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### ANIMALS

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## Chapter 6.04

### Definitions

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#### **6.04.000 Generally.**

The words used in this title shall be construed as set forth in this chapter, unless otherwise required by the context. (Ord. 948 §1, 2005; Ord. 491 §1, 1978)

#### **6.04.010 Abandon.**

*Abandon* means the leaving of an animal by its owner or custodian without making effective provisions for its proper care. This shall include, but is not limited to, depositing or dropping off an animal on public property or on property other than that of the owner or custodian without prior permission of the property owner. (Ord. 948 §1, 2005)

#### **6.04.020 Animal, pet or domesticated.**

*Pet animal* or *domesticated animal* means dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than seventy (70) pounds, and any other species of animal which is sold or retained as a

household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this chapter.

A. *Cat* means any member of the feline species, regardless of sex.

B. *Dog* means any member of the canine species, regardless of sex. (Ord. 948 §1, 2005; Ord. 491 §1.02, 1978)

**6.04.030 Community service officer (CSO).**

*Community service officer* means any person designated by the city to enforce the provisions of this chapter or any other ordinance or law of the state pertaining to animals and shall include police officers. (Ord. 948 §1, 2005; Ord. 491 §1.10, 1978)

**6.04.040 Attack.**

*Attack* means any violent or hostile physical contact with a person or other animal or any violent or hostile behavior that confines the movement of a person, including but not limited to chasing, cornering or encircling a person. (Ord. 948 §1, 2005)

**6.04.050 Bodily injury.**

*Bodily injury* means an injury caused by an animal bite, scratch or attack whereby at a minimum the skin is broken, exterior bleeding occurs or bruised conditions arise as a direct result of the bite, scratch or attack. (Ord. 948 §1, 2005; Ord. 491 §1.08, 1978)

**6.04.060 Certificate.**

*Certificate* means a statement by a licensed veterinarian specifically describing the animal. (Ord. 948 §1, 2005; Ord. 491 §1.06, 1978)

**6.04.070 City.**

*City* means within the corporate limits of the city of Craig, Colorado. (Ord. 948 §1, 2005; Ord. 491 §1.09, 1978)

**6.04.080 Common areas of condominiums, townhouses, duplexes and apartment buildings/complexes.**

*Common areas of condominiums, townhouses, duplexes, and apartment buildings/ complexes* includes but is not limited to the yards, grounds, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways and driveways of said structures. (Ord. 948 §1, 2005)

**6.04.090 Custodian.**

*Custodian* means any person who is in possession of or is keeping, harboring or caring for any animal. (Ord. 948 §1, 2005)

**6.04.100 Guard dog.**

*Guard dog* means any dog placed within an enclosure for the protection of persons or property by attacking or threatening to attack any person found within the enclosure patrolled by such dog. (Ord. 948 §1, 2005)

**6.04.110 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. 948 §1, 2005)

**6.04.120 Humane trap.**

*Humane trap* 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. (Ord. 948 §1, 2005)

**6.04.130 Kennel.**

*Kennel* means any establishment or other place where one (1) 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. 948 §1, 2005)

**6.04.140 Livestock.**

*Livestock* means and includes any bovine animal, horse, mule, ass, sheep, goat or swine, excluding pot-bellied pigs as provided in Section 6.20.020. (Ord. 948 §1, 2005)

**6.04.150 Nuisance animal.**

*Nuisance animal* means any animal that, without intentional provocation, engages in any of the behaviors listed in Chapter 6.14. (Ord. 948 §1, 2005)

**6.04.160 Owner.**

*Owner* means any person over eighteen (18) years of age who has right of property in an animal or who harbors such animal or allows such animal to remain on his or her premises for forty-eight (48) hours or more. The parent, guardian or legal custodian of any child under the age of eighteen (18) years who owns, keeps, harbors, has custody of or cares for an animal shall be deemed to be the owner of such animal. (Ord. 948 §1, 2005; Ord. 707 §3, 1988; Ord. 609 §1(part), 1982; Ord. 491 §1.01, 1978)

**6.04.170 Possess.**

*Possess*, or any derivation thereof, means exercising physical control over any animal. (Ord. 948 §1, 2005)

**6.04.180 Premises.**

*Premises* means real property owned, rented, leased, used, kept or occupied by the animal owner. (Ord. 948 §1, 2005; Ord. 491 §1.05, 1978)

**6.04.190 Rabbits, poultry and domestic fowl.**

*Rabbits, poultry, and domestic fowl* include rabbits, pigeons, peacocks, chickens, chicks, capons, ducks, geese, turkeys, doves, squabs and all similar domestic fowl other than pet animals. (Ord. 948 §1, 2005)

**6.04.200 Rabies vaccination.**

*Rabies vaccination* means the inoculation of a dog or cat with a vaccine licensed by the United States Department of Agriculture for use in the prevention of rabies. (Ord. 948 §1, 2005; Ord. 491 §1.07, 1978)

**6.04.210 Running at large**

*Running at large* means off the premises of the owner or custodian and not under the effective control of the owner or custodian, by means of a leash, cord or chain not more than eight (8) feet in length; except that for the purpose of this definition, the *premises of the owner or custodian* shall not include the common areas of condominiums, townhouses, duplexes and apartment buildings/complexes; and any animal not under the effective control of its owner or custodian upon the common area of a condominium, townhouse, duplex or apartment building/complex, or the grounds thereof, shall be deemed to be running at large, except if the animal is confined in a motor vehicle. (Ord. 948 §1, 2005)

**6.04.220 Tether.**

*Tether* means to tie up or chain to a fixed or heavy, inanimate object so as to restrict the free movement of an animal to a distance no greater than the length of its leash or chain. (Ord. 948 §1, 2005)

**6.04.230 Vicious animal.**

*Vicious animal* means any animal that, without intentional provocation engages in any of the behaviors listed in Section 6.24.000. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §1.03, 1978)

**6.04.240 Wild animal.**

*Wild animal* means all species of animals which exist in their natural, unconfined state and are usually not domesticated. (Ord. 948 §1, 2005)

**Chapter 6.08**

**Dog Licenses and Tags**

Sections:

- 6.08.000 Stipulation; fees
- 6.08.010 License; required; fee
- 6.08.020 License application; certificate of vaccination required
- 6.08.030 License; certificate for issuance

- 6.08.040 License; receipt and tag
- 6.08.050 License tag; duplicate
- 6.08.060 License tag; nontransferable
- 6.08.070 License receipt and certificate of vaccination; exhibiting

**6.08.000 Stipulation; fees.**

The city council shall from time to time, by regulation, determine the amount of fees to be charged wherever a fee is provided for or set forth in this chapter. A copy of said regulations concerning such fees shall be on file at all times in the office of the city clerk and open for inspection by any member of the public. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982)

**6.08.010 License; required; fee.**

Any owner residing within the city whose dog is over the age of three (3) months shall, on or before the first day of April for the current year, pay to the city clerk or designee a required license fee as set forth by regulation. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §3.01, 1978)

**6.08.020 License application; certificate of vaccination required.**

Upon application for a dog license, the applicant shall exhibit to the city clerk or designee a certificate from a licensed veterinarian that the animal has been inoculated against rabies. Such certificate shall contain the following information:

- A. The name, address and telephone number of the owner or custodian of said animal.
- B. The date of inoculation.
- C. The expiration date of inoculation.
- D. The type of vaccine used.
- E. The year and series number of the rabies tag.
- F. The breed, age, color and sex of the inoculated animal. (Ord. 948 §1, 2005; Ord. 491 §§2.04, 2.05, 1978)

**6.08.030 License; certificate for issuance.**

The discounted license for neutered male dogs or spayed female dogs shall not be issued, except when presentation of a certificate to the city clerk or designee is made certifying that such dog has either been neutered or spayed. A licensed veterinarian shall issue such certificate. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §3.02, 1978)

**6.08.040 License; receipt and tag.**

Upon payment of the license fee required by Section 6.08.010, the city clerk or designee shall issue to the owner a license receipt and a numbered metal tag with the year of issuance stamped thereon for each dog so licensed. The tag, as issued, together with the tag evidencing the vaccination

of the dog, shall be attached to a collar or harness to be worn by the dog so licensed at all times. (Ord. 948 §1, 2005; Ord. 491 §4.01, 1978)

**6.08.050 License tag; duplicate.**

In the event of the loss or destruction of the original license tag, the owner of the dog shall obtain a duplicate tag from the city clerk or designee. The price of such duplicate tag shall be as set forth in the regulations adopted by the city council. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §3.03, 1978)

**6.08.060 License tag; nontransferable.**

The license tag shall not be transferable from one (1) dog to another. (Ord. 948 §1, 2005; Ord. 491 §4.02, 1978)

**6.08.070 License receipt and certificate of vaccination; exhibiting.**

It is unlawful for any person to fail or refuse to exhibit his or her copy of the dog license receipt and his or her certificate of vaccination upon demand to any person charged with the enforcement of this title. (Ord. 948 §1, 2005; Ord. 491 §4.03, 1978)

**Chapter 6.12**

**Animals Running at Large**

Sections:

- 6.12.000 Animals generally; responsibility
- 6.12.010 Cats

**6.12.000 Animals generally; responsibility.**

A. It shall be unlawful for the owner or custodian of any animal to permit the same to run, go or be at large on any street or public place within the city or upon the premises of any other person without prior written permission of such other person, except for police dogs during the performance of their duties.

B. It shall be unlawful to tether any animal on any property other than that of the owner or custodian without prior written permission of the property owner or occupant or to allow any animal tethered on the property of the owner or custodian to have access to property other than that of the animal's owner or custodian. (Ord. 948 §1, 2005; Ord. 707 §4, 1988; Ord. 520 §1(C), 1979; Ord. 491 §5.01, 1978)

**6.12.010 Cats.**

A. Cat owners are subject to the penalties and procedures as described in this title.

B. Humane traps will be provided on a deposit basis to citizens who wish to trap nuisance cats within the confines of their premises. The citizens capturing the cats shall transport cats trapped in

this manner to the city shelter, and the cats shall be subject to the procedures for impounding and disposal as described in Chapter 6.16.

C. Misuse of humane traps by placement of the same in any place other than the designated area of the user's premises or use other than that intended by this title is a violation of this title.

D. Killing, injuring or disfiguring any cat captured in this manner constitutes a separate violation of this title as described in Section 6.40.000. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §§5.02—5.06, 1978)

## **Chapter 6.14**

### **Nuisance Animals**

Sections:

- 6.14.000 Generally
- 6.14.010 Barking dog
- 6.14.020 Animals prohibited from causing damage
- 6.14.030 Female dog in estrus (heat)

#### **6.14.000 Generally.**

Any animal exhibiting behavior set forth in this section is hereby declared to be a nuisance animal. (Ord. 948 §1, 2005)

#### **6.14.010 Barking dogs.**

A. It is unlawful for any person to own, possess or keep any dog which shall disturb the peace and quiet of any person within the city by persistent or continual barking, yelping or howling.

B. In addition to the penalties provided in this title for the violation of this title, any barking dog may be seized and impounded by the CSO or any police officer, whether or not the barking dog is on or off the premises of the owner or custodian of the dog. The dog may only be released to the owner or custodian upon payment of all fees required by this title and the dog muzzled or otherwise prevented from a repetition of such continual and persistent barking, yelping or howling.

C. Any dog who has twice, within a twelve-month period, been the subject of action under this title for disturbing the peace by constant or persistent barking, yelping or howling and whose owner or custodian has pleaded guilty, no contest or been found guilty of such violation, is declared to be a public nuisance and shall be seized and impounded by the CSO or any police officer, whether or not such barking dog is on or off the property of the owner or custodian.

D. The CSO or police officer shall prepare charges in municipal court alleging the nuisance propensities of the dog, and the judge of the municipal court shall order the dog confined so as to prevent the dog from being a nuisance or shall order the dog to be humanely destroyed.

E. The owner or custodian of the dog shall be responsible for and shall pay all costs of impoundment, boarding and destruction. (Ord. 948 §1, 2005; Ord. 491 §16, 1978)

**6.14.020 Animals prohibited from causing damage.**

A. It shall be unlawful for the owner or custodian of any animal to permit said animal, with or without the direct knowledge of that owner or custodian, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, structure, part of any structure, other domestic animals or anything whatsoever upon any private property owned or occupied by a person other than the owner or custodian of such animal, or to permit or allow said animal to come into contact with a motor vehicle owned by someone other than the owner or custodian of the animal in such a way so as to cause damage to the motor vehicle when said motor vehicle is on property other than that of the animal owner or custodian, except for police dogs that accidentally cause damage during the performance of their duties. Any animal permitted to engage in the activities prohibited by this section may be impounded as provided in Chapter 6.16.

B. Any animal found trespassing or found causing damage to property as described in subsection A above may be humanely restrained by the owner or occupant of such property or by such owner's or occupant's agent for a reasonable time, during which time such owner, occupant or agent shall notify the CSO or any police officer of his or her possession of the animal, notify the owner or custodian of his or her possession of the animal, release the animal to the owner or custodian, release the animal at the site of its capture or transport the animal to the animal shelter. (Ord. 948 §1, 2005)

**6.14.030 Female dog in estrus (heat).**

A. It is unlawful for the owner or custodian of any female dog to permit the same to run at large while such animal is in the state of estrus (heat) or to permit the same to create any nuisance by attracting other animals to the premises.

B. Any unspayed dog in the state of estrus (heat) shall be confined during such time in a house or secured and enclosed building, and said area of enclosure shall be so constructed that no male dog may gain access to the confined animal. When outside the house or enclosure for waste elimination, the unspayed dog must be physically restrained by a competent person by the use of a hand-held leash. The CSO or any police officer shall order any unspayed dog that is in the state of estrus and that is not properly confined to be removed to a boarding kennel, a veterinary hospital or the animal shelter. The owner or custodian shall pay all expenses incurred as a result of the confinement. Failure to comply with the order of the CSO or any police officer shall be a violation of this chapter, and the unspayed dog will then be impounded at the animal shelter, subject to fines and charges as directed.

C. Neither the city nor any representative thereof shall be held responsible for any pregnancy occurring due to such impoundment. (Ord. 948 §1, 2005; Ord. 491 §17, 1978)

**Chapter 6.16**

**Impoundment of Animals**

Sections:

- 6.16.000 Generally
- 6.16.010 Animals separated from owner; impoundment; term
- 6.16.020 Notice
- 6.16.030 Responsibility of owner

- 6.16.040 Fees and costs; payment; release
- 6.16.050 Disposition of unclaimed animals
- 6.16.060 Spay or neuter of unaltered animals released for adoption

**6.16.000 Generally.**

Any animal in violation of this chapter or any other ordinance or law of the state may be taken into custody by the CSO or any police officer and impounded in a humane manner. (Ord. 948 §1, 2005; Ord. 491 §6.01, 1978)

**6.16.010 Animals separated from owner; impoundment; term.**

It shall be the duty of the CSO or any police officer to seize and impound in the city animal shelter, to be provided for this purpose, any animal that is found to be separated from its owner due to any reason or circumstance beyond the immediate control of the owner or custodian. If the animal has been pursued back to the owner or custodian's premises and immediate physical control cannot be established by the owner or keeper, it shall be the duty of the CSO or any police officer to impound the animal. Such impounding shall be for such length of time as in the opinion of the CSO or any police officer shall be necessary for the owner or custodian to establish and maintain control of such animal. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 540 §2, 1979; Ord. 491 §6.02, 1978)

**6.16.020 Notice.**

The CSO shall make a reasonable effort to ascertain ownership of any impounded animal and shall notify such owner as soon as possible after impoundment. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §7.01, 1978)

**6.16.030 Responsibility of owner.**

A. The owner or custodian shall, before or upon the release of the animal, pay all fees for impounding of the animal.

B. The owner or custodian shall obtain a city license for a dog if the dog is unlicensed. The license tag shall be attached to the collar or harness of the dog.

C. The owner or custodian shall provide a current rabies vaccination certificate for the animal. If the animal is unvaccinated the owner shall obtain the required vaccinations from a licensed veterinarian. The rabies tag shall be attached to the collar or harness of the dog

D. If the owner or custodian of any animal is known and does not claim the animal, the owner or custodian shall still be responsible to the city, after proper notice, for all fees and costs incurred by the impounding of said animal. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §§7.02, 7.03, 1978)

**6.16.040 Fees and costs; payment; release.**

An animal shall be released to the owner, custodian or person in control thereof upon the payment to the city clerk or designee of the required fees and costs incurred by the impounding. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 540 §1, 1979; Ord. 491 §§7.04—7.06, 1978)

**6.16.050 Disposition of unclaimed animals.**

A. Any animal held by or in the custody of the animal shelter and not reclaimed by the owner shall be held by the animal shelter for a period of time as set forth by Section 35-80-106.3, C.R.S., before it may become available for adoption or be otherwise disposed of at the discretion of the animal shelter.

B. If the animal shelter acquires the animal from the owner or custodian, the animal becomes the property of the animal shelter at the time of transfer of the animal, and the animal may be disposed of by and at the discretion of the animal shelter.

C. If the animal is abandoned, as defined in Section 6.04.010, the animal becomes the property of the animal shelter upon acquisition and may be disposed of by and at the discretion of the animal shelter.

D. The animal shelter shall be the steward of stray animals for the purposes of providing veterinary care under the direction of the shelter veterinarian. Pet animals which, in the opinion of a veterinarian or the CSO or any police officer, are experiencing pain or suffering, may be disposed of immediately through euthanasia after reasonable efforts have been exhausted to contact the owner or custodian; however, for animals with identification, the animal shelter shall exhaust reasonable efforts to contact the owner or custodian for up to twenty-four (24) hours. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §8, 1978)

**6.16.060 Spay or neuter of unaltered animals released for adoption.**

No dog or cat over eight (8) weeks of age or over two (2) pounds in weight shall be released for adoption unless such dog or cat is spayed or neutered. The licensed veterinarian at the designated city animal shelter shall perform such spay or neuter unless the adoptee presents a receipt from a licensed veterinarian showing the spay or neuter procedure is paid for and the procedure is scheduled within thirty (30) days of the date of adoption. (Ord. 948 §1, 2005)

**Chapter 6.20**

**Prohibited Animals**

Sections:

- 6.20.000 Prohibited animals
- 6.20.010 Livestock and fowl unlawful except in specified zoning districts
- 6.20.020 Pigs
- 6.20.030 Guard dogs

**6.20.000 Prohibited animals.**

A. It shall be unlawful for any person to own, have custody of, sell or in any other manner traffic in the following species of animals:

- 1. All poisonous snakes, poisonous reptiles and nonpoisonous snakes with a length greater than six (6) feet.

2. Nonhuman primates.
3. Wild animals.
4. Any other animal that is not classified as a domesticated animal.

B. Alleged domestication of any prohibited animal shall not affect its status under this section. In the event of uncertainty about whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not by a preponderance of the evidence to the satisfaction of the municipal court.

C. Nothing herein shall prohibit the bona fide activities of the following:

1. A wildlife rehabilitator, falconer or scientific collection permit holder currently licensed by the Colorado Division of Wildlife, so long as such licensee or permit holder complies with all applicable city code and zoning ordinance provisions.

2. A veterinary hospital operated by a veterinarian currently licensed by the state of Colorado which complies with all applicable city code and zoning ordinance provisions. (Ord. 948 §1, 2005)

#### **6.20.010 Livestock and fowl unlawful except in specified zoning districts.**

It shall be unlawful for any person to own or have custody of any livestock or fowl except in a zoning district where such use is permitted in accordance with the zoning ordinance. (Ord. 1007 §1, 2010; Ord. 948 §1, 2005)

#### **6.20.020 Pigs.**

A. It shall be unlawful for any person to keep, pasture, house, maintain, or harbor a pot-bellied pig within the city unless the owner or custodian registers said pot-bellied pig with the CSO within fourteen (14) days of acquiring said pig and complies with the following requirements:

1. Male pot-bellied pigs must be castrated prior to the age of four (4) months and female pot-bellied pigs must be spayed prior to the age of four (4) months.

2. Pot-bellied pigs must wear an identification tag at all times, unless they are inside the owner's or custodian's home or dwelling.

3. Notice of completion of the requirements of subsections 1 and 2 must be on file with the CSO as a requirement of registrations.

B. It is hereby declared to be a nuisance and it shall be unlawful for any person to keep, pasture or maintain in the city any pot-bellied pig weighing more than seventy (70) pounds. (Ord. 948 §1, 2005)

#### **6.20.030 Guard dogs.**

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

- A. They shall be under complete control of a handler at all times; or
- B. The dogs shall be confined to an enclosed area adequate to ensure that they will not escape; and
- C. Warning signs shall be conspicuously posted indicating the presence of guard dogs, and such signs shall plainly show a telephone number where some person responsible for controlling the guard dogs can be reached at all times. (Ord. 948 §1, 2005; Ord. 491 §§12.03—12.10, 12.12, 12.13, 1978)

## **Chapter 6.24**

### **Vicious Animals**

Sections:

- 6.24.000 Prohibited
- 6.24.010 Seizure or destruction of animal

#### **6.24.000 Prohibited.**

No one shall own, keep, harbor or possess any vicious animal within the city. Any animal exhibiting behavior set forth in this section is hereby declared to be a vicious animal. It shall be unlawful for any owner or custodian of an animal to permit or allow said animal, without intentional provocation, to:

- A. Cause bodily injury to any person at any place within the city.
- B. Approach any person in a menacing or terrorizing manner or in an apparent attitude of attack while off the owner's or custodian's property.
- C. Attack, injure or kill another animal while off the owner's or custodian's property.
- D. Attack any person who is lawfully on the owner's or custodian's property. For the purpose of this chapter, a person is *lawfully upon the private property of such owner* when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or city or the laws or postal regulations of the United States, or when he or she is on such property upon the invitation, expressed or implied, of the owner or custodian thereof. (Ord. 948 §1, 2005; Ord. 491 §§9.01, 9.02, 1978)

#### **6.24.010 Seizure or destruction of animal.**

A. Impoundment of any vicious animal found in violation of this chapter shall be at the discretion of the CSO or any police officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the CSO or any police officer to impound such animal for a period of ten (10) days, and such animal shall thereafter be humanely destroyed unless the owner or custodian of the animal, within the ten-day period, shows just cause to the municipal judge why the animal should not be destroyed. The owner of the animal shall be responsible for and shall pay all costs of impoundment, boarding and destruction of the animal.

B. Nothing in this chapter shall be construed to prevent the CSO or any police officer from taking whatever action is reasonably necessary to protect his or her person or other members of the public from injury or damage, including immediate destruction of any vicious animal without notice to the owner or custodian. The animal's owner or custodian shall have no recourse against the city or its representatives charged with the enforcement of this title. (Ord. 948 §1, 2005; Ord. 491 §§9.03—9.08, 1978)

## **Chapter 6.26**

### **Rabies Control**

Sections:

- 6.26.000 Rabies vaccination required
- 6.26.010 Rabies tag required
- 6.26.020 Loss or destruction of tag

#### **6.26.000 Rabies vaccination required.**

A. The owner or custodian of any dog or cat three (3) months of age or older shall have such dog or cat vaccinated against rabies by a licensed Colorado veterinarian. Such vaccination shall be performed on or before the appropriate anniversary date of the initial vaccination as determined by a licensed Colorado veterinarian.

B. Any person who acquired a dog or cat shall have such dog or cat vaccinated within thirty (30) days of such acquisition or within thirty (30) days after the dog or cat reaches three (3) months of age, whichever occurs later.

C. It is unlawful for any person to possess any dog or cat which has not been vaccinated for rabies as provided for in subsection A and B or which cannot be identified as having a current certificate of vaccination. (Ord. 948 §1, 2005; Ord. 520 §1(A), 1979; Ord. 491 §§2.01—2.03, 1978)

#### **6.26.010 Rabies tag required.**

A. Every owner or custodian shall maintain upon each dog a collar or harness to which its current rabies tag shall be attached.

B. No person shall affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing inoculation for any other animal. (Ord. 948 §1, 2005)

#### **6.26.020 Loss or destruction of tag.**

A. In the event of loss or destruction of the original tag provided by the veterinarian administering the inoculation, the owner or custodian shall obtain a duplicate tag from the same veterinarian upon providing proof of the vaccination by presenting the original certificate or other satisfactory proof of vaccination to the same veterinarian and requesting a duplicate tag.

B. The owner or custodian shall also report in writing to the CSO at the police department the loss or destruction of the original tag and provide the CSO with the current rabies tag number. (Ord. 948 §1, 2005)

## **Chapter 6.28**

### **Animal Bites**

Sections:

- 6.28.000 Reporting procedure
- 6.28.010 Confinement of animals which have bitten persons
- 6.28.020 Owner or custodian required to produce animals which have bitten persons
- 6.28.030 Disposition of rabies suspects

#### **6.28.000 Reporting procedure.**

A. Any person having knowledge that an animal has bitten a human shall immediately report the incident to the police department and/or to the Colorado Department of Public Health and Environment.

B. Every physician or other medical practitioner who treats a person or persons for such bites shall, within twelve (12) hours, report such treatment to the police department and/or to the Colorado Department of Public Health and Environment, giving the name, age, sex and precise location of the bitten person or persons, and such other information as the officer or agency may require.

C. Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the police department and/or to the Colorado Department of Public Health and Environment, stating precisely where such animal may be found.

D. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above. (Ord. 948 §1, 2005; Ord. 491 §§10, 11.04, 11.09)

#### **6.28.010 Confinement of animals which have bitten persons.**

A. The owner or custodian of any domesticated animal that has bitten any person so as to cause an abrasion of the skin shall immediately advise the CSO or any police officer of that fact. Any such animal shall be immediately confined for a period of ten (10) days, or longer on the advice of the attending veterinarian or the county health department. Confined animals shall have no contact with the public or with any other animal, and it shall be unlawful for any person to remove any confined animal from the designated quarantine location. Since they are not considered to be transmitters of the rabies virus, bites inflicted by rodents, rabbits, reptiles or fowl need not be reported to animal control.

B. The confinement location shall be designated by the investigating CSO or any police officer. Confinement may be on the premises of the owner or custodian if deemed appropriate at the discretion of the CSO or any police officer. If not confined on the premises of the owner or custodian, confinement will be at the animal shelter, or in any veterinary hospital or boarding kennel within the city limits. Such confinement shall be at the expense of the owner or custodian. In the

case of animals whose owner or custodian cannot be located, such confinement shall be at the animal shelter.

C. When an animal under quarantine confinement has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the CSO, any police and/or the Colorado Department of Public Health and Environment of such fact and shall advise them of any reports of human contact with such rabid animal.

D. If any animal under quarantine confinement dies while under observation, the CSO or any police officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the CSO or any police officer shall notify the application official of the Colorado Department of Public Health and Environment of any known human contact with the animal. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §§11.01—11.03, 11.07, 11.08, 1978)

#### **6.28.020 Owner or custodian required to produce animals which have bitten persons.**

A. The owner or custodian of any animal that has been reported as having inflicted a bite which caused an abrasion to the skin of any person shall, on demand of the CSO or any police officer, produce said animal for examination and confinement, as prescribed in this section. If the owner or custodian of any such animal refuses to produce the animal, the owner or custodian shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and that the owner or custodian is in possession of the animal and is willfully hiding or refusing to produce the animal upon such demand. Such person shall be taken before a judge of the municipal court, who may order the immediate production of the animal. If the owner or custodian of any such animal shall willfully or knowingly hide or refuse to produce the animal, each day of refusal to produce the animal shall constitute a separate and individual violation of this chapter.

B. It shall be unlawful to give away, sell or remove any such animal from the city or to destroy such animal before it can be properly confined by the CSO or any police officer. (Ord. 948 §1, 2005; Ord. 491 §§11.05, 11.06, 1978)

#### **6.28.030 Disposition of rabies suspects.**

Animals known to have been bitten by or exposed to a rabid animal shall be immediately destroyed, or released upon proof of current rabies immunization and “booster injection” given by a licensed veterinarian at the expense of the owner or custodian. The owner or custodian of any animal released under this section shall be required to keep said animal under quarantine for a period of six (6) months or as may be determined necessary by the Colorado Department of Public Health and Environment. (Ord. 948 §1, 2005)

### **Chapter 6.30**

#### **Health and Sanitation**

Sections:

- 6.30.000 Removal of dog feces from certain areas
- 6.30.010 Cleanliness of premises
- 6.30.020 Responsibility for reporting vehicular accidents involving animals

- 6.30.030 Death of animals
- 6.30.040 Accumulation of animals
- 6.30.050 Sale of animals

**6.30.000 Removal of dog feces from certain areas.**

When any dog defecates upon any property other than that of the owner or custodian, including common areas of condominiums, townhouses, duplexes or apartments, it shall be the duty of the owner or custodian of such dog immediately to remove and properly dispose of such feces, as outlined in Section 6.30.010. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §15, 1978)

**6.30.010 Cleanliness of premises.**

A. It is hereby declared to be a nuisance and it shall be unlawful for any person to allow the accumulation of feces on any premises owned, occupied or controlled by such person in the city, to the extent that it creates an unsanitary, offensive or unhealthy condition.

B. It shall be unlawful for any person to place animal feces in storm sewers or upon the property of another or to dispose of such feces in any manner except by depositing it in a toilet or a covered, fly-tight container normally used for garbage. (Ord. 948 §1, 2005)

**6.30.020 Responsibility for reporting vehicular accidents involving animals.**

Any person, as the operator of a motor vehicle, who strikes any animal, shall stop at once and shall immediately report such injury or death to the owner or custodian of such animal. In the event that the owner or custodian of the animal cannot be ascertained and located, the operator shall at once report the accident to the CSO or any police officer. (Ord. 948 §1, 2005)

**6.30.030 Death of animals.**

Any dead animal shall be disposed of by the owner or custodian immediately by burial outside the city limits, incineration in a state-approved facility, rendering or other state-approved means. No dead animal shall be dumped or abandoned on any public or private property, except for a governmental authorized landfill. (Ord. 948 §1, 2005; Ord. 491 §18, 1978)

**6.30.040 Accumulation of animals.**

The accumulation of animals substantially increases the likelihood of the mistreatment of animals, including starvation, neglect, cruelty and abandonment, as well as the noxious odors, health hazards and unsanitary condition of premises often accompanying such actions, as addressed in this title. Therefore:

A. No person or household shall own or have custody of more than six (6) dogs and cats, in any combination, more than four (4) months of age. State-of-Colorado-licensed kennel facilities would be excluded.

B. No person or household shall own or have custody of more than two (2) pot-bellied pigs more than four (4) months of age.

C. In addition to the limits set forth above, no person or household shall own or have custody of more than fifteen (15) small animals such as rabbits, guinea pigs, hamsters or the like more than four (4) months of age, in any combination.

D. From the date of passage of this ordinance, any person or household that has over the limit of animals set forth in subsections A, B and/or C of this section, shall be required to contact the CSO advising him or her of the total number of animals and a description of each animal. The person or household shall not increase the total number of animals beyond that total. Once the person or household reduces animals to the limit allowed, they shall not go over the limit again. (Ord. 948 §1, 2005)

**6.30.050 Sale of animals.**

No person shall display any animal in a public place for purposes of selling or giving the animal away. A *public place* shall include but is not limited to streets, highways, parking lots, areas exterior to shops or businesses, carnivals, sidewalks and flea markets. This section does not apply to a registered rescue group or animal welfare society. (Ord. 948 §1, 2005)

**Chapter 6.36**

**Diseased or Injured Animals**

Sections:

- 6.36.010 Diseased or infected animal; treatment
- 6.36.020 Diseased or infected animal; impoundment
- 6.36.030 Diseased or infected animal; destruction
- 6.36.040 Sick or injured animals

**6.36.010 Diseased or infected animal; treatment.**

Whenever it becomes necessary to safeguard the public health of the inhabitants of the city from animals which may be infected with any disease dangerous to the health of the inhabitants or other animals in the city, the mayor, if he or she deems it necessary, shall issue a proclamation requiring the owners of all animals or animal species so infected, within the city, to have such animals vaccinated or otherwise treated for such disease; and prohibiting all animals infected or suspected of being infected with such disease from running at large, for such time as shall be prescribed by a licensed veterinarian. (Ord. 948 §1, 2005; Ord. 491 §13.01, 1978)

**6.36.020 Diseased or infected animal; impoundment.**

Any animal found running at large within the city contrary to any such proclamation shall be immediately impounded separate and apart from all other animals in the animal shelter. No such animal shall be released until the impounding fees required by Section 6.16.040 have been paid and until presentation of a certificate showing the animal to be in good health and free from such disease is made by a licensed veterinarian. (Ord. 948 §1, 2005; Ord. 491 §13.02, 1978)

**6.36.030 Diseased or infected animal; destruction.**

Any unclaimed animal impounded under the provisions of Sections 6.36.010 through 6.36.020 and suffering from any such disease shall be destroyed. Any animal found running at large suffering from an incurable disease contagious to other animals and which would cause inhumane suffering to any animal so infected shall be destroyed. (Ord. 948 §1, 2005; Ord. 491 §13.03, 1978)

**6.36.040 Sick or injured animals.**

When a stray animal is sick, injured or disabled wearing city or local veterinarian tags, the CSO or any police officer shall seek proper veterinarian medical care or treatment of said animal. If a stray animal, or animal whose owner or keeper is unknown, is injured or disabled, the CSO or any police officer shall transport the animal to the shelter for treatment, if practicable. If, in the sole judgment of said officer, any animal sick, injured or disabled to the extent that further aggravation of the condition would result from transporting to a clinic, or if in the opinion of the officer, the animal should be destroyed, said officer may do so in a humane manner to prevent further suffering of the animal without recourse by the animal's owner to the CSO, police officer or the city. The owner will be responsible for all costs incurred for the treatment of the animal. (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §14, 1978)

**Chapter 6.40**

**Care and Treatment of Animals**

Sections:

- 6.40.000 Cruelty
- 6.40.010 Neglect
- 6.40.020 Unsafe tethering
- 6.40.030 Enclosed vehicle
- 6.40.040 Poisoning
- 6.40.050 Traps
- 6.40.060 Promotion of fights
- 6.40.070 Feeding of deer and other big game

**6.40.000 Cruelty.**

It shall be unlawful for any person to commit or cause to be committed any intentional act of cruelty, abandonment, harassment or torture to any animal, or intentionally cause any animal to be wounded, mutilated, strangulated or inhumanely killed. Ownership of said animal shall not be a defense to such acts or to a violation of this section. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.010 Neglect.**

It shall be unlawful for the owner or custodian of any animal to deprive such animal of adequate nutrition, potable water available at all times, proper protection from the elements and extremes in temperature, opportunity for exercise, adequate veterinary care, grooming, socialization or otherwise neglect such animal in any manner as to endanger its health or cause it to suffer. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.020 Unsafe tethering.**

It shall be unlawful for the owner or custodian of any animal to tether any animal in such a manner that the animal may become entangled and unable to reach shelter or water, or in such a manner that the animal may be injured, strangled or otherwise caused to suffer. (Ord. 948 §1, 2005)

**6.40.030 Enclosed vehicle.**

It shall be unlawful for any person who has control of any animal to confine or transport such animal in such a way that the animal is exposed to extremes in temperature or weather conditions. For the purposes of this section, the operator of a motor vehicle shall be deemed to have control of any animals riding therein. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.040 Poisoning.**

It shall be unlawful for any person knowingly to poison any domesticated animal or livestock, or to knowingly distribute or set out poison or any other toxicant anywhere within the city in any manner whatsoever that causes the poisoning of any such animal. The distribution or setting out of any poison, toxicant or poisoned meat or food, other than those specifically for insect, bat, rat, mouse or other rodent poisoning, shall be presumptive evidence of violation of this section. The poisoning of insects, bats, rats, mice and other rodents shall conform with all applicable state and federal laws. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.050 Traps.**

It shall be unlawful for any person to set or cause to be set within the city any steel jaw leghold trap, snare or any trap other than a humane trap, as defined in section 6.04.120, for the purpose of capturing any animal, whether wild or domestic. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.060 Promotion of fights.**

It shall be unlawful for any person to cause or encourage any animal to fight with another of its own species or with another of a different species. It shall be unlawful to maintain any place where animals are permitted to fight for exhibition, for wager or for sport. For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain if he or she is knowingly present at such a fight; possesses equipment used to train or condition animals for fighting; or knowingly allows any such fight to occur on any property owned or controlled by him or her. In addition to the penalties provided by this title, the CSO or any police officer may impound any animal from public or private property for the animal's well-being. (Ord. 948 §1, 2005; Ord. 609 §3(part), 1982)

**6.40.070 Feeding of deer and other big game.**

A. Except as otherwise permitted by law, it shall be unlawful for any person to intentionally place, deposit, distribute or scatter grain, hay, minerals or salt or other foods for the consumption by big game not lawfully held in captivity. For purposes of this Section, *big game animal* means any members of the deer, elk, moose or antelope families.

B. Crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices shall not be subject to this

Section, and nothing in this Section shall restrict the use of salt or mineral, in any form, in normal agricultural practices in those areas zoned for agricultural use. (Ord. 1010 §1, 2010)

## **Chapter 6.44**

### **Enforcement**

Sections:

- 6.44.010 Community service officer; created; authority
- 6.44.020 Inspections
- 6.44.030 Interference with enforcement
- 6.44.040 Authority generally

#### **6.44.010 Community service officer; created; authority.**

There is created the position of community service officer, who shall be an employee of the city, and his or her job description shall be determined by the chief of police. Any of the provisions of this title wherein the same shall refer to the community service officer as the enforcing officer thereof may, in like manner, be enforced by any officer of the city police department. (Ord. 948 §1, 2005; Ord. 491 §20, 1978)

#### **6.44.020 Inspections.**

For any violation of this title, the CSO or any police officer shall be authorized to enter upon and make an inspection of any private premises if probable cause and exigent circumstances exist. Otherwise, a search warrant must be obtained. (Ord. 948 §1, 2005; Ord. 520 §1(D), 1979; Ord. 491 §22.01, 1978)

#### **6.44.030 Interference with enforcement.**

Any person who, by word or act, resists, obstructs or impedes the CSO or police officer, or who uses threatening, abusive or opprobrious language toward such officer while such officer is engaged in the enforcement of this title, in the performance of any duty or in the exercise of any authority authorized by ordinance of the city or state law, shall be subject to the penalties set forth in this title. (Ord. 948 §1, 2005; Ord. 491 §22.02, 1978)

#### **6.44.040 Authority generally.**

A. Nothing in this title shall be construed to prevent the CSO or any police officer or any other law enforcement officer from taking whatever action is reasonably necessary, including but not restricted to immediate destruction of an offending animal to protect his or her person or members of the public from injury by any animal.

B. The owner of such animal shall have no recourse against the officer or the city or its agents for action taken pursuant to this section. (Ord. 948 §1, 2005; Ord. 491 §23, 1978)

## Chapter 6.48

### Violations and Penalties

Sections:

6.48.010 Designated

#### **6.48.010 Designated.**

Any person who violates any provision of this title where no other penalty is specifically provided or fails to perform any duty enjoined upon such person where no other penalty is specifically provided, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00), or by confinement in the county jail for not more than ninety (90) days, or by both such fine and confinement, subject to the mandatory minimum fines set forth in this chapter which the municipal judge shall not have discretion to suspend or reduce, as follows:

A. Conviction for violation of any of the following:

1. Chapter 6.08, Dog licenses and tags.
2. Chapter 6.12, Animals Running at Large.
3. Chapter 6.14, Nuisance Animals.
4. Chapter 6.20, Prohibited Animals.
5. Chapter 6.26, Rabies Control.
6. Chapter 6.30, Health and Sanitation.
7. Section 6.40.030, Enclosed Vehicle.

For first offense, a fine of fifty dollars (\$50.00) on a penalty assessment ticket. For second and subsequent offenses of any of the offenses within a twelve-month period, a court appearance and a fine of not less than one hundred dollars (\$100.00).

B. Conviction for violation of any of the following:

1. Chapter 6.16, Impoundment of Animals.
2. Chapter 6.24, Vicious Animals.
3. Chapter 6.28, Animal Bites.
4. Chapter 6.36, Diseased or Injured Animals.
5. Chapter 6.40, Care and Treatment of Animals, excluding Section 6.40.030, Enclosed Vehicle.

6. Chapter 6.44, Enforcement.

For first offense, a court appearance and a fine of not less than seventy-five dollars (\$75.00). For second and subsequent offenses, a court appearance and a fine of not less than one hundred fifty dollars (\$150.00). (Ord. 948 §1, 2005; Ord. 609 §1(part), 1982; Ord. 491 §24, 1978)