies vaccination;
- (3) Year for which the tag is issued;
- (4) Tag number; and
- (5) Telephone number of the police department.

(C) The certificate of vaccination form shall constitute the city animal registration form.

(D) The rabies inoculation tags shall constitute the city registration tags. (Ord. 233 Art. IV §3, 1975; Ord. 1289 §3, 1997)

**6-16-040 Registration procedure.**

(A) Consistent with the intent of registration as described in subsection 6-16-030(A), the city clerk shall furnish an adequate supply of the city certificate of vaccination forms and of the city rabies vaccination tags to all veterinarians maintaining a practice within the city and to all veterinarians maintaining a practice outside the city who have agreed in writing to comply with the provisions of this chapter. Said veterinarians shall be referred to in this chapter as *Broomfield veterinarians*.

(B) Upon vaccination of any dog, cat, or ferret for rabies as provided for in section 6-16-020, the Broomfield veterinarian administering the same shall execute and furnish to the animal owner the certificate of vaccination on the form therefor provided by the city.

(C) Concurrent with the issuance of the certificate of vaccination for any dog, the Broomfield veterinarian administering the same shall attach to the collar of the dog, whose owner is a resident of the city, a city rabies vaccination tag provided by the city. The tag number and serial number thereon shall correspond with and shall be identical to the numbers therefor entered on the certificate of vaccination issued for such dog.

(D) Within seven days from the issuance of the certificate of vaccination for any dog, cat, or ferret and of the concurrent issuance of the rabies vaccination tag for any such dog, the Broomfield veterinarian issuing the same shall file one duplicate copy of the certificate of vaccination with the city clerk. (Ord. 233 Art. IV §4, 1975; Ord. 802 §1, 1988; Ord. 1289 §4, 1997)

**6-16-050 Dogs; complete registration designated.**

The city certificate of rabies vaccination, when and as completed, signed, and thereafter filed with the city by a Broomfield veterinarian, combined with the issuance of the city rabies vaccination tag by the veterinarian, shall constitute the city registration of the dog for which the certificate and tag have been so issued. (Ord. 233 Art. IV §5, 1975)

**6-16-060 Cats and ferrets; complete registration designated.**

The city certificate of rabies vaccination, when and as completed, signed, and thereafter filed with the city by a Broomfield veterinarian, shall constitute the city registration of the cat or ferret for which the certificate has been issued. (Ord. 233 Art. IV §6, 1975; Ord. 1289 §5, 1997)

**6-16-070 Dogs, cats and ferrets vaccinated outside city; registration.**

(A) If any dog, cat, or ferret owned, kept, or harbored within the city is inoculated against rabies by a veterinarian outside the city who has not agreed in writing to comply with the provisions of this chapter, the animal owner shall register such animal with the city in the manner set forth herein.

(B) Application for registration shall be made upon forms provided by the city clerk and shall be accompanied by a certificate of vaccination issued by a licensed veterinarian certifying that the animal has been inoculated against rabies for the then current calendar year.

(C) Upon receipt of the application and certificate of vaccination, the city clerk shall issue to the animal owner a city certificate of registration for the animal so registered, and a city rabies vaccination tag for the dog so registered. The city certificate of registration shall contain the following:

- (1) The name, address, and telephone number of the owner of the animal so registered;
- (2) The name of the veterinarian who administered the rabies inoculation;
- (3) The breed, sex, color, and name of the animal so registered;
- (4) The date of inoculation;
- (5) The type of vaccine used;
- (6) Where applicable, the tag number of the rabies vaccination tag issued; and
- (7) The signature of the city clerk.

(D) The tag number and serial number of the rabies vaccination tag shall correspond with and shall be identical to the numbers therefor entered upon said certificate of registration. The owner shall then attach said rabies vaccination tag to the dog's collar.

(E) The issuance of the city certificate of registration, as signed by the city clerk, and the issuance of the city rabies vaccination tag, where applicable, shall then constitute the city registration of the animal for which the certificate and tag (for dogs) have been issued.

(F) In no event shall a city certificate of registration be issued for any animal if the animal owner fails to submit the certificate of vaccination as required by this section. (Ord. 233 Art. IV §7, 1975; Ord. 802 §2, 1988; Ord. 1289 §6, 1997)

**6-16-080 Collars and tags required for dogs.**

(A) The owner, keeper, or possessor of any dog shall place upon such dog a collar, harness, or similar device of durable material to which the city rabies vaccination tag provided for in this chapter shall be attached.

(B) It is unlawful for the owner, possessor, or keeper of any dog to keep the dog within the city without the current city rabies vaccination tag securely affixed to the dog's collar, which tag shall be worn by the dog at all times.

(C) If a dog within the city is of such age that it is not required by this chapter to have a rabies vaccination tag, the owner, possessor, or keeper of such dog shall obtain an identification tag for the dog setting forth the name and address of the owner, and the identification tag shall be attached to the dog's collar. (Ord. 233 Art. IV §8, 1975; Ord. 993 §4, 1993)

**6-16-100 Rabies tag; transferability.**

City rabies vaccination tags are not transferable, and it is unlawful for any person to affix any rabies tag to any dog other than the dog for which the tag has been issued. (Ord. 233 Art. IV §10, 1975)

**6-16-110 Possession of false or stolen tags or certificates prohibited.**

It is unlawful for any person to make use of, or have in his or her possession or under his or her control, any stolen, counterfeit, or forged city rabies tag, rabies vaccination certificate, or other form provided for by this title. (Ord. 233 Art. IV §11, 1975)

**6-16-120 Replacement of lost or destroyed tags.**

Lost or destroyed city rabies vaccination tags may be replaced upon application therefor to the city clerk and verification of the certificate of vaccination, and a payment of \$1.00. (Ord. 233 Art. IV §12, 1975)

**6-16-130 Recordkeeping requirements; city clerk duty.**

The city clerk shall keep a complete and accurate record of all city certificates of vaccination and certificates of registration filed with or issued by the city, and shall keep a complete and accurate record of all city rabies vaccination tags issued pursuant to this chapter. (Ord. 233 Art. IV §13, 1975)

**6-16-140 Registration not required when.**

The requirements for registration, as set forth in this chapter, shall not apply to animals whose owners are nonresidents or temporarily within the city, nor to animals temporarily brought into the city for exhibition purposes. However, if an animal, whose owner is a nonresident of the city, remains in the city for more than thirty days, then said animal shall be properly registered as provided by this chapter. (Ord. 233 Art. IV, §14, 1975; Ord. 1289 §7, 1997)

**6-16-150 Veterinarians authorized to execute and issue certificates and tags.**

All veterinarians who are licensed as such by the State of Colorado and who maintain a practice of veterinary medicine within the city or who maintain a practice of veterinary medicine outside the city and have agreed in writing to comply with the provisions of this chapter, are designated as authorized to execute city certificates of vaccination and to issue city rabies vaccination tags, as provided by this chapter. (Ord. 233 Art. IV §15, 1975; Ord. 802 §3, 1988)

**6-16-160 Harboring unvaccinated, unregistered animals prohibited.**

It is unlawful for any person to harbor any animal which is required by this title to be vaccinated against rabies and to be registered with the city which has not been so vaccinated and registered. (Ord. 233 Art. IV §16, 1975)

**6-16-170 Refusal to provide proof of vaccination prohibited.**

It is unlawful for any person who owns or harbors any animal which is required by this title to be vaccinated against rabies to fail or refuse to exhibit his or her copy of the certificate of vaccination for said animal upon demand of the humane officer. (Ord. 233 Art. IV §17, 1975)

**6-16-180 Animal bite; report required.**

(A) Whenever any dog, cat, or other animal has bitten any person, it shall be the duty of the owner of such animal or of any person having knowledge thereof to immediately report such fact to the humane officer or to the police department, stating, if known, where the animal may be found.

(B) Whenever any dog, cat, or other animal is affected by rabies, or suspected of having rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of such animal or any person having knowledge thereof shall immediately report such fact to the humane officer or to the police department, stating, if known, where the animal may be found.

(C) Consistent with subsection (A) of this section, every physician or medical practitioner after his or her first professional attendance upon a person bitten by a dog, cat, or other animal, shall within twelve hours report to the humane officer or to the police department the name, age, and address of the person so bitten and treated.

(D) It is the duty of every veterinarian who diagnoses rabies in any animal to immediately report such fact to the humane officer or to the police department. (Ord. 233 Art. IV §18, 1975)

**6-16-190 Confinement and quarantine required when.**

Any animal that has bitten any person, has been exposed to rabies, or is in any manner suspected of having rabies, shall be immediately confined for a period of ten days from the date of the incident, or for a longer period of time upon the advice of the humane officer or a veterinarian. The humane officer or other officers and employees of the city charged with the enforcement of this title shall serve notice of such confinement on the owner or harbinger of the animal. Such confinement may be on the premises of the owner if deemed appropriate by the humane officer, but such animal must remain within the city during the confinement period. If the animal is not confined on the owner's premises, confinement shall be either in the city animal shelter or at a veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. (Ord. 233 Art. IV §19(a), 1975)

**6-16-200 Destruction of suspected animal before confinement prohibited.**

It is unlawful for the owner or harbinger of any animal that has bitten a person, has been exposed to rabies, or is in any manner suspected of having rabies, to destroy or to dispose of such animal before the animal can be properly confined by the humane officer. (Ord. 233 Art. IV §19(b), 1975)

**6-16-210 Removal of confined animal prohibited.**

It is unlawful for the owner or for any other person to allow any animal which is under confinement to come into contact with the public or with any other animal, or to remove any such animal from the place of confinement or quarantine without the written consent of the humane officer. (Ord. 233 Art. IV §19(c), 1975)

**6-16-220 Refusal to surrender suspected animal prohibited.**

The owner or harbinger of any animal that has been reported to have bitten any person or is suspected of having bitten any person shall, on the demand of the humane officer or of any city officer or employee charged with the enforcement of this title, produce and surrender the animal for examination and quarantine, as prescribed in this section. If the owner or harbinger of any such animal refuses to produce the animal, the owner or harbinger shall be subject to immediate arrest, if there is probable cause to believe the animal has inflicted a bite upon a person and the owner or harbinger is keeping the animal and willfully refuses to produce the animal upon demand. In such event, the owner shall be taken by an officer of the police department before a judge of the municipal court, who may order the immediate production of the animal. If the owner or harbinger of any such animal willfully and knowingly secretes or refuses to produce the animal, each day of such secretion or refusal shall constitute a separate and individual violation of this section. (Ord. 233 Art. IV §19(d), 1975)

**6-16-230 Rabid animal; notification of police and health officer.**

When an animal under confinement and quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the humane officer or the police department and the applicable county health officer of such fact, and shall advise them of any reports of human contact with such rabid animal. If any animal under confinement dies while under observation, the humane officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the humane officer shall notify the applicable county public health officer of any reports of human contact with the animal. (Ord. 233 Art. IV §19(e), 1975)

**6-16-240 Emergency confinement.**

Whenever the city council has reason to believe or has been notified by the Colorado Department of Health that there is imminent danger that rabies may spread within the city, the city council may require every owner, keeper, or possessor of any dog, cat, or other specified animal to confine such animals for such periods as may be necessary to prevent the spread of rabies within the city. (Ord. 233 Art. IV §20, 1975)

**6-16-250 Failure to register.**

The minimum penalty for failing to register an animal in accordance with the provisions of this chapter shall be a fine of \$150.00, \$50.00 of said amount shall not be waived, and all or a portion of the remaining amount may be waived if the owner provides evidence from a licensed veterinarian that the animal has been inoculated against rabies or has had a unique identifying computer microchip implanted by a licensed veterinarian and that the identifying microchip information has been registered with animal control and the central registry for such information. The remainder or an additional portion of any fine may be waived if the owner also provides proof from a licensed veterinarian that the animal has been spayed or neutered. (Ord. 1765 §1, 2004)

**Chapter 6-20**

**Unlawful Attacks**

**6-20-010 Unlawful attacks prohibited.**

(A) It shall be unlawful to own an animal which:

- (1) Causes bodily injury to a person in an unprovoked attack, whether on or off the premises of its owner;
- (2) Causes bodily injury to a domesticated animal or livestock in an unprovoked attack while on or off the premises of its owner; or
- (3) When unprovoked, repeatedly charges against a fence in an attempt to attack or charges to the end of its lead in an attempt to attack or acts otherwise in a manner that would reasonably cause fear of imminent bodily harm.

(B) For purposes of this chapter, *unprovoked attack* shall not include the following circumstances:

- (1) Attacks occurring solely due to a person having attacked such animal or who engaged in conduct reasonably calculated to provoke such animal to attack or bite such person or another person;
- (2) Attacks occurring solely due to any person engaged in provoking or stopping an animal fight involving the attacking animal;
- (3) Attacks occurring solely due to any person engaged in attacking or molesting another person;
- (4) Attacks occurring solely due to any person engaged in unlawful entry into or upon the fenced or enclosed portion of the premises upon which such animal is kept;
- (5) Attacks occurring solely due to any animal engaged in unauthorized entry into or upon the fenced or enclosed portion of the premises upon which such animal is kept;
- (6) Attacks occurring solely due to any person other than an authorized police officer or animal control officer engaged in capturing or attempting to capture such animal in the absence of the owner, excepting any person attempting to capture such animal on such person's own property; or
- (7) Attacks occurring solely due to any person engaged in unlawful or unauthorized entry into any other vehicle in which such animal is confined.

(C) It shall be unlawful for an owner of an animal to fail to take immediate and effective corrective action with that animal when it is in violation of any of the provisions of this section. (Ord. 993 §6, 1993; Ord. 1765 §2, 2004)

**6-20-020 Disposition of animals involved in unlawful attacks.**

(A) Any animal violating any of the provisions of section 6-20-010, B.M.C. may be impounded by animal control officers without prior notice to the animal's owner, in accordance with chapter 6-04 of this title.

(B) In the event an animal cannot be seized by an animal control officer or police officer without exposing the officer to danger or personal injury by such animal, it shall be lawful for such officer, after making every reasonable effort to capture such animal, including the solicitation of assistance from the owner if such owner is ascertainable and available, to forthwith destroy such animal.

(C) The owner of an animal seized pursuant to this section shall be entitled to a hearing before the municipal court at the earliest date available to the court and the parties to determine if the animal shall be destroyed. At said hearing, the Colorado Rules of Evidence shall not apply, and the court shall ensure that evidence shall be offered and questioning shall be conducted in an orderly manner and according to basic notions of fairness.

(1) At said hearing, the court shall consider, as applicable, the following:

- a. Any evidence presented at any trial involving the animal;
- b. The conduct of the animal during the incident charged;
- c. Any other evidence of dangerous or violent behavior by the animal, or threats thereof;
- d. Any prior violations by the owner, possessor, keeper, or controller of the animal of this chapter or similar laws of any state or political subdivision thereof;
- e. Any prior violations by the owner, possessor, keeper, or controller of the animal, involving the same animal, of any provision of this chapter or similar laws of any state or political subdivision thereof;
- f. Any other conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
- g. Any evidence of any ameliorative action taken by the owner, possessor, keeper, or controller of the animal which would affect the likelihood of any danger to any person, animal, or property; and
- h. Any other evidence relevant to the issues to be determined by the court.

(2) If the defendant is not an owner of the animal, and if the name and address of an owner is known to the city or the court, said owner shall be notified in writing of the date, time, place, and purpose of said hearing at least five days before said hearing. Notice shall be sufficient if served in compliance with Rule 204(e) of the Colorado Municipal Court Rules of Procedure.

(3) If at such hearing, the city establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to person, property, or animals, the court shall order the animal to be destroyed in a humane manner. Relocation of the animal outside of the city shall not be an alternative for the court. Upon oral motion of the defendant or an owner, said order shall be stayed for thirty days to allow the movant to appeal said order, provided that the movant pays the estimated costs of impoundment within twenty-four hours of the entering of the stay.

(4) If the court determines that it is not appropriate to order the animal destroyed, the court may order the animal returned and to be kept under such circumstances as will ensure the safety of persons, property, or other animals in the community.

(5) If the animal is to be returned to its owner, the court shall order the implantation in the animal of a unique identifying computer microchip by a licensed veterinarian at the owner's expense. The owner will be ordered to register the identifying microchip information with animal control and the central registry for such information. (Ord. 993 §6, 1993; Ord. 1765 §3, 2004)

#### **6-20-030 Penalties for violations.**

Violations of the provisions of this chapter shall be punishable as follows:

(A) For any unlawful attack as defined in sections 6-20-010(A)(1) through (A)(3), B.M.C., the court shall order the implantation in the dog of a unique identifying computer microchip by a licensed veterinarian at the owner's expense, and the owner will be ordered to register the identifying microchip information with animal control and the central registry for such information;

(B) For any unlawful attack where there is no injury to a human or other animal, a fine of not less than \$150.00, plus any additional penalty which the court deems proper, including evaluation and successful completion of a recommended animal owner course, mandatory kenneling, confinement, or muzzling;

(C) For a second attack by the same animal as was involved in the first violation, or any other animal owned by the same person or of the same household during a three-year period following the first violation, a fine of not less than \$450.00, plus any additional penalty which the court deems proper;

(D) For unlawful attacks, as defined in sections 6-20-010(A)(1) and (2), B.M.C., where bodily injury to a human or other animal occurs, the penalties shall be:

(1) For a first violation involving the biting of a human being or an animal, a fine of not less than \$300.00 plus any additional penalty which the court deems proper, including the humane destruction of the animal. A portion of the penalties in this subsection may be suspended upon order of the court for compliance with any other court ordered conditions such as evaluation and successful completion of a recommended animal owner course, mandatory kenneling, confinement, or muzzling;

(2) For a second violation involving the biting of, or an attack upon, a human being or an animal by the same animal as was involved in the first violation, or any other animal owned by the same person or of the same household occurring within a three-year period following the first violation, a fine of not less than \$750.00, a jail sentence of not less than five days, plus any additional penalty the court deems proper. A portion of the penalties in this subsection may be suspended upon order of the court for compliance with any other court ordered conditions. Additionally, the animal shall be destroyed in a humane manner. (Ord. 993 §6, 1993; Ord. 1196 §18, 1996; Ord. 1568 §17, 2001; Ord. 1765 §4, 2004)

## Chapter 6-24

### Livestock, Horses, and Prohibited Animals

#### **6-24-010 Animals prohibited within city designated; exceptions.**

(A) It is unlawful for any person to keep, maintain, possess, or harbor at his or her dwelling within the residential and urbanized areas of the city more than a total of four animals over the age of six months. This subsection (A) shall not include fish or birds.

(B) It is unlawful for any person to keep, maintain, possess, or harbor any livestock or fowl such as, but not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks, or turkeys within the residential and urbanized areas of the city; provided, however, that this section shall be coordinated with the city zoning ordinance, wherein certain animals and numbers thereof may be permitted within certain zoning districts.

(C) It is unlawful for any person to own, keep, maintain, possess, harbor, sell, or in any manner deal or traffic within the city in any living exotic, wild, dangerous, or unusual animals, whether domesticated or tamed, including, but not necessarily limited to, the following: Africanized *Apis mellifera*; bats of any species; bears of any species; felines, other than ordinary domesticated house cats; gorillas, chimpanzees, orangutans, baboons, or any other infra-human primate; any member of the *Mustelidae* family, except ferrets, including but not limited to fishers, martens, minks, otters, porcupines, raccoons, skunks, weasels, and wolverines; poisonous reptiles; wolves, foxes, coyotes, or other species of canines other than dogs; any animal or bird which has received state or federal government designation as an endangered species; or any other terrestrial predator or other animal determined to be a public nuisance pursuant to the provisions, procedures, and means of abatement therefor established by the ordinances of this city.

(D) For purposes of this section, any hybrid or breed mix between wild animals and domestic animals shall be considered a wild animal, and as such is prohibited. Alleged domestication of any wild animal shall not affect its status.

(E) This section shall not apply to any zoo, circus, or rodeo licensed by the City of Broomfield. (Ord. 233 Art. VII §4, 1975; Ord. 993 §8, 1993; Ord. 1010 §1, 1993; Ord. 1289 §1, 1997)

#### **6-24-020 Large animals; fencing requirements; inspection.**

If any horse, cow or other large animal should escape its normal confines, the humane officer shall inspect the fencing of the enclosure from which the animal has escaped and, if in his or her judgment the fencing is not adequate to hold the animal within the enclosure, the humane officer shall serve upon the property owner or upon the person currently in possession of such property a written order requiring repair or construction of such fencing so as to make the fencing adequate to contain the animal and requiring that the repair or construction shall be completed within fifteen days from the date of issuance of the order. It is unlawful for any person to maintain a

fence or corral that is inadequate to contain the animal which it was intended to contain. (Ord. 233 Art. VII §5, 1975)

**6-24-030 Horses; unauthorized presence on private property prohibited.**

It is unlawful for the owner, possessor, or rider of any horse to permit the same to go upon another person's private residential property unless authorized to do so, or to proceed off the improved portions of public streets or off the designated horse trails of the city. (Ord. 233 Art. VII §6, 1975)

**6-24-040 Picketing on public property, causing damage prohibited.**

It is unlawful for any person to picket or tether any animal in or upon the streets or other public places of the city, or upon the private property of other persons, in such a manner as to damage any property. (Ord. 233 Art. VII §7, 1975)

**6-24-050 Unlawful to keep bees; definitions.**

(A) It is unlawful to keep bees in any zone of the city, except agricultural zones, as a trade, profession, occupation, enterprise, operation, vocation, avocation, hobby, or activity.

(B) For purposes of this section, *bees* means and includes any hymenopterous insects of the family *Apidae*, and the common hive or honey bee *Apis mellifera*.

(C) For purposes of this section, *agricultural zone* means any property in the city zoned as an A-1 district or zoned as a PUD district with no approved site development plan. (Ord. 993 §9, 1993; Ord. 1010 §2, 1993)

**Chapter 6-28**

**Sanitation**

**6-28-010 Sanitation; responsibility of owner.**

(A) It is unlawful for any owner, keeper, or controller of any animal to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property, or any private property when permission of the owner or tenant of said property has not been obtained; and

(B) It is unlawful for any animal owner, keeper or controller to fail to remove promptly all fecal wastes from private premises as necessary to prevent diseases, hazards, and odors. (Ord. 993 §10, 1993)

**Chapter 6-32**

**Cruelty to Animals**

**6-32-010 Cruel treatment prohibited.**

It is unlawful for any person to beat, cruelly treat, torment, overload, overwork, abandon, or otherwise abuse any animal or cause or permit such animal to be abused or cruelly treated in any manner; to fail to provide an animal with adequate and wholesome food and water, protection from the elements, opportunity for exercise, or adequate veterinary care; or to otherwise neglect or treat any animal in such a manner as to endanger its health or cause it to suffer. Ownership of said animal shall not be a justifiable defense for such acts, or for a violation of this section. (Ord. 233 Art. VII §2, 1975; Ord. 993 §12, 1993)

**6-32-020 Poisoning prohibited; exceptions.**

It shall be unlawful for any person to knowingly poison any domestic animal or livestock, or to knowingly distribute poison or toxicant on public or private property in any manner whatsoever that causes the poisoning of any domestic animal or livestock. The poisoning of bats, rodents, and insects is permitted so long as such poisoning conforms with the requirements and procedures of all applicable state and federal laws. (Ord. 233 Art. VII §8, 1975; Ord. 852 §2, 1989; Ord. 993 §12, 1993)

**6-32-030 Animal fights for exhibition prohibited.**

It is unlawful for any person to train or keep any animal for the purpose of fighting, to cause, instigate, or encourage any animal to fight or to enter into combat in any manner, or to maintain any place where animals are suffered to fight for exhibition, wager, or sport. (Ord. 233 Art. VII §10, 1975; Ord. 993 §12, 1993)

**6-32-040 Molesting, killing song and insectivorous birds prohibited.**

It is unlawful for any person at any time within the city to intentionally frighten, shoot at, wound, kill, take, capture, ensnare, net, trap, or in any other manner molest or injure any song or insectivorous bird, including, but not limited to, the following: any robin, lark, whippoorwill, finch, sparrow, thrush, wren, martin, swallow, snowbird, bobolink, redwinged blackbird, crow, raven, oriole, kingbird, mockingbird, or song sparrow; or in any manner to intentionally molest or injure the nest, eggs, young, or body of any such bird; or to have in possession the nest, eggs, young, or body of any such bird. (Ord. 233 Art. VII §11, 1975; Ord. 993 §12, 1993)

**Chapter 6-36**

**Kennels**

**6-36-010 License; required; generally.**

It is unlawful for any person to maintain or to operate any commercial kennel within the city without first having obtained a valid city license therefor as required by this chapter. (Ord. 233 Art. VIII §1, 1975; Ord. 993 §13, 1993)

**6-36-020 License; required; when.**

The owner or operator of any commercial kennel shall procure a city license from the city clerk on or before the first day of March of each year prior to the commencement of such kennel, and in the manner prescribed in sections 6-36-030 through 6-36-050. (Ord. 493 §4, 1982)

**6-36-030 License; application; state license required.**

All applicants for a commercial kennel license must, at the time of application, have a valid license to operate the kennel issued by the Colorado Department of Health. The existence of a state license, however, shall not in itself assure that a city license shall be issued. (Ord. 233 Art. VIII §2(b), 1975)

**6-36-040 License; application; inspection certificate required.**

No commercial kennel license shall be issued until a written inspection certificate therefor has been issued by the humane officer certifying approval of such kennel. The humane officer's determination as to the issuance or denial of any kennel license shall be based upon the standards and requirements for kennels established by this chapter. Any certificate certifying approval shall certify that the kennel is in compliance with the standards and requirements established by this chapter. Any certificate of denial shall set forth the reasons for such denial. The humane officer shall have the right to inspect any premises licensed under this section at any time, and nothing shall prevent the entry onto private property for the purposes of inspection. The application for a kennel license shall constitute consent to such entry and inspection. (Ord. 233 Art. VIII §2(c), 1975; Ord. 993 §14, 1993)

**6-36-050 License; application; contents.**

All kennel applications shall be filed upon forms provided by the city clerk, and shall contain the following information:

- (A) Applicant's name, address, and telephone number;
- (B) Location where such kennel is to be maintained or operated;
- (C) Name, address, and telephone number of the owner of the premises upon which such kennel is to be maintained or operated;
- (D) Name, address, and telephone number of the responsible person who can be reached during an emergency at times other than regular business hours;

(E) A complete and accurate list of the kinds and maximum number of animals to be housed at any one time;

(F) Such other information as may be requested by the city clerk; and

(G) Copies of the state license and humane officer's written certificate as required by sections 6-04-030 and 6-04-040, which shall be attached to the application. (Ord. 233 Art. VIII §2(d), 1975)

**6-36-060 License; renewal.**

All commercial kennel licenses must be renewed each year between January 1st and March 1st. (Ord. 233 Art. VIII §3, 1975; Ord. 993 §15, 1993)

**6-36-070 License; fee.**

The annual license fee for commercial kennels shall be \$50.00. (Ord. 233 Art. VIII §4, 1975; Ord. 993 §16, 1993)

**6-36-080 License; issuance; conformance required.**

Upon finding that a kennel license application or renewal is in order and that the license fees have been paid, the city clerk shall issue the appropriate license. The license issued shall specify the kinds and maximum number of animals permitted to be kept, handled, or exhibited. It is unlawful for the licensee to keep, handle, or exhibit any number of animals in excess of the maximum number specified on the license. (Ord. 233 Art. VIII §5, 1975)

**6-36-090 License; refunds and transfers; replacement; fee.**

There shall be no refunds or transfers of any kennel licenses. Lost or destroyed licenses may be replaced upon application to the city clerk, and payment of a fee of \$5.00. (Ord. 233 Art. VIII §6, 1975)

**6-36-100 Maintenance standards.**

The following standards shall be maintained in all kennels:

(A) All animals shall be provided good and wholesome food and water as often as the feeding habits for such animals require;

(B) Quarters for the animals shall: provide for proper bedding, be kept in a clean and sanitary condition, be adequately ventilated, protect the animals from excessive heat and cold, shall not be overcrowded, and shall be constructed in such a manner to prevent escape therefrom;

(C) Animals shall not be without attention for more than twelve consecutive hours;

(D) The licensee shall use every reasonable precaution to ensure that animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means;

(E) Animals which are enemies by nature, or which are temperamentally unsuited, shall not be quartered together or so near to each other as to cause the animals to be in fear, or to be abused, tormented, or annoyed;

(F) Sick or diseased animals shall be isolated from healthy animals at all times, and so segregated that the illness or disease shall not be transmitted to other animals;

(G) Kennels shall be operated in such a manner as to eliminate excessive or untimely noise and excessive odors from such kennels. (Ord. 233 Art. VIII §7, 1975)

**6-36-110 License; suspension or revocation.**

The humane officer may revoke or suspend any kennel license issued under this chapter when the kennel for which such license has been issued is found to be in violation of this title or of any other applicable law. (Ord. 233 Art. VIII §8, 1975)

**6-36-120 Applicability.**

This chapter shall not apply to and shall not be construed to require a kennel license for a veterinarian to board animals receiving veterinary medical care, or to board animals which are under observation. (Ord. 233 Art. VIII §9, 1975)

**6-36-130 Commercial kennels; zoning.**

It is unlawful for any person to operate a commercial kennel except in a zoning district where such use is permitted in accordance with title 17, B.M.C., including the provisions of chapter 17-36. No commercial kennel license may be issued unless the kennel is located in a zoning district where such use is permitted in accordance with title 17, B.M.C., including the provisions of chapter 17-36. (Ord. 493 §5, 1982)

**Chapter 6-40**

**Pet Shops**

**6-40-010 License; required.**

It is unlawful for any person to maintain or to operate any pet shop within the city without first having obtained a license as required by this chapter. (Ord. 233 Art. IX §1, 1975)

**6-40-020 License; requirements.**

Sections 6-36-030 through 6-36-060 and section 6-36-080 through and including section 6-36-110 shall apply in their entirety to pet shops. (Ord. 233 Art. IX §2, 1975)

**6-40-030 License; fees.**

The annual license fee for pet shops shall be \$50.00. (Ord. 233 Art. IX §3, 1975)

**6-40-040 Confinement in one building required; outside facilities prohibited.**

Pet shops shall be confined in a building that is totally enclosed, and all animals shall be confined exclusively to that building. The pet shop may not have outside runs or pens, and none of the animals owned by the pet shop are to be harbored or housed outside of the building at any time for any reason. (Ord. 233 Art. IX §4, 1975)

**6-40-050 Sale of sick or injured animals prohibited.**

It is unlawful for any pet shop to sell or to offer for sale any sick or injured animals. (Ord. 233 Art. IX §5, 1975)

**6-40-060 Sale of weak or unweaned animals prohibited.**

It is unlawful for any pet shop to sell or to offer for sale any unweaned animal, or any animal that is so young or weak that its sale would be injurious to the animal. (Ord. 233 Art. VI §6, 1975)

**Chapter 6-44**

**Guard Dogs**

**6-44-010 Registration and rabies inoculation required.**

All guard dogs within the city shall be registered with the city, and inoculated against rabies as provided by this title. (Ord. 233 Art. X §1, 1975)

**6-44-020 Permit; required; application; requirements.**

(A) No person shall place or maintain any guard dog for the protection of persons or property within the city without first obtaining a permit therefor from the city clerk on or before the first day of March of each year or prior to the placing or keeping of such dog, and in the manner prescribed in this chapter.

(B) No permit shall be issued until a written inspection certificate has been issued by the humane officer certifying approval of the permit. The humane officer's determination as to the issuance or denial of any permit shall be based upon the standards and requirements for guard dogs and for the placement and keeping thereof as established by this chapter. Any certificate of approval shall certify that the guard dog and the premises wherein

such dog is to be placed or kept are in compliance with the standards and requirements established by this chapter. Any certificate of denial shall set forth the reasons for such denial.

(C) All permit applications shall be filed upon forms provided by the city clerk, and shall include the following information:

- (1) Name, address, and telephone number of the owner or person in charge of the dog and of the responsible person who can be reached during an emergency at times other than regular business hours;
- (2) The location where such dog is to be placed or kept;
- (3) The approximate length of time the dog will be patrolling the subject area;
- (4) The name, address, and telephone number of the owner of the premises wherein such dog is to be placed or kept;
- (5) The city rabies tag number for the dog;
- (6) The humane officer's certificate, which shall be attached to the application; and
- (7) Such other information as the city clerk may reasonably require. (Ord. 233 Art. X §2, 1975; Ord. 993 §20, 1993)

**6-44-030 Permit; renewal.**

All guard dog permits shall be renewed each year between January 1 and March 1. (Ord. 223 Art. X §3, 1975)

**6-44-040 Permit; fee.**

The annual permit fee for each guard dog shall be \$1.00. (Ord. 233 Art. X §4, 1975)

**6-44-050 Permit; issuance; contents.**

Upon finding that a permit application or renewal is in order, the city clerk shall issue the appropriate permit. The permit issued shall specify the city rabies tag number of the dog and the location where such dog is to be placed or kept. (Ord. 233 Art. X §5, 1975)

**6-44-060 Permit; transferability; refunds.**

There shall be no permit fee refunds, and permits shall not be transferable to any other location or to any other dog. (Ord. 233 Art. X §6, 1975)

**6-44-070 Permit; revocation or suspension.**

The humane officer may revoke or suspend any guard dog permit issued under this chapter when such permit is found to be in violation of this title or any other applicable law. (Ord. 233 Art. X §9, 1975)

**6-44-080 Requirements generally.**

It is unlawful for any person to place or maintain guard dogs in any area of the city for the protection of persons and property, unless the following conditions are met:

(A) The dogs shall be confined within a building or an enclosed area adequate to ensure that they will not escape, or they shall be under the absolute control of a qualified handler at all times;

(B) Such building or enclosure shall have adequate safeguards against accidental entry by children, and against accidental and unintentional entry by any person; and

(C) Warning signs shall be conspicuously posted indicating the presence of guard dogs. Each building or enclosure shall have warning signs posted at every door, gate, or entrance, and at intervals of every 100 feet on a fenced enclosure. Warning signs shall plainly show the telephone number where some person responsible for controlling such dogs can be reached at all times. (Ord. 233 Art. X §7, 1975)

## Chapter 6-48

### Prairie Dogs

#### **6-48-010 Prairie dog policy.**

The policy of the city is to avoid adverse impacts on prairie dogs. If adverse impacts on prairie dogs cannot be avoided, prairie dogs may be relocated, removed, or exterminated in accordance with this chapter. (Ord. 1759 §1, 2004)

#### **6-48-020 Permit required.**

Any relocation, removal, or extermination of prairie dogs from private land requires a permit issued by the city. For relocation or removal to a wildlife recovery program, a permit issued by the Colorado Department of Wildlife is also required. The permit application and requirements therefor shall be in accordance with resolution adopted by the city council. (Ord. 1759 §1, 2004)

#### **6-48-030 Costs and fees.**

(A) The applicant for a permit shall pay all costs associated with the relocation, removal, or extermination of prairie dogs.

(B) The applicant for a permit for private nonresidential property or private residential lots larger than five acres shall pay a prairie dog management endowment fee of \$100.00 for each prairie dog exterminated and a fee of \$50.00 for each prairie dog either relocated to city-owned open space or removed to a wildlife recovery program. The fee does not apply to private landowners that relocate their prairie dogs on their own property or to other private property. The fee does not apply to prairie dog projects that meet the requirements of the pro forma permit set forth in The City and County of Broomfield Policies for Prairie Dog Conservation and Management. (Ord. 1759 §1, 2004)

#### **6-48-040 Notice.**

Prior to the relocation, removal, or extermination or any designation of a prairie dog release site, excluding those prairie dog projects that are addressed under the pro forma permit process outlined in The City and County of Broomfield Policies for Prairie Dog Conservation and Management, the city shall provide notice of such action as follows:

(A) In the case of relocation, removal, extermination, or designation of a release site, the city shall publish notice five days in advance of such action in a newspaper of general circulation.

(B) In the case of removal or lethal control, written notice by first-class mail or other actual notice shall be given to record landowners adjacent to the property containing the existing prairie dog site at least ten days prior to the proposed action.

(C) In the case of relocation, written notice shall be given to record landowners within 500 feet of the property containing the release site within ten days prior to the relocation. Written notice, by mail or other actual notice, shall also be given to record landowners adjacent to the property containing the existing prairie dog site proposed for relocation at least ten days prior to the proposed action.

(D) In the case of release site designation, actual notice shall be given to record landowners within 500 feet of the proposed property containing the release site at least ten days prior to any proposed action.

(E) Notice shall be posted at an existing prairie dog site and release site, if applicable, or proposed release site stating the purpose of the project at least ten days before any proposed action. A posted sign shall be not less than twenty-two inches by twenty-eight inches in size. (Ord. 1759 §1, 2004)

#### **6-48-050 Limitation of public costs.**

No government entity, including the city, shall be required to pay more than \$4,500.00 for the relocation, removal, or extermination of prairie dogs from any parcel of property or tract of land. (Ord. 1759 §1, 2004)

#### **6-48-060 Violations; penalties.**

The penalty for violation of the provisions of this chapter shall be as prescribed in chapter 1-12, B.M.C. (Ord. 1759 §1, 2004)

## **Chapter 6-52**

### **Enforcement**

#### **6-52-010 Violation; penalty.**

(A) Any person violating any of the provisions of chapter 6-20 or 6-32, B.M.C. shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction, such person shall be punishable as provided in chapter 1-12, B.M.C.

(B) Any person convicted of violating any other provisions of this title shall be punishable by a fine of not more than \$500.00 per violation. (Ord. 233 Art. XII §3, 1975; Ord. 1393 §4, 1999)

#### **6-52-020 Prosecution; knowledge not required for liability.**

For the purpose of prosecution for alleged violations of any section of this title, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of any animal in question that the animal is violating any of the sections of this title at the time and place charged, it being the purpose and intent of this section to impose strict liability upon the owner of any animal for the action, conduct and condition of that animal, in accordance with the terms of this title. (Ord. 233 Art. XII §4, 1975)