

Title 6
ANIMALS

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Chapter 6.04

Animal Licenses

Sections:

- 6.04.010 License required.
- 6.04.020 License and tag issuance.
- 6.04.030 License fee.
- 6.04.040 Animals to be vaccinated.
- 6.04.050 Dog and cat limits.
- 6.04.060 Violations.

6.04.010 License required.

A. No person shall, without first obtaining a town license therefor, own, keep or harbor any dog or cat over six months of age, except that this section shall not apply to kennels, veterinarian hospitals, pet shops, education facilities, and properly licensed commercial establishments. However, no such license shall be required for persons temporarily within the town for less than thirty days.

B. Each application for a license shall be accompanied by a certificate from a duly licensed veterinarian documenting that the subject animal has been adequately inoculated within a sufficiently recent time, with a vaccine approved by the Colorado Department of Public Health, to provide immunity from disease during the time period for which the license is issued. (Ord. 246 §96, 1988; Ord. 236 §1(part), 1987; prior code §8-48)

6.04.020 License and tag issuance.

Upon application for an animal license, the furnishing of the required certificate of inoculation, and the payment of the required fee, the town clerk shall issue an animal license which shall be numbered and also a metal tag bearing the same number as the license, which tag shall be securely attached by the owner or the custodian of the animal to the collar to be worn by the animal so licensed at all times. (Ord. 246 §100, 1988; prior code §8-64)

6.04.030 License fee.

An annual license fee for dogs and cats shall be five dollars for each spayed female or neutered male and ten dollars for each animal that has not been spayed or neutered. Upon application for the annual license written proof must be presented from a veterinarian if the lower license fee is to apply. (Ord. 571 §2, 2005; Ord. 236 §1(part), 1987; prior code §8-49)

6.04.040 Animals to be vaccinated.

It is unlawful for any person to own, keep or harbor any dog or cat over six months of age, unless proof of vaccination has been provided as required in Section 6.04.010. (Ord. 246 §95, 1988; prior code §8-47)

6.04.050 Dog and cat limits.

It is unlawful to own, keep or harbor upon any premises within the town, more than two dogs and two cats over four months of age, except for veterinarian hospitals, kennels, pet shops, education facilities and properly licensed commercial establishments. Outdoor kennel structures and exercise runs at such veterinarian hospitals,

kennels, pet shops, education facilities and properly licensed commercial establishments shall be allowed; provided, however, that such outdoor kennel structures and exercise runs shall not exceed sixteen hundred square feet in total area, and shall be located at least one hundred feet from any habitable building. Outdoor kennel structures and exercise runs are allowed as an accessory use to a dwelling unit; provided, however, that such outdoor kennel structures and exercise runs shall not exceed two hundred square feet in total area; shall be located at least twenty feet from any habitable building not on the same lot; and shall contain no more than the maximum number of dogs and cats permitted under this section. (Ord. 576 §1, 2006; Ord. 542 §1, 2003; Ord. 236 §1(part), 1987; prior code §8-50)

6.04.060 Violations.

Any person who violates any provision of this chapter, upon conviction thereof, shall be punished by a fine of not more than nine hundred ninety-nine dollars for each separate violation. (Ord. 650 §3, 2008)

Chapter 6.08

Enforcement

Sections:

- 6.08.010 Animal warden appointed.
- 6.08.020 Interference unlawful.

6.08.010 Animal warden appointed.

The town board may appoint a person to serve as animal warden and such assistants as it deems necessary. (Prior code §8-65)

6.08.020 Interference unlawful.

It is unlawful for any person to interfere with, molest, hinder or prevent the animal warden or his or her assistants from discharging their duty under this code. (Prior code §8-69)

Chapter 6.12

Animal Nuisance and Disturbance

Sections:

- 6.12.010 Prohibited animals.
- 6.12.020 Barking, howling and noise disturbance.
- 6.12.030 Nuisances designated.
- 6.12.040 Nuisance cat.
- 6.12.050 Running at large.
- 6.12.060 Animals in heat.
- 6.12.070 Herding animals prohibited.
- 6.12.080 Stock breeding prohibited.
- 6.12.090 Violations.

6.12.010 Prohibited animals.

It is unlawful for any person to maintain or keep any cattle, sheep, goats, hogs, rabbits, chickens, ducks, geese, horses or other livestock, wildlife or fowl within the town. The keeping of such animals within the town is declared to be a nuisance. (Ord. 246 §89, 1988; prior code §8-41)

6.12.020 Barking, howling and noise disturbance.

It is unlawful for any animal owner or for any person harboring or keeping any animal in the town to permit the animal to disturb the peace and quiet of any person or neighborhood by barking, whining, fighting, howling, yelping, crying or by making any other noise in an excessive, continuous, persistent, frequent, habitual or untimely manner. (Ord. 304 §1, 1994; Ord. 246 §91(part), 1988; prior code §8-45.4)

6.12.030 Nuisances designated.

A. No person shall own or keep any animal that constitutes a nuisance, defined for this section as an animal which is a safety or health hazard, materially interferes with or disrupts a person in the conduct of lawful activities at such person's home, produces or creates any unreasonable disturbance by excessive or continuing noise, threatens or molests persons, repeatedly chases vehicles, attacks other animals, damages property of another or is repeatedly at large.

B. No person shall be charged with violating this section unless written warning was given to the person by an agent or employee of the town within twelve months preceding the first date alleged as a date of violating in the complaint. Such warning is sufficient if it recites Subsection A of this section and states that a complaint has been received that an animal of which the defendant is the owner or keeper is disturbing the peace of another individual. A warning is given under this subsection if it is personally given to a person owning or keeping an animal or if it is mailed first class to such person. The town clerk shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given. (Ord. 246 §97(part), 1988; prior code §8-51)

6.12.040 Nuisance cat.

No person owning, keeping or harboring any domestic house cat shall fail to prevent the cat from damaging the property of another. (Ord. 246 §97(part), 1988; prior code §8-51.1)

6.12.050 Running at large.

A. It shall be the duty of each person who owns, keeps or harbors any animal to prevent the animal from being off the premises of such person unless the animal is on a leash, no longer than six feet, held by a person, or within a vehicle or similarly confined and without access to passersby and to physically restrain the animal from running at large when the animal is off or away from the premises of such person, and it is unlawful for such person to fail to comply with the duty.

B. Any dog or cat found running at large off or away from the premises of the person who owns, keeps or harbors it shall be taken up and impounded and disposed of in the same manner as is provided in this code.

C. It is a specific defense to a charge of violation of this section if each of the following is established:

1. The animal was within an area of land owned by the town and which was defined by signs and markers as a leash-free area;
2. The animal was accompanied by its owner or keeper and within view and voice control of such person; and
3. The accompanying owner or keeper had a leash in such person's immediate possession in a condition to be attached to the animal without undue delay.

This specific defense is not applicable if the accompanying owner or keeper has more than three dogs simultaneously unleashed or unrestrained.

D. The board of trustees by resolution may establish leash-free areas which, when so established, shall be defined by appropriate signs and markers. The board may obtain and consider recommendations of the parks and trails advisory board with respect to any establishment of a leash-free area. (Ord. 492 §1, 2002; Ord. 246 §98, 1988; Ord. 236 §1(part), 1987; prior code §8-52)

6.12.060 Animals in heat.

It is unlawful for any owner, possessor or person who keeps any female animal to permit the same to be or run at large while the animal is in estrus (in heat or in season) or to permit the same to create a nuisance by attracting other animals to the premises, and the same is declared a nuisance. (Ord. 246 §99, 1988; Ord. 236 §1(part), 1987; prior code §8-53)

6.12.070 Herding animals prohibited.

It is unlawful for any person to herd, or cause to be herded, any cow, cattle, horse, sheep or animals upon any of the streets, alleys, vacant lots or upon any public ground within the limits of the town. (Prior code §8-39)

6.12.080 Stock breeding prohibited.

It is unlawful for any person to keep, maintain or operate within the town, any stable, corral, shed, building or other place for the purpose of breeding stock, or the handling of stallions for breeding purposes. (Prior code §8-40)

6.12.090 Violations.

Any person who violates any provision of this chapter, upon conviction thereof, shall be punished by a fine of not more than nine hundred ninety-nine dollars for each separate violation. (Ord. 650 §4, 2008)

Chapter 6.16

Vicious Animals

Sections:

- 6.16.010 Vicious animals prohibited.
- 6.16.020 Immediate destruction of animal—Authorized when.
- 6.16.030 Court order for release.

6.16.040 Court order to destroy animal.

6.16.010 Vicious animals prohibited.

A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person; bites another animal; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.

B. It is a specific defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:

1. Engaging in conduct reasonably calculated to provoke the animal to attack or bite;
2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully chained;
3. Engaging in unlawful entry into or unlawfully in or upon a vehicle in which the animal was confined;
4. Attempting to assault another person;
5. Attempting to stop a fight between the animal and any other animal; or
6. Attempting to aid the animal when it was injured.

C. For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent. (Ord. 246 §92, 1988; prior code §8-46(a))

6.16.020 Immediate destruction of animal--Authorized when.

Nothing in this chapter shall be construed to prevent the animal warden or agent or any law enforcement officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury or damage, including immediate destruction of any vicious animal without notice to the owner. (Ord. 225 §1(part), 1986; prior code §8-46(b))

6.16.030 Court order for release.

If a complaint has been filed in the municipal court of the town against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. Any animal which remains unclaimed for five days after its release has been authorized by the municipal judge may be disposed of at the discretion of the animal shelter. (Ord. 246 §93, 1988; Ord. 225 §1(part), 1986; prior code §8-46(c))

6.16.040 Court order to destroy animal.

A. Whenever a determination has been made that any vicious animal is owned or kept as provided in this chapter, the town clerk, marshal, deputy or town attorney may apply to the municipal court for an order to destroy the animal. Such application shall:

1. Identify the animal;
2. Identify the owner and keeper, if known, or the residence of the animal if the owner or keeper is not known;
3. Identify the date and location of occurrence of one or more acts of viciousness; and
4. Request that the owner and keeper be required to show cause why the animal should not be impounded and destroyed.

B. Upon receipt of such an application, the court shall set a date for a hearing thereon, and cause to be served on the owner and keeper, if known, and if not known, delivered to or posted on the residence of the animal, a copy of the application and a notice of the hearing.

C. If the town can show by a preponderance of evidence at the hearing that the animal was vicious within the meaning of this chapter, the judge may order the animal impounded and destroyed or may make such other order as in the judge's discretion will provide adequate protection to other persons or animals. Before making such order, the judge may request any report at his or her discretion concerning the appropriate disposition of the animal.

D. Any trial for violation of this section also constitutes a hearing under this section and upon a showing sufficient to support a finding of viciousness under this section, the judge may make orders authorized by this section. (Ord. 246 §94, 1988; prior code §8-46(d))

Chapter 6.20

Impoundment

Sections:

- 6.20.010 Authorized when.
- 6.20.020 Notice to owner.
- 6.20.030 Redemption of impounded animals.
- 6.20.040 Unclaimed animal--Disposition.

6.20.010 Authorized when.

A. It is lawful for the animal warden or his assistants and all police, marshal's and sheriff's officers to impound any animal which is not wearing an animal tag as provided in this title and any animal which the officers reasonably feel to be in violation of any of the provisions of this chapter, whether such animal is wearing a tag or not. It is lawful for the animal warden or any police, marshal's or any sheriff's officers to go upon private property for the purpose of catching any such dog.

B. Impoundment may be at a facility either within or without the town as may be designated by the board of trustees. (Ord. 246 §101, 1988; Ord. 144 §1, 1980; prior code §8-66)

6.20.020 Notice to owner.

Upon any animal's being impounded, a written notice containing a description of the animal and stating that the same is being held for charge of ordinance violation shall be posted at the Town Hall and at the pound, and if the owner or custodian of such animal is known, such written notice shall be served upon the owner or custodian or by leaving such written notice at his place of residence. (Ord. 246 §102, 1988; prior code §8-67)

6.20.030 Redemption of impounded animals.

A. Any owner, custodian or keeper of an animal desiring to redeem such dog from the town pound shall pay to the town the following redemption fee: five dollars plus the actual costs of impoundment.

B. In addition, if such animal is unlicensed, the owner, custodian or keeper must license the animal pursuant to this chapter prior to its release. If such animal is licensed but the license tag has been lost, the license tag must be replaced prior to the release of the animal. (Ord. 246 §103, 1988; Ord. 144 §2, 1980; prior code §8-67.1)

6.20.040 Unclaimed animal--Disposition.

If the owner or keeper of an animal so held does not appear and claim the same within five days after posting or serving such notice, and does not within such time produce or obtain a license therefor and pay all license and impound fees required by this code, the animal warden shall dispose of the animal. (Ord. 246 §104, 1988; Ord. 144 §3, 1980; prior code §8-68)

Chapter 6.24

Proper Care and Treatment

Sections:

- 6.24.010 Improper care of animals prohibited.
- 6.24.020 Abandoning animals prohibited.
- 6.24.030 Animal fighting prohibited.
- 6.24.040 Careless driving or riding animals prohibited.
- 6.24.050 Cruelty to animals prohibited.
- 6.24.060 Poisoning animals prohibited.
- 6.24.070 Dead animals to be removed.
- 6.24.080 Removal of animal excrement required.
- 6.24.090 Rodent control.

6.24.010 Improper care of animals prohibited.

No person owning or keeping an animal shall fail to provide it with necessary sustenance and to keep it under conditions where its enclosure is not overcrowded, unclean or unhealthy.

A. An animal is deprived of necessary sustenance if it is not provided proper food or drink.

B. An enclosure is overcrowded unless its area is at least the square of the following sum for each animal confined therein: twice the sum of the length of the animal in inches (tip of nose to base of tail) plus six inches.

C. An enclosure is unclean when it contains more than one day's elimination of each animal enclosed therein.

D. An enclosure is unhealthy when it is likely to cause illness of the animal. (Ord. 246 §91(part), 1988; prior code §8-45.1)

6.24.020 Abandoning animals prohibited.

No person shall abandon any animal. (Ord. 246 §91(part), 1988; prior code §8-45.2)

6.24.030 Animal fighting prohibited.

A. No person shall cause, sponsor, arrange, hold or encourage a fight between animals.

B. For the purposes of this section, a person encourages a fight between such animals if the person:

1. Is knowingly present at such fight;
2. Owns, trains, transports, possesses or equips such an animal with the intent that the animal will be engaged in such a fight; or
3. Knowingly allows such a fight to occur on any property owned or controlled by such person. (Ord. 246 §91(part), 1988; prior code §8-45.3)

6.24.040 Careless driving or riding animals prohibited.

No person shall drive or ride an animal in a careless and imprudent manner, without regard to width, grade, curves, corners, traffic and use of the streets, alleys and sidewalks and all other attendant circumstances. (Ord. 246 §88, 1988; prior code §8-37)

6.24.050 Cruelty to animals prohibited.

A. No person shall:

1. Overdrive, overload, drive when overloaded, or overwork any animals;
2. Cruelly beat, cruelly mutilate, or torture any animal;
3. Needlessly shoot at, wound, capture or in any other manner needlessly molest, injure or kill any animal; or
4. Carry or transport or keep in a cruel manner any animal.

B. It is specific defense to a charge of violating subdivision 3 of Subsection A of this section that the action was necessary to avoid injury to a person or that the animal was not a domesticated animal and the action was necessary to avoid injury to a person or property. (Ord. 246 §90, 1988; prior code §8-45)

6.24.060 Poisoning animals prohibited.

A. No person shall poison or distribute poison in any manner with the intent to poison any animal. It is a specific defense to a charge of violating this subsection that the person intended to poison mice, rats or rodents other than hamsters, guinea pigs and squirrels by the use of a poisonous substance approved for such use by the United States Environmental Protection Agency or that the person was regularly engaged in the business of fumigation or pest extermination and was so licensed by the state of Colorado.

B. No person shall use, set, place, maintain or tend any leg-hold trap. The marshal shall confiscate any leghold trap found in violation of this subsection and dispose of it as the marshal deems appropriate. (Ord. 246 §91 (part), 1988; prior code §8-45.5)

6.24.070 Dead animals to be removed.

If any person being the owner of, or having in his possession, or under his control or charge, any dead animals, it shall be the duty of such person immediately to remove the body or carcass of such animals from the town limits. (Ord. 246 §87, 1988; prior code §8-36)

6.24.080 Removal of animal excrement required.

A. No person owning, keeping or harboring any animal shall fail to prevent such animal from defecating upon any property other than the premises of such person.

B. It is a specific defense to a charge of violating this section that the defecation occurred on private property with express permission of the owner or all tenants thereof.

C. It is a specific defense to a charge of violating this section that the defecation was from an ungulate or horse within land where such animal is otherwise permitted.

D. It is a specific defense to a charge of violating this section that the owner or keeper immediately removed or cleaned up such deposit and disposed of it by placing it in a garbage receptacle or in an otherwise lawful and sanitary manner.

E. It is unlawful to violate any provision of this section. Any person who violates this section shall be subject to the general penalty provisions set forth in Section 1.16.010 of this code. (Ord. 492 §2, 2002)

6.24.090 Rodent control.

A. No person owning property within the town, whether vacant or improved, shall fail to prevent rodent pests residing upon that property from relocating to, infesting or otherwise damaging the property of another, including public property. It shall be the responsibility of the owner of property within the town to provide for the extermination of any and all such rodent pests in conformance with the provisions of this code and the laws and regulations of the State of Colorado.

B. Any violation of Subsection A shall be subject to the general penalty provisions set forth in Section 1.16.010 of this code. In addition, the condition of rodent pests relocating to, infesting or otherwise damaging the property of another, including public property, is declared a nuisance and shall be subject to abatement pursuant to Chapter 8.18 of this code.

C. For purposes of this section, "rodent pests" includes prairie dogs, ground squirrels, pocket gophers, jackrabbits, rats and other rodents. (Ord. 585 §1, 2005)