

CHAPTER XI

Animals and Fowl

Section I

Animal Control

- Sec. 11-1-1 Definitions
- Sec. 11-1-2 Licensing
- Sec. 11-1-3 Control
- Sec. 11-1-4 Rabies control
- Sec. 11-1-5 Vicious animals
- Sec. 11-1-6 Guard dogs
- Sec. 11-1-7 Impoundment
- Sec. 11-1-8 Public nuisances; duty of owner
- Sec. 11-1-9 Animal care; humane treatment
- Sec. 11-1-10 Motor vehicle accidents; animals
- Sec. 11-1-11 Interference with Animal Control prohibited
- Sec. 11-1-12 Protective custody
- Sec. 11-1-13 Animal defecation
- Sec. 11-1-14 Excess pet permits
- Sec. 11-1-15 Cooperation with other officers
- Sec. 11-1-16 Keeping of wild animals
- Sec. 11-1-17 Keeping of hogs, swine, pigs or livestock
- Sec. 11-1-18 Licensed falconers
- Sec. 11-1-19 Performing animal exhibitions
- Sec. 11-1-20 Animal waste
- Sec. 11-1-21 Sterilization of adopted animals
- Sec. 11-1-22 Wild bird sanctuary
- Sec. 11-1-23 Miscellaneous regulations
- Sec. 11-1-24 Enforcement
- Sec. 11-1-25 Penalty for violation

SECTION I

Animal Control

Sec. 11-1-1. Definitions.

As used in this Section I of Chapter XI, the following words have the following meanings:

Animal means either a *pet*, *livestock* or *wild animal*, all as defined herein.

Animal Control Officer means a peace officer so designated by law, the ordinances of this Town, or by written order of the Chief of Police, to enforce the provisions of this Section I of Chapter XI.

Animal establishment means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

Animal shelter means a facility in which to impound animals held by the Town, or a humane society, pursuant to contract, acting for the Town.

At large means off the premises of the owner and not under the control of the owner.

Bodily injury means physical injury to the body or person of a human being.

Circus means a commercial variety show featuring animal acts for public entertainment.

Control means physical restraint by use of a leash or lead.

Dwelling unit means one (1) or more rooms and a single kitchen designed for or occupied as a single unit by one (1) family.

Humane Officer means any person designated by law or ordinance, or by a humane society under contract with this Town, to perform the duties therein or herein designated.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or trailing for a fee.

Leash and *lead* mean a thong, cord, rope, chain or similar device which holds an animal in restraint and which is not more than six (6) feet long.

Livestock means cattle, bison, mules, burros, llamas, ostriches, horses, swine, sheep, goats, poultry and rabbits.

Neighborhood means the area within five hundred (500) feet of the exterior boundaries of the premises where the animal is kept.

Owner means any person, partnership or corporation owning any animal or animals, or having the same in his, her or its care, custody or control; or who shall cause, encourage or suffer the same to remain upon their premises for a period of three (3) consecutive days or more.

Performing animal exhibition means any spectacle, display, act or event, other than a circus, in which performing animals are used.

Pet means any nonvenomous species of reptile and any domestic dog, domestic cat, rodent, primate or bird over the age of six (6) months; provided, however, that members of the order *Crocodylia* (e.g. crocodiles, alligators, etc.), gorillas, orangutans, baboons, chimpanzees, members of the class apes, order *falcons* (e.g. hawks, eagles, vultures, etc.), and animals defined as *livestock* herein, shall not be considered to be *pets* for the purpose of this Chapter.

Pet shop means the premises of any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys, sells or boards animals.

Premises means real property owned, rented, leased, used, kept or occupied by a person or persons, partnership, corporation or governmental unit howsoever described.

Public nuisance means any animal that:

- a. Menaces or attacks persons or vehicles;
- b. Menaces or attacks other animals;
- c. Goes upon school premises without the permission of the person in charge thereof;
- d. Is at large;
- e. Damages private or public property;
- f. Barks, whines, howls or makes any other noise in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any person or persons;
- g. Being a female animal in heat, because of the nature of its confinement or lack of the same, has attracted other animals and caused them to congregate or remain on or about any premises; and
- h. Any other act or condition in this Chapter XI, §I, designated as a public nuisance.

Rabies vaccination means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health.

Town means the Town of Eaton, Colorado.

Trap means any device used to contain or capture an animal.

- a. *Humane trap* means any trap which does not cause injury to the animal trapped.
- b. *Inhumane trap* means any trap which causes injury to the animal trapped.

Veterinary hospital means any premises upon which a licensed veterinarian performs surgery, makes diagnoses and treats diseases of and injuries to animals.

Wild animal means any monkey (nonhuman primate), raccoon, skunk, poisonous snake or reptile, jaguar, cheetah, mountain lion, wildcat, panther, margay or any other species of cats other than ordinarily domesticated house cats, any bear, any nonpoisonous snake longer than six (6) feet, any crocodile or alligator longer than one (1) foot, any badger, prairie dog, beaver, muskrat or bat, or any

wolf, coyote, fox, or other species of canine other than ordinarily domesticated dogs. (Ord. 362 §2.1, 1980; Ord. 442, §2, 1994; Ord. 535 §1, 2006)

Sec. 11-1-2. Licensing.

Except as hereinafter otherwise provided, any person within this Town owning, keeping, harboring or having custody of any dog over the age of six (6) months shall obtain a license for such animal in the manner hereinafter specified.

(1) Application; time for application. An applicant for such license shall apply for a license within thirty (30) days after having become the owner of, or after having begun to keep, harbor or have custody of, any such dog, or within thirty (30) days after such dog is brought into this Town; provided, however, that this requirement does not apply to a nonresident keeping a dog within the Town for not longer than sixty (60) days.

(2) Application; contents.

a. An applicant for such license may apply to the Town Clerk. Such application shall be upon forms provided by the Town and shall contain at least the following information:

1. The name, address and telephone number (if any) of the owner.
2. The "call-name," breed, age, color and sex of the animal.

b. Such application shall be accompanied by:

1. A valid rabies vaccination certificate issued by a licensed veterinarian, which certificate shall contain at least the following information:

- a) The name, address and telephone number (if any) of the owner of the vaccinated dog;
- b) The date of said vaccination;
- c) The date of expiration of said vaccination;
- d) The type of rabies vaccine used;
- e) The year and number of the rabies tag;
- f) The breed, age, color and sex of the vaccinated dog; and
- g) The signature of the veterinarian administering the vaccine/

2. The license fee hereinafter required.

(3) License issuance. A license shall not be issued if the vaccination expires prior to December 31 of the licensing year. Upon acceptance of the completed license application and receipt of the said rabies vaccination certificate, and after payment of said license fee, the Town Clerk shall issue a durable tag stamped with an identifying number and year of issuance. The license is an annual license for the period beginning on January 1 of each year and expiring on December 31 of said year; provided, however, that any person applying for such a license during the month of December of any year is not required to obtain an additional license for the immediately following license year nor to

pay an additional license fee therefor; and provided further that any dog released from impoundment to the owner shall first have been duly licensed as hereinabove provided, regardless of age.

(4) License use.

a. Dogs shall wear said tags at all times while outside of the owner's premises.

b. No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued.

(5) Duplicate license. A duplicate license may be obtained upon payment of a fifty-cent replacement fee.

(6) Records. The Town Clerk shall maintain a record of all tags so issued, and such record may be inspected by the public at reasonable and convenient times during regular business hours but in such a manner as not to interfere unduly with the regular business of said offices.

(7) License fees.

a. For each non-neutered male dog, the license fee is ten dollars (\$10.00).

b. For each non-spayed female dog, the license fee is ten dollars (\$10.00).

c. For each neutered male dog, the license fee is five dollars (\$5.00).

d. For each spayed female dog, the license fee is five dollars (\$5.00).

e. For each seeing-eye dog, hearing-aid dog or governmental police dog, the license fee is fifty cents (\$0.50).

(8) Proof of neuter or spay. For any owner to avail himself or herself of the license fee for neutered male dogs or spayed female dogs, he or she shall first present to the Town Clerk a certificate signed by a veterinarian stating that the dog identified therein has been neutered or spayed.

(9) Revocation of license. The Animal Control Officer may, after reasonable notice and opportunity for hearing, revoke a previously issued license if:

a. The applicant has knowingly made any material misrepresentation in the license application.

b. Any violation of any provision of this Chapter is not corrected within thirty (30) days after written notice thereof has been mailed to the license holder (applicant). Said notice is complete upon mailing.

c. The applicant has been convicted of a violation of Section 11-1-9 of this Section I of Chapter XI, and in such case no new license may be issued to said owner. (Ord. 362 §2.2, 1980)

Sec. 11-1-3. Control.

(a) Animals subject to impoundment. Any animal that constitutes a public nuisance or is at large may be taken by the Animal Control Officer, the police or Humane Officer and impounded in the animal shelter.

(b) Medical treatment for injured animals. Animals killed or injured on or along public streets are deemed to have been running at large; and the Animal Control Officer, the police or the Humane Officer may remove such animals therefrom and in his or her discretion may take those needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall pay the Town for the cost thereof, which cost may, if the owner refuses to pay therefor, be recovered by a personal civil action by the Town against the owner. The Town is not and will not be liable for the costs of treatment for such animals.

(c) Animals running at large. All animals shall be kept under control. No owner of any animal shall permit such animal to run at large within the Town. If any animal shall be found at any place within the Town other than upon the premises of its owner, the owner is rebuttably presumed to have violated this Section.

(d) Disturbance of peace and quiet. No owner of an animal in the Town shall permit such animal to disturb the peace and quiet or the quiet enjoyment of the premises of any family, individual or neighborhood by barking, whining, howling or making any other noise in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any person or persons.

(e) Animals in heat. An Animal Control Officer, the police or the Humane Officer may order any unspayed female dog that is in a state of estrous (heat) and is not properly confined, or any such animal that is creating a public nuisance, to be removed to a boarding facility or a veterinary hospital until the period of estrous is finished. All expenses incurred as a result of said order shall be paid by the animal's owner. Failure to comply with such an order is a violation of this Section, and the animal may be impounded at the owner's expense.

(f) Damage to property. Any animal owner whose animal, whether or not running at large, destroys, damages or injures any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public property or upon private property when permission of the owner or tenant of said property has not been obtained, is in violation of this Section, and the same is a public nuisance. (Ord. 362 §2.3, 1980; Ord. 429 §1, 1992)

Sec. 11-1-4. Rabies control.

(a) Inoculation required. The owner of every dog and cat over the age of six (6) months shall cause such dog or cat to be inoculated against rabies, and said owner shall obtain from a licensed veterinarian a rabies vaccination certificate containing the information required above in Paragraph 11-1-2(2) above.

(b) Reporting animal bites. The owner of any animal that bites a human being shall report the occurrence to the Animal Control Officer when known to him or her or reported to him or her, shall deliver the animal to an Animal Control Officer and shall provide such further information requested by the Animal Control Officer.

(c) Quarantine of dangerous animals. Any animal that bites a human being shall be quarantined pursuant to one (1) of the following procedures for a period of not less than ten (10) days:

(1) If the owner of the animal shows a valid rabies vaccination certificate and provides written assurances that the animal shall be and remain quarantined, the animal may be quarantined on the owner's premises; or

(2) In any other event, the animal shall be quarantined at the animal shelter or at a veterinary hospital at the expense of the owner.

(d) Handling rabies cases.

(1) Every person having knowledge thereof shall report to the Animal Control Officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.

(2) No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the Animal Control Officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal.

(3) No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the Animal Control Officer.

(e) Destruction of rabid animals. If rabies has been diagnosed by a veterinarian or medical doctor in any animal, such animal shall be summarily destroyed and its brain sent immediately to the State Health Department in Denver for positive verification, at the owner's expense, or the animal or its body may be disposed of according to law, regulation or order of said Department of Health.

(f) Animals without incubation period. If a standard rabies incubation period has not been established for a particular species of animal and any animal of that species has been diagnosed as rabid or is reasonably suspected of being rabid, it shall be summarily destroyed, and if involved with another animal or human, a necropsy shall be performed to determine whether the other animal is contaminated by rabies.

(g) Area-wide quarantine. When there has been a positive diagnosis of rabies within the Town, the Chief of Police may declare a Town-wide quarantine for a reasonable period of time not to exceed six (6) months. During the period of such quarantine, every owner of animals shall confine his or her animals within the premises of the owner and shall not transport, take or remove his or her animal from the Town without the prior written consent of the Animal Control Officer. (Ord. 362 §2.4, 1980)

Sec. 11-1-5. Vicious animals.

(a) *Vicious animal* means:

(1) Any animal with a prior record of having attacked or bitten a human being or domestic animal.

(2) Any animal which, because of its vicious propensity as determined by law or code enforcement authority by prior warning to the owner, is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance.

(3) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.

(4) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.

(b) No person shall own, keep, harbor or possess any vicious animal in the Town; provided, however, that an animal shall not be deemed a vicious animal because it has attacked or bitten any of the following persons:

(1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept.

(2) Any person engaged in the unlawful entry into the animal owner's automobile or other vehicle wherein such animal is confined.

(3) Any person engaged in attempting to stop a fight between such animal and another animal.

(c) For the purpose of this Section, 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 Town, or the law or postal regulations of the United States, or when he or she is on such property at the invitation, expressed or implied, of the owner thereof.

(d) It is the duty of the code enforcement officer, police officer or other designated officer of the Town to investigate all complaints concerning vicious or dangerous animals. After such investigation, the officer shall determine whether such animal is vicious or dangerous.

(e) If the code enforcement officer or any such police officer of the Town deems an animal to be vicious, he or she may issue a written warning to the owner of such animal stating his or her determination that such animal is vicious, and shall request the owner to comply with requirements (f) through (i) below for vicious animals.

(f) Confinement. The owner of a vicious animal shall not suffer or permit the animal to go unconfined. A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(g) Leash and muzzle. The owner of a vicious animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or other animal.

(h) Signs. The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(i) Insurance. Owners of a vicious animal must provide proof to the Town Clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious animal. (Ord. 362 §2.5, 1980; Ord. 535 §1, 2006)

Sec. 11-1-6. Guard dogs.

(a) Definition. As used in this Section, the words *guard dog* mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by

said dog, and that is either securely enclosed within that area at all times or is under the continuous control of a trained handler.

(b) No person shall place or maintain guard dogs in any area for the protection of persons or property unless and until the following provisions have been met:

(1) Every such person shall have applied for and received a guard dog permit for each premises where guard dogs are proposed to be used. Applications for such permits shall be made to the Chief of Police. The Chief of Police shall establish the procedures for permit applications, inspection of guard dog facilities and issuance of guard dog identification tags.

(2) Permits for both permanent and temporary locations may be transferred to a new location operated by the same permittee during the same permit year; provided, however, that no such transfers are effective before the Chief of Police or his or her designee has inspected and approved the required facilities at the new location. No such transfer shall be granted until five (5) working days have expired from the date of the application for transfer.

(3) Permit applications shall include at least the following information:

a. The name of the applicant;

b. The address of the applicant;

c. The name and address of the person who is handler of the guard dog; and

d. The address and legal description of the premises where such guard dogs are proposed to be used.

(4) Every applicant for such permit or transfer must pay a fee of twenty-five dollars (\$25.00) per guard dog plus all other applicable license fees.

(5) All gates and entrances to the area where the guard dog is housed, used or trained shall be kept closed and locked when not in use.

(6) Additional measures determined necessary by the Chief of Police or his or her designee to protect the public from accidental contact with the guard dog shall be taken by the permittee.

(7) Where guard dogs are to be used outside of buildings, the permittee must enclose the area guarded with at least a ten-foot-high chain link fence, to which anti-escape devices have been added, which devices are determined by the Chief of Police or his or her designee as necessary to protect the public from accidental contact with the guard dog.

(8) The Chief of Police or his or her designee may also require the permittee to erect and maintain a sight barrier which breaks the guard dog's line of vision.

(9) In buildings where guard dogs are to be used, the Chief of Police or his or her designee may require the permittee to provide protective measures to ensure that guard dogs cannot jump through exterior glass windows, doors or other such openings in the exterior walls of such buildings.

(10) The Chief of Police or his or her designee may require the permittee to post the building and yard where a guard dog is to be used with signs reading "DANGER! GUARD DOG!" Such signs

shall be printed with letters not less than two (2) inches high and shall be first approved by the Chief of Police or his or her designee. The Chief of Police or his or her designee may also require such signs to be illuminated at night and to the degree they deem necessary to ensure that they are readily visible and readable. Such signs shall be posted not more than one hundred (100) feet apart along the perimeter of said premises and shall be posted at all premises corners and every entrance into said building yard.

(11) Vehicles used in transporting guard dogs must be modified and screened to the satisfaction of the Chief of Police or his or her designee to protect the public from accidental contact with the guard dog.

(12) The permittee agrees and consents to the entry of the premises in which guard dogs are used, by the Chief of Police or his or her designee, for the purpose of ascertaining whether the provisions of this Section have been and are being complied with.

(13) Any guard dog found in violation of this Section or this Chapter XI, Section I, shall be immediately impounded by the Chief of Police or his or her designee. The owner, handler, keeper or other person charged with the possession of said dog may be prosecuted for violation of this Section or Chapter.

(14) As an express condition precedent to the granting of any permit under this Section, every proposed permittee shall obtain at his or her own expense a policy of insurance, issued by a company authorized to do business in Colorado, insuring the permittee, the Town and the Town's agents and employees enforcing this Chapter XI, Section I, and protecting, defending and holding harmless the Town and its said agents and employees from and against claims, suits and demands, whether frivolous or otherwise, caused by or arising out of injury, death or property damage, to third persons, caused by permittee's guard dog or dogs. Said policy shall be in the minimum amount of five hundred thousand dollars (\$500,000.00) for injury or death of any one (1) person and one million dollars (\$1,000,000.00) for injuries or deaths in any one (1) occurrence or incident, and said policy shall also provide for said third person property damage coverage in the amount of five thousand dollars (\$5,000.00). Such policy shall have been exhibited to and received the written approval of the Town Administrator. A copy of such approved policy shall contain a provision that thirty (30) days' advance notice of any cancellation thereof shall be given by the insurance company in writing to the Town Clerk and the Chief of Police.

(15) If the Chief of Police is satisfied that the provisions of this Section and said conditions precedent have been met and fully complied with, he or she may issue said permit; provided, however, that the Chief of Police may append to such permit any other provisions or conditions which he or she deems necessary to protect the public safety.

(16) Any permit issued pursuant to this Section may be revoked, after notice and an opportunity for hearing, for failure to comply with the provisions and conditions of this Section, for failure to comply with the provisions of said permit, for willful falsification of the application for said permit, for fraud upon the Town, or for other violation of this Chapter XI, Section I, after having been given thirty (30) days in which to cure said other violations and having failed to do so.

(c) This Section 11-1-6 does not apply to governmental guard dogs. (Ord. 362 §2.6, 1980)

Sec. 11-1-7. Impoundment.

(a) Animals subject to impoundment. Any animal which constitutes a public nuisance as herein defined, which has or is suspected of having rabies, or which is found running at large or otherwise in violation of this Chapter XI, Section I, shall be taken into the custody of the Animal Control Officer, Humane Officer or any police officer, and shall be humanely impounded in the animal shelter.

(b) Disposition of impounded animals.

(1) Immediately upon impounding any animal, the Animal Control Officer shall post notice of such action in a public place at the Town Hall. The officer shall also mail notice to the owner of such animal at the owner's last known address as indicated on the most recent license application, unless verbal notice of impoundment is given to the owner or another person of suitable age and discretion who resides with the owner. Said notice shall be effective upon mailing.

(2) In no event shall any animal be disposed of prior to the expiration of seventy-two (72) hours after said notice has been given as provided above, or, in the event the owner is unknown, after expiration of seventy-two (72) hours after impoundment; provided, however, that such animal may be disposed of at any time pursuant to the direction or authorization of state or other health authorities.

(3) Any animal not reclaimed by its owner within the time heretofore established in Paragraph (2) above may be humanely euthanized or adopted.

(c) Release of impounded animals.

(1) An Animal Control Officer or Humane Officer shall not release, except to a veterinarian, any animal which is dangerous or shows symptoms of rabies or other infectious or contagious diseases.

(2) An unlicensed dog shall not be released until such animal has been duly licensed and vaccinated for rabies. Upon receipt of an immunization deposit, however, such animal may be released in order that it may be immunized. Upon proof that such animal has been duly immunized within five (5) working days after such release, the Town Clerk shall refund such immunization deposit.

(3) An animal shall be released only upon compliance with the above requirements and payment of all applicable charges and fees.

(d) Owner's liability for fees.

(1) An owner reclaiming an impounded animal shall be assessed the costs incurred on behalf of such animal for care, subsistence, custody, impoundment and all other fees and charges as fixed in this Chapter XI, Section I.

(2) The owner of an impounded animal remains personally liable for all impoundment and subsistence fees, notwithstanding that the owner may abandon the animal, or the animal is adopted or euthanized. Failure to pay said fees is a violation of this Chapter XI, Section I.

(e) Ownership of unclaimed animals. Any animal not duly reclaimed within seventy-two (72) hours after notice has been given pursuant to Paragraph (b)(2) above by its owner becomes and is the property of the Town, and the owner is deemed to have abandoned the animal and forfeited his or her rights thereto and has no cause of action against the Town or its employees as a result thereof. (Ord. 362 §2.7, 1980)

Sec. 11-1-8. Public nuisances; duty of owner.

The Town Board hereby finds, determines and declares that the following animals are detrimental to the public health, safety and welfare of the inhabitants of the Town, and hereby finds, determines and declares each such animal to be a public nuisance. Any animal that:

- (1) Menaces or attacks persons or vehicles;
- (2) Attacks other animals;
- (3) Goes upon school premises without the permission of the person in charge thereof;
- (4) Is at large;
- (5) Barks, whines, howls or makes any other noise, in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any such person or persons.
- (6) Being a female in heat, because of the nature of its confinement or lack of the same, has attracted other animals and caused them to congregate or remain on or about any premises;
- (7) Has not been duly licensed or vaccinated as required by this Chapter XI, Section I;
- (8) Has been abandoned;
- (9) Is not under control as required by this Chapter XI, Section I;
- (10) Damages public property or private property not owned by the owner;
- (11) Has contracted rabies or other contagious or pestilential disease and is not under the care of a veterinarian;
- (12) Is a vicious animal;
- (13) Is tied or otherwise physically fastened to any object on public property and the owner has departed from the immediate vicinity or location where the animal has been physically fastened; or is on private property and is tied or fastened so as to create an immediate danger to the physical well-being of the animal or any person.
- (14) Is on premises open to the public where food or beverages are prepared, stored or sold; provided, however, that this Paragraph does not apply to seeing-eye dogs or dogs trained as ears for the deaf and in use for such purposes at the time;
- (15) Defecates upon public property or private property not owned by the owner, and such excreta is not immediately removed by the owner at that time.
- (16) Is a domesticated animal and is found in a public park, either on a leash or unleashed. This Paragraph does not apply to seeing-eye dogs, government-owned animals or animals participating in shows or exhibits that are conducted in compliances with official sanctioned activities. (Ord. 362 §2.8, 1980)

Sec. 11-1-9. Animal care; humane treatment.

It is unlawful for any person to:

(1) Fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal;

(2) Physically abuse any animal;

(3) Torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, bull fight or other combat between animals, or between animals and humans;

(4) Abandon an animal (in this context, *abandon* means to leave the animal unattended for more than forty-eight (48) consecutive hours);

(5) Intentionally or maliciously kill or injure any animal, unless such act is necessary to defend a human being or other animal from immediate attack or as otherwise authorized by law or ordinance;

(6) Confine any animal within a parked, closed vehicle, without allowing cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death; and under no circumstances shall such person confine such animal in any parked, closed vehicle on any public street or way for more than one (1) hour. Any Animal Control Officer or police officer observing any animal kept in violation of this Paragraph may enter said vehicle, leaving written notice in said vehicle, and shall impound such animal to protect its well-being. Any such officer making an entry into any such vehicle for the purposes of this Paragraph is immune from suit or liability, criminal or civil, for, caused by or arising out of such entry;

(7) Keep any animal in his or her custody for more than twelve (12) consecutive hours without providing for the animal's physical needs;

(8) Take and deliver to the Animal Shelter or elsewhere an animal, not his or her own, from any enclosed lot, premises or other building not his or her own, unless he or she shall have first received permission from the owner of such animal, as well as the owner or person in possession of said premises, or as otherwise authorized by this Chapter XI, Section I;

(9) Without the consent of the owner, release any dog from restraint except when necessary to preserve the life of such dog; provided, however, that when a dog has been released under such necessity, the person making such release shall immediately inform an Animal Control Officer that he or she has done so or, in the alternative, shall immediately return the dog to the custody of its owner;

(10) Tie or otherwise physically fasten an animal to any object on a public way, or so near to a public way that the animal may go upon the same, and to leave the animal and depart the immediate vicinity thereof;

(11) Tie or otherwise physically fasten any animal in such a manner as to create an immediate physical danger to the well-being of the animal;

(12) Expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof and be poisoned thereby; provided, however, that this Paragraph does

not make unlawful the poisoning of rats or mice with commercial rat poison mixed with vegetable substances;

(13) Set any type of steel-jaw trap or any other inhumane trap which, by its nature, may kill or maim any animal, including a human; provided, however, that this Paragraph does not prohibit the use of common rat and mousetraps. (Ord. 362 §2.9, 1980)

Sec. 11-1-10. Motor vehicle accidents; animals.

Any person who, while driving a motor vehicle, strikes or injures any domestic animal shall:

- (1) Stop immediately and, if safe to do so, render assistance to the animal; and
- (2) Immediately report the accident to the owner of the animal; or
- (3) If, after a reasonable search, said driver cannot locate the owner, immediately report the accident to the Animal Control Officer or the police. (Ord. 362 §2.10, 1980)

Sec. 11-1-11. Interference with Animal Control prohibited.

No person shall knowingly resist, oppose, obstruct or interfere with any Animal Control Officer or police officer acting within the scope of his or her authority under this Chapter, or by threats or otherwise to intimidate or attempt to intimidate any such Animal Control Officer or police officer in the discharge of his or her official duty. (Ord. 362 §2.11, 1980)

Sec. 11-1-12. Protective custody.

(a) Any animal found receiving inhumane treatment as described in Section 11-1-9 above may be removed and impounded at the expense of the owner by the Animal Control Officer, a police officer or the Humane Officer.

(b) Any animal whose life reasonably appears to be endangered may be so removed and impounded, whether or not in the presence of its owner. (Ord. 362 §2.12, 1980)

Sec. 11-1-13. Animal defecation.

(a) Any owner taking the animal upon any public way or other public property in the Town shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal.

(b) Any owner taking any animal upon any private property other than his or her own shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal. (Ord. 362 §2.13, 1980)

Sec. 11-1-14. Excess pet permits.

(a) Permit required. No person or owner or household shall keep more than two (2) pets of a single specie without having first applied for and received a valid permit therefor. Such permits shall be valid for one (1) year, unless sooner revoked as provided in this Chapter XI, Section I. For the purposes of this Chapter, every premises so used requires a separate permit.

(b) Permit application, contents. An application for such permit shall be made to the Town Clerk. Said application shall contain at least the following information:

- (1) The name and address of the person or owner making the application.
- (2) A legal description of the property upon which said excess pets are to be kept.
- (3) The zoning district within which said excess pets are to be kept.
- (4) The species and number of the excess pets to be kept.
- (5) A petition signed by at least one (1) adult residing in each household of eighty percent (80%) of households within two hundred fifty (250) feet of the applicant's property. Such petition shall be in the following form:

We the undersigned adult residents residing within 250 feet of the property located at: _____ do not object to the applicant having _____ at such address. (Number) (Species)

<i>Name</i>	<i>Address</i>	<i>Date of Signing</i>

Every such application shall also be accompanied by a three-hundred-dollar permit fee, which shall be nonrefundable and shall cover the costs to the Town for investigation, notices required and the hearing.

(c) Inspection and zoning compatibility. Before any permit may be issued, and periodically thereafter as deemed necessary by the Animal Control Officer, an Animal Control Officer shall conduct a physical inspection of the applicant's premises and determine whether it is in compliance with the requirements of this Chapter XI, Section I. The Animal Control Officer shall also consult with the Administrative Official of the Town to determine compliance with the Town's Zoning Code. The Animal Control Officer shall indicate on said form whether the proposed facility:

- (1) Provides adequate shelter from the elements for the pets;
- (2) Provides adequate facilities for keeping the pets on and within the premises for which the permit was requested;
- (3) Provides adequate facilities for keeping the facility clean and free of filth; and
- (4) Is not within a zone district wherein such a facility may not be kept or operated.

(d) Hearing – approved by Town Board. Once the application is complete and submitted to the Town Clerk, a hearing shall be set before the Town Board. At least ten (10) days prior to such hearing, notice indicating the date, time, place and subject of the hearing, plus a description of the subject property, must be posted on the subject premises and must be published in a newspaper of general circulation within the Town. To approve a permit, the Town Board must make the following findings:

- (1) The application is complete;
- (2) The subject property is properly zoned to allow the pets;
- (3) All the requirements of Subsection (c) above are met;
- (4) The request would be compatible with, and not adversely affect, surrounding property; and
- (5) The number and specie of pets to be kept.

(e) Denial of permit. A permit may be denied if the application and investigation show that the request does not comply with the foregoing provisions of Subsection (c) above, or if:

- (1) The applicant has made any material misrepresentations or had falsified the permit application;
- (2) The applicant, directly or otherwise, refuses to allow the Animal Control Officer to make reasonable inspection of the premises;
- (3) The applicant has been previously convicted for violations of Section 11-2-1 of this Chapter;
- (4) The proposal is prohibited by the Town's Zoning Code; or
- (5) For any other good cause.

(f) Revocation of permit. Once granted, any such permit may be revoked by the Town Board, after reasonable notice and opportunity for hearing, for the following reasons which constitute cause:

- (1) The applicant-permittee has falsified his or her application for such permit or has knowingly omitted therefrom material information;
- (2) The applicant-permittee, directly or indirectly, has refused or neglected to permit the Animal Control Officer or his or her designee to make reasonable inspections of the facility;
- (3) The applicant-permittee is in violation of this Chapter and has not corrected said violation within thirty (30) days after having been notified thereof in writing by the Animal Control Officer;
- (4) The applicant-permittee has been previously convicted for violations of Section 11-2-1 of this Chapter; or
- (5) Any other good cause.

(g) Renewal of permit. At least forty-five (45) days prior to expiration, the applicant-permittee must submit an application for renewal to be reviewed by the Town Board. The applicant shall also submit a one-hundred-dollar renewal fee. A hearing shall not be required for a renewal application. (Ord. 362 §2.14, 1980; Ord. 430 §1, 1992; Ord. 442 §1, 1994)

Sec. 11-1-15. Cooperation with other officers.

The Animal Control Officers, police officers and Humane Officers, acting under the direction of an Animal Control Officer or police officer, may enforce the provisions of this Chapter XI, Section I, and may cooperate with state, county, federal or other governmental officers, employees or agents, or enforce this Chapter XI, Section I, or laws of the other said governmental subdivisions which relate to animal

control, protection or humane treatment; provided, however, that such cooperation takes place in the Town and in the County. (Ord. 362 §2.14, 1980)

Sec. 11-1-16. Keeping of wild animals.

(a) No person shall keep or permit to be kept on his or her premises any wild animal or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee; provided, however, this Section does not apply to zoological parks, performing animal exhibitions or circuses, elsewhere regulated by the provisions of this Chapter XI, Section I, the ordinances of the Town and state law.

(b) No person shall keep or permit to be kept any adult wild animal as a pet unless such person shall have received from the State Wildlife Department or a corresponding department or agency of the United States Government a permit or license therefor.

(c) The Animal Control Officer has the authority to order any person or owner to release any wild animal kept or permitted to be kept in violation of this Chapter XI, Section I. Any person or owner refusing or neglecting to obey such order immediately is in violation of this Chapter XI, Section I, and shall be punished accordingly. (Ord. 362 §2.17, 1980)

Sec. 11-1-17. Keeping of hogs, swine, pigs or livestock.

It shall be unlawful for any person to keep any hog, pig, swine or livestock within the limits of the Town except where expressly permitted by action of the Board of Trustees and only when covenants of a particular subdivision permit such animals. (Ord. 508 §2, 2003)

Sec. 11-1-18. Licensed falconers.

State or federally licensed falconers may keep birds of prey on their premises, provided that said birds of prey are maintained according to state and federal laws and regulations, and are confined or controlled to preclude their posing a threat to persons or animals within the Town. (Ord. 362 §2.18, 1980)

Sec. 11-1-19. Performing animal exhibitions.

(a) No person or owner is permitted to exhibit any animal performance in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or probably will cause, physical injury, suffering or irritation to any such animal.

(b) All equipment used on any performing animal shall fit properly and be in good working condition, and no person shall fit, affix or otherwise attach to any such animal any equipment which is not. (Ord. 362 §2.19, 1980)

Sec. 11-1-20. Animal waste.

(a) The owner of every animal shall immediately remove or cause to be removed any excreta deposited by said animal in public areas, recreational areas or private property which is not his or her own.

(b) This Chapter XI, Section I, does not limit the power of the County Health Department to enforce ordinances relating to public health and safety.

(c) No person who controls any premises where horses, mules, cattle or any of them are kept within the Town shall fail to keep all manure in a box or vault maintained upon the premises; such box or vault shall be constructed and covered or screened so that flies cannot gain access to the contents thereof; and such person shall remove or cause to be removed from such premises at his or her expense the contents of such box or vault at least once a week or more often as the Health Department may direct. No person shall place or cause to be placed in such manure box or vault any soil or garbage. The word *manure* as used herein means the excrement of all domestic animals and fowls, stable bedding, and all hay, straw, shavings, grass or weeds or leaves which have been used for stable bedding. (Ord. 362 §2.20, 1980)

Sec. 11-1-21. Sterilization of adopted animals.

No unclaimed dog, cat or other animal may be released for adoption until it shall have been sterilized; provided, however, that any such animal may be conditionally released upon deposit of the fee elsewhere herein provided; and provided further that said fee shall be refunded upon presentation of proof that the animal has been sterilized. Such proof consists of a signed certificate of sterilization from a veterinarian. (Ord. 362 §2.21, 1980)

Sec. 11-1-22. Wild bird sanctuary.

(a) The entire area within the corporate limits of the Town is a bird sanctuary for the refuge of all wild birds, except the English sparrow and starling, and all persons within the Town are urged to protect said birds and encourage their propagation.

(b) No person shall at any time within the corporate limits of the Town frighten, shoot at, wound, kill, capture, ensnare, trap, net, poison or in any other manner, kill, injure or molest any wild birds or injure the nest, eggs or young of such birds; provided, however, that this Section does not apply to English or European house sparrows or starlings, and provided further that the Chief of Police has authority to grant a permit for the killing or capturing of pigeons, sparrows or starlings when, in his or her opinion, they have become a threat to the health and safety of the neighborhood. (Ord. 362 §2.22, 1980)

Sec. 11-1-23. Miscellaneous regulations.

(a) Dangerous animals. No person shall keep or permit to be kept, owned, maintained, housed, transported or sold within the Town any animal which, as determined by the County Health Department, the state or the federal government, constitutes a danger to the public health or safety.

(b) Safety of public officers and public. Any Animal Control Officer, police officer or Humane Officer may, when reasonably necessary, to protect his or her own person or that of members of the public, immediately destroy any animal. The owner of any such animal has no recourse or cause of action against either the Town or such officers, or any of them.

(c) Colored animals. No person may possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animal as pets, playthings, novelties or gifts.

(d) Animals running at large. No horses, asses, mules, cattle, sheep, swine or goats shall be permitted to run at large within the Town, nor shall any such animals be herded or picketed upon any street, alley, ditch bank or public grounds within the Town, nor shall any such animals be picketed upon any lot or private grounds as to enable such animals to trespass upon any street, sidewalk, ditch bank, alley or public ground of the Town.

(e) Animals; impounding; police. The Chief of Police may impound any livestock running at large within the Town in a public pound provided for that purpose.

(f) Impounded animals; sale. The Chief of Police shall sell any such animal at public auction for cash after first giving five (5) days' public notice thereof. Such notice shall be given by posting written notices in two (2) public places within the Town, one (1) of which shall be posted in the Town Hall. The notice shall describe the animal so taken and impounded and the time and place of the sale of such animal. After deducting the fee of one dollar (\$1.00) for taking up the animal, one dollar (\$1.00) for feed and care of the animal for each day it may be in the public pound, and one dollar (\$1.00) for each animal impounded, the remainder of the sale price, if any, shall be paid to the owner if known. If the owner is not known, the Chief of Police shall pay the remainder of the sale price, if any, to the Town Clerk, taking a receipt therefor. The Chief of Police shall make a bill of sale for each animal sold to the purchaser thereof, and shall report monthly the amount of his or her such impounding fees, the description of the animals sold and the Town Clerk's receipts for all money paid to him or her. All fees collected by the Chief of Police under the provisions of this Section shall be paid into the Town treasury.

(g) Impounded animals; feed. In case any animal shall be at any time impounded and shall continue to be without necessary food or water for more than twelve (12) consecutive hours, any person from time to time and as often as it shall be necessary may enter into or upon any pound or corral in which any such animal shall be confined, and supply it with necessary food and water so long as it remains so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him or her from the owner of such animal. This Paragraph does not apply to animals impounded and sheltered in the Animal Shelter.

(h) Poultry, crates or coops; construction.

(1) All coops, crates or cages in which live fowl or poultry are received for transportation or are kept confined or exposed for sale on wagons or stands or by the owners of grocery stores, commission houses or other market houses, or by other persons, shall be sufficiently high so that fowl or other birds confined therein can stand erect and hold their heads upright without touching the top.

(2) Such coops, crates or cages shall be made of open slats or wire on at least three (3) sides and shall have troughs or other receptacles easy for access at all times by the birds confined therein, but so placed that their contents cannot be befouled by the fowl, and in which troughs shall be constantly kept clean water and suitable food.

(3) Such coops, crates or cages shall be kept clean and in wholesome condition. Fowl or other birds confined therein shall not be overcrowded but shall have room to move about, and shall not be exposed to undue heat or cold.

(4) Dead, injured or diseased fowl and other birds shall be at once removed therefrom.

(5) Whenever live fowl shall be received for sale or storage, they shall immediately be transferred to such coops, crates or cages as are hereinabove described.

(i) Trespass; fowl or rabbits. No person who keeps chickens, ducks, geese, turkeys, pigeons, other domestic fowl or rabbits shall permit them to go upon the premises of others and injure or damage any plants, flowers or any property thereon, or commit any nuisance thereon; and such person shall keep such fowl or rabbits upon his or her own premises. (Ord. 362 §2.23, 1980)

Sec. 11-1-24. Enforcement.

(a) The Animal Control Officer, the Humane Officer and police officers shall enforce the provisions of this Chapter XI, Section I. It is a violation of this Chapter XI, Section I, and this Section for any person to interfere with any Animal Control Officer, any police officer or any Humane Officer who is performing his or her duties pursuant to this Chapter XI, Section I, the ordinances of the Town or state law. It is a violation of this Chapter XI, Section I, for any person to fail to obey a lawful order of any such officer.

(b) Officers and agents of the Humane Society shall be provided with certificates by such Society that they are such officers and agents, in such form as the directors of such Society may choose, or with a badge bearing the name or seal of such Society, and shall, if requested, show such certificate or badge when acting officially.

(c) Any officer, agent or employee of the Humane Society of Weld County, if such society is under contract with the Town, may perform such functions as provided by said contract and by this Chapter XI, Section I, and, in performing such functions, has the same authority as an Animal Control Officer or special police officer of the Town.

It is the purpose of this Section, among other things, to authorize officers, agents and employees of the Humane Society of Weld County to enforce the provisions of this Chapter XI, Section I, to the extent provided in a current contract then in force between the Town and said Humane Society. It is also the intention of this Section that under, those circumstances, officers, agents and employees of said Humane Society shall be deemed to be, and are, "peace officers" within the meaning of the Colorado Municipal Court Rules of Procedure, for purposes of issuing summonses and complaints relating to the enforcement of this Chapter XI, Section I. Nothing in this Section or Chapter XI, Section I, may be construed to, and in no way does, limit the authority of police officers to enforce this Chapter XI, Section I.

(d) Placement of live traps; prohibited. The Animal Control Officers, Humane Officers and police officers may place and set humane or live traps for the purpose of capturing unrestrained animals on any property in the Town at the written request of the owner of such property. No person, other than said officers, shall molest or release any animal trapped therein, or bother in any way any trap set pursuant to this Section.

(e) Unauthorized traps; confiscation.

(1) No person shall use unauthorized or inhumane traps within the Town.

(2) The Animal Control Officers, police officers and Humane Officers shall confiscate and destroy all unauthorized or inhumane traps.

(3) No person using or setting unauthorized or inhumane traps has any cause of action, civil or criminal, against the Town or its officers as a result of the confiscation of such traps as hereinbefore provided.

(f) Unprovoked biting of humans.

(1) If any animal, being unprovoked, bites a human being, for the first time, the Municipal Court may prohibit the owner thereof from keeping such animal within the Town, or order the animal destroyed.

(2) If an animal, being unprovoked, bites a human being for the second or additional time, the Municipal Court shall prohibit the owner thereof from keeping such animal within the Town, or the Court shall order the animal destroyed. (Ord. 362 §2.25, 1980)

Sec. 11-1-25. Penalty for violation.

Any person who violates any provision of this Chapter XI, Section I, or commits any unlawful act defined by this Chapter XI, Section I, any person who fails to perform any act required by this Chapter XI, Section I, or any person who fails or refuses to comply with any lawful order given pursuant to this Chapter XI, Section I, is guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

	<i>Minimum</i>	<i>Maximum</i>
First offense	\$ 25.00	\$300.00
Second offense within six months	75.00	300.00
Third or subsequent offense	150.00	300.00

The minimum fines set forth shall be mandatory and shall not be suspended for any reason. Each day any violation continues shall constitute a separate offense and is punishable accordingly. Any person charged with a second or third offense shall be required to appear in Municipal Court. (Ord. 362 §2.26, 1980)