

## TITLE 9

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## CHAPTER 9.01

### In General

#### 9.01.005 Definitions.

As used in this Title, unless the context clearly indicates otherwise:

*Abandon* means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody or any other person having possession of such animal.

*Animal* means a living organism other than a plant or bacterium. *Animal* in this Title includes arthropods, amphibians, reptiles, birds and mammals. As used in this Title, the term *animal* excludes humans.

*Animal Welfare Officer* means any person empowered by the Town of Parker to enforce the provisions of this Title, including personnel of Parker Neighborhood Services, the Parker Police Department, the Tri-County Health Department and peace officers as defined in Sections 18-3-201(2) and 30-15-105, C.R.S.

*Bodily injury* means any physical injury directly inflicted by the animal that results in severe bruising, muscle tears or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

*Cat* means any domesticated animal of the *Felidae* family, here excluding any wild member of the *Felidae* family.

*Dog* means any domesticated animal of the *Canis familiaris* species, here excluding any wild member of the *Canis* family.

*Fowl* means chickens, ducks, geese, turkeys, guineas, pigeons and other like fowl or birds.

*Habitual* means three (3) or more occurrences that meet the definition of *persistent* in any six-month period.

*Harbor* means to occupy any premises on which an animal is kept or to which an animal customarily returns for food and care.

*Household pet* means and includes nonendangered species of the following: dogs, cats, ferrets, nonpredatory birds bred in captivity, fish, hermit crabs, snails, tarantulas, captively bred domestic rabbits, domestic guinea pigs, domestic rats, domestic mice, gerbils, hamsters, chinchillas, African pygmy hedgehogs and nonpoisonous snakes, amphibians and reptiles less than three (3) feet in length measured from the tip of the nose to the tip of the tail when fully grown.

*Impound* means to physically confine an animal at a licensed boarding facility or licensed animal shelter at the direction of an Animal Welfare Officer.

*Keeper* means any person, or the parent, guardian or custodian of any minor, who does not have permanent ownership of an animal but is responsible for the care, keeping and/or control of an animal at a given time.

*Kennel or boarding facility* means any building, structure or open space, or portion thereof, used for the breeding, raising, boarding or selling of dogs that are more than six (6) months old, or for more than one (1) litter.

*Livestock* means cattle, swine, sheep, goats and such horses, mules, asses and other animals used in the farm or ranch production of agricultural products.

*Mistreat* means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

*Neglect* means failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.

*Owner* means any person, or the parent, guardian or custodian of any minor, who owns, controls, keeps, harbors or has custody of an animal.

*Persistent* means continuously without substantial interruption for a period of thirty (30) minutes or longer.

*Potbellied pig* means a pig registered with a bona fide potbellied pig registry and weighing less than one hundred fifty (150) pounds.

*Serious bodily injury* means bodily injury directly inflicted by the animal which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or results in breaks, fractures or burns of the second or third degree. (Ord. 5.06.33.5 §1, 2009; Ord. 5.06.33.4 §5, 2008; Ord. 5.06.33 §1, 2005)

#### **9.01.010 Cruelty to animals.**

It is unlawful for any person to knowingly, recklessly or negligently overdrive, overload, overwork, torment, torture, needlessly mutilate, needlessly kill, deprive of necessary sustenance, unnecessarily or cruelly beat, allow to be housed in a manner that results in or may reasonably result in physical harm, carry or confine in or upon any vehicles in a cruel or reckless manner or otherwise mistreat or neglect any animal, or causes or procures it to be done or, having the charge or custody of any animal, fail to provide it with proper food, drink or protection from the weather consistent with the species, breed and type of animal involved, or abandon an animal within the Town. (Ord. 5.06.33 §1, 2005)

#### **9.01.020 Excessive animal waste prohibited.**

It is unlawful to allow animal waste or discharges to accumulate in any animal enclosure or other place in the Town to the extent that the area emits an offensive odor, or to the extent that the animals

contained therein cannot stand, sit or lie down without contact with the animal waste or discharges. (Ord. 5.06.33 §1, 2005)

**9.01.030 Removal of excrement.**

It shall be unlawful for the owner or keeper of any dog or other animal not to immediately remove excrement deposited by such animal upon a common thoroughfare, street, sidewalk, play area, park or upon any other public property or upon private property when permission of the owner or tenant of the property has not been obtained. The excrement must immediately be removed and disposed of in a sanitary manner. (Ord. 5.06.33 §1, 2005)

**CHAPTER 9.02**

**Livestock**

**9.02.010 Livestock or fowl running at large prohibited.**

It is unlawful for any livestock or fowl owner or keeper to allow or permit his or her livestock or fowl to run at large within the Town. (Ord. 5.06.33 §1, 2005)

**9.02.020 Livestock impoundment.**

In addition to any other remedy provided by the Town to prohibit the violation of the provisions of this Chapter, an Animal Welfare Officer may enforce this Chapter by taking up and impounding any livestock or fowl found in violation of this Chapter. Such officer shall thereupon proceed as prescribed by this Chapter or as otherwise prescribed by law; provided, however, that the Animal Welfare Officer shall not impound a horse unless such impoundment is necessary to protect the horse or to protect the safety or health of the public. (Ord. 5.06.33 §1, 2005)

**9.02.030 Prohibited livestock and fowl.**

No livestock or male fowl capable of crowing shall be kept by any person within the Town unless such person complies with the provisions of this Title and the zoning and use requirements of the Town. (Ord. 5.06.33 §1, 2005)

**CHAPTER 9.03**

**Dogs and Cats**

**9.03.010 Shelter for dogs.**

All persons who own, keep or maintain any dog within the Town shall at all times provide the dog with access to adequate shelter, including at least one (1) of the following:

- (1) Access to a structurally sound building, such as a dwelling or garage.

(2) Access to a doghouse sized appropriately for the dog, consisting of a roof, at least three (3) walls and a dry floor, providing adequate protection from weather and able to maintain the dog's body heat.

(3) Any other structure deemed adequate by an Animal Welfare Officer. (Ord. 5.06.33 §1, 2005)

#### **9.03.015 Containment of animals.**

(a) No dog's primary means of containment shall be restraint by means of a tether attached to a stationary object. A person may tether a dog to a stationary object only when adhering to the following conditions, except as provided in Subsection (c) below:

(1) The tether is at least three (3) times the length of the dog from the tip of its nose to the base of its tail.

(2) The dog is tethered for a period no longer than three (3) consecutive hours without a respite from tethering of at least one (1) hour. Total tethering time must not exceed eight (8) hours per twenty-four-hour period.

(3) The dog shall be tethered in such a manner as to prevent injury, strangulation or entanglement on fences, trees or other obstacles.

(b) Any owner or keeper using tethering as a primary means of containment, provided no other violation exists and no harm or threat of harm to the dog exists, shall be given thirty (30) days from the date on which they are contacted by an Animal Welfare Officer to develop and implement a new means of containment.

(c) No animal shall be transported outside of the passenger compartment of a motor vehicle, except under the following conditions:

(1) The animal is contained within a fully enclosed shell that is securely attached to the motor vehicle.

(2) The animal is contained within a crate designed to hold the type of animal being transported, which is securely attached to the motor vehicle; or

(3) The animal is securely tethered to the motor vehicle by collar or harness, and the length of the tether does not allow any portion of the animal to protrude beyond any portion of the exterior of the motor vehicle. (Ord. 5.06.33.1 §1, 2005; Ord. 5.06.33 §1, 2005)

#### **9.03.020 Rabies control.**

(a) It is unlawful for the owner of any dog, ferret or cat to keep or maintain such dog, ferret or cat within the Town unless it has been inoculated against rabies by a licensed veterinarian as frequently as is recommended by the *Compendium of Animal Rabies Control* as promulgated by the National Association of State Public Health Veterinarians.

(b) Every owner of a dog, ferret or cat kept or maintained within the Town shall at all times have proof of a current rabies inoculation for each of their dogs, ferrets or cats, either in the form of a rabies certificate from a licensed veterinarian or a numbered, dated tag as provided by the Colorado Department of Public Health and Environment or a subdivision or legal representative of such department. (Ord. 5.06.33 §1, 2005)

**9.03.030 Dogs at large prohibited.**

No person owning or keeping any dog shall fail to keep said dog on the premises of the owner or keeper unless the dog is:

(1) On a leash, cord or chain no longer than thirty (30) feet in length, held by a person who is physically able to control the dog and maintaining physical control of the dog.

(2) Within a vehicle, or similarly physically confined to ensure that the dog will not escape, and without access to passers-by.

(3) Within the physical confines of an area designated by the Town as a "dog leash optional" area and posted as such. (Ord. 5.06.33 §1, 2005)

**9.03.035 Intact or unidentified cats at large prohibited.**

(a) No person owning or keeping any cat which is not spayed or neutered shall allow said cat to roam at large within the Town.

(b) Cats roaming at large within the Town that are not bearing identification in the form of a microchip, Town identification tag or other form of identification tag which allows the Animal Welfare Officer to determine the name, address and telephone number of the owner may be impounded by an Animal Welfare Officer. (Ord. 5.06.33 §1, 2005)

**9.03.040 Noisy animals prohibited.**

(a) It is unlawful for any owner or keeper of any animal to permit such animal, by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is declared to be a public nuisance. It shall not be necessary, for the purposes of this Section, to identify and describe the particular animal which is barking, howling or yelping, provided only that it shall be shown who has possession, care, custody or control of the animal.

(b) In any prosecution for a violation of this Section, the fact that any animal barking, howling or yelping which disturbed any person or neighborhood occurred either:

(1) Between the hours of 10:30 p.m. and 7:30 a.m.; or

(2) When none of the residents who reside at the place where the noisy animal is being kept are at home

Shall create a rebuttable presumption that the animal noise was unlawful. (Ord. 5.06.33.4 §2, 2008)

### **9.03.050 Poisoning prohibited.**

It is unlawful for any person to poison any dog or cat or to distribute poison in any manner whatsoever with the intent of poisoning any dog or cat. (Ord. 5.06.33 §1, 2005)

### **9.03.060 Dangerous dog, cat, domestic animal or other animal and at-risk dogs.**

(a) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the Town any dangerous dog, dangerous cat, dangerous domestic animal or other dangerous animal.

(1) For purposes of this Subsection, a *dangerous cat* is defined as any cat that bites or attacks a person or another domestic animal at any place within the Town, whether on public property or on private property.

(2) For purposes of this Subsection, a *dangerous dog* is defined as a dog which, at any place in the Town, whether on public property or private property:

a. Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal;

b. Is possessed in violation of a court order imposed by a court of record in which conditions for keeping said dangerous animal have been imposed in accordance with state statute, or a local ordinance; or

c. Engages in or is trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

(3) For purposes of this Subsection, a *dangerous domestic animal* is defined as any animal defined in Section 9.05.040 of this Title that bites or attacks a person or another domestic animal at any place within the Town, whether on public property or on private property.

(4) For purposes of this Subsection, a *dangerous animal* not otherwise defined herein shall be any species of animal identified in Section 9.05.030 of this Title that is at large.

(b) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the Town any at-risk dog. For the purposes of this Subsection, an *at-risk dog* is defined as a dog which at any place within the Town, whether on public property or private property, demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal, including, by way of example:

(1) Repeatedly charging against a fence in an attempt to attack or charging to the end of its lead in an attempt to attack;

(2) Biting or attempting to bite; or

(3) Aggressively threatening by charging, baring its teeth, growling and snapping, or otherwise demonstrating dangerous behavior toward a human being or a domestic animal.

(c) However, for purposes of this Section, no animal shall be deemed dangerous or dog deemed at-risk solely by reason of having attacked, threatened, attempted to bite or bitten under the following circumstances:

(1) When a person attacked such animal or engaged in such conduct reasonably calculated to provoke such animal to attack, threaten or bite such person or another person;

(2) When a person is engaged in provoking or stopping a animal fight or any altercation between such animal and another animal;

(3) When any person is engaged in attacking or molesting another person;

(4) When any person is engaged in unlawfully entering into or upon any vehicle in which such animal is kept or confined;

(5) When any other animal is engaged in the unauthorized entry into or upon the premises upon which such animal is kept;

(6) When a lawfully restrained animal attacks a domestic animal that approaches the restrained animal while said domestic animal is at large;

(7) When a dog is used by an authorized peace officer while the officer is engaged in the performance of peace officer duties;

(8) When any person other than an authorized police officer or code enforcement officer is engaged in capturing or attempting to capture such animal in the absence of the owner, excepting any person attempting to capture such animal on such person's own property;

(9) When such animal is involved with another animal while both animals are at large;

(10) Any affirmative defenses contained in Section 18-9-204.5(3)(h)(I) and (II), C.R.S., as amended; or

(11) Any exclusions contained in Section 18-9-204.5(6), C.R.S., as amended.

(d) It shall be unlawful for any person to intentionally, willfully or negligently cause any animal to attack or bite any person, animal, cat or domestic animal. (Ord. 5.06.33.4 §1, 2008)

## **CHAPTER 9.04**

### **Impoundment**

#### **9.04.010 Authorized.**

It shall be the option of an Animal Welfare Officer to apprehend any animal found in violation of Sections 9.01.010, 9.02.010, 9.02.030, 9.03.030, 9.03.035, 9.03.060, 9.05.010 or 9.05.030 of this Title and to impound such animal in an approved shelter or other suitable place. (Ord. 5.06.33 §1, 2005)

#### **9.04.020 Vicious animals.**

If any dangerous, fierce or vicious animal is found at large within the Town and cannot be safely taken up and impounded, such animal may be slain by any police officer. (Ord. 5.06.33 §1, 2005)

#### **9.04.030 Injured animals.**

Any Animal Welfare Officer or animal shelter supervisor or designee may lawfully destroy or cause to be destroyed any animal in his or her charge when, in the judgment of such person, such animal appears to be seriously injured, medically unstable, disabled or diseased past recovery. (Ord. 5.06.33 §1, 2005)

#### **9.04.040 Emergency treatment of impounded animals.**

If an animal impounded under this Title requires immediate emergency medical treatment by a licensed veterinarian while under the care of the Town, the owner or keeper of the animal may be held responsible for costs of treatment. (Ord. 5.06.33 §1, 2005)

#### **9.04.050 Redemption.**

The owner of any animal impounded under this Chapter may reclaim such animal upon payment of all costs and charges incurred by the Town for such impoundment and keeping of such animal, provided that the owner shall also forthwith obtain a current rabies tag and identification tag as applicable, if such dog or cat does not have such tag. If the animal was impounded as a result of pending charges under Section 9.01.010, 9.02.030, 9.03.060, 9.05.010 or 9.05.030 of this Title or any state statute, the animal will not be returned to the owner or keeper until any conditions made by the Animal Welfare Officer or the court have been met by the owner or keeper. The court also has the option to order that the animal not be returned to the owner or keeper, and instead order the animal to be disposed of in whatever humane manner the court or Town sees fit. (Ord. 5.06.33 §1, 2005)

#### **9.04.060 Disposition of unredeemed animals.**

It shall be the duty of the Animal Welfare Officer to keep all animals impounded under the provisions of this Chapter for a period of six (6) days. If at the expiration of six (6) days from the date of impoundment such animal has not been redeemed, it may be destroyed or disposed of in whatever humane manner the Town sees fit. This Section does not apply to animals being held for trial. (Ord. 5.06.33 §1, 2005)

#### **9.04.070 Costs related to unredeemed animals.**

If it is known who the owner or keeper of an unredeemed animal is, the owner or keeper will be held responsible for any costs incurred by the Town related to the impoundment and care and disposition of said animal regardless of whether the owner or keeper reclaims the animal. (Ord. 5.06.33 §1, 2005)

#### **9.04.080 Bonding requirements for holding impounded animals.**

The owner or custodian of an animal that has been impounded by the Animal Welfare Officer because of an alleged neglect or abuse, or because of investigation of charges of cruelty to animals,

animal fighting, unlawful ownership of a dangerous dog, vicious dog or cat, and keeping wild, exotic or dangerous animals may prevent disposition of the animal by the Town by posting a bond with the court in an amount sufficient to provide for the animal's care and keeping at the Town for at least thirty (30) days, including the day on which the animal was taken into custody. Such bond shall be filed with the court within ten (10) days after the animal is impounded. At the end of the time for which expenses are covered by the bond, if the owner or custodian desires to prevent disposition of the animal, the owner or custodian shall post a new bond with the court within ten (10) days after the prior bond's expiration. However, the court shall order the immediate disposition of the animal by euthanasia if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. At the end of the time for which expenses are covered by the bond, the Town may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner or custodian shall be liable for the cost of care, keeping or disposal of the animal. (Ord. 5.06.33 §1, 2005)

## **CHAPTER 9.05**

### **Animal-Keeping Restrictions**

#### **9.05.010 Maximum number of household animals.**

Household pets, inclusive of but not limited to dogs and cats, shall be permitted in all residential districts, provided that not more than four (4) animals of more than six (6) months of age are kept or harbored by the property owner/occupant of any residential unit (no kennels, boarding facilities or commercial activities allowed). (Ord. 5.06.33 §1, 2005)

#### **9.05.020 Dog litter maintenance.**

(a) No dog owner or keeper shall permanently remove any healthy pup under the age of ten (10) weeks from its mother. Pups under ten (10) weeks of age shall only be separated from their mother temporarily for feeding or other care, or if they show symptoms of serious illness or injury and require veterinary treatment.

(b) No dog kept in a residential area shall be permitted to give birth to more than one (1) litter of pups per year. (Ord. 5.06.33 §1, 2005)

#### **9.05.030 Keeping wild, exotic or dangerous animals.**

(a) It shall be unlawful for any person to own, possess, harbor or sell or in any other manner traffic in the following species or hybrid species of animals:

- (1) All poisonous animals, constrictor snakes and all nonpoisonous snakes and reptiles with a length greater than three (3) feet measured from the tip of the nose to the tip of the tail.
- (2) Any nonhuman primate.
- (3) Any species of feline not falling within the category of ordinary domesticated house cat.
- (4) Any species of bear.

(5) Marsupials, squirrels, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*mustela furo*).

(6) Foxes, wolves, coyotes or other species of canines other than the domesticated dog.

(7) Crocodilians and monitor lizards.

(8) Any animal that is not indigenous to the State and not classified as a household pet.

(b) Exceptions:

(1) Subsection (a) above shall not apply to licensed wildlife rehabilitators or other persons or organizations given written permission by the Animal Welfare Officer to harbor said animals.

(2) Individuals in possession of such animals who provide an Animal Welfare Officer with a record showing ownership of such animals prior to the effective date of this revised Title shall have until one (1) year from the effective date of this Section to relocate their animals outside the limits of the Town. (Ord. 5.06.33 §1, 2005)

#### **9.05.040 Animals at large.**

It shall be unlawful for the owner of any animal not specifically defined as a dog or cat to permit the same to run at large within the Town. For purposes of Sections 9.03.040, 9.03.060, 9.05.040, 9.07.010 and 9.07.020 of this Title, *animal* means an animal other than a dog or cat as defined herein brought into domestic use so as to live and breed in a tame condition, including, but not limited to, animals kept as household pets, horses, livestock and animals generally regarded as farm or ranch animals, and shall also specifically include those animals described in Subsection 9.05.030(a) above. (Ord. 5.06.33.4 §3, 2008)

#### **9.05.050 Potbellied pigs.**

It shall be unlawful for any person to possess, harbor, keep, maintain or permit at his or her dwelling within the Town any potbellied pig or any pig purporting to be a potbellied pig, unless the owner complies with the requirements of this Section. It shall be unlawful for any owner to fail to comply with these requirements.

(1) The pig must be registered through a bona fide potbellied pig registry or certified as a potbellied pig by a licensed veterinarian familiar with this breed of pig.

(2) The owner of any potbellied pig four (4) months of age or older shall procure a license for the pig. Upon proof of registration and neutering and payment of a twenty-dollar license fee, the Town shall issue a dated and numbered receipt and corresponding tag. In the event of loss or destruction of the original license tag, the owner shall obtain another tag from the Town. Pig licenses are not transferable. It shall be unlawful for any person to use or attempt to use a tag for any pig other than the pig for which the tag was originally issued.

(3) The license tag shall be worn by the pig at all times.

(4) A male potbellied pig shall be neutered prior to four (4) months of age and a female potbellied pig shall be neutered prior to six (6) months of age.

(5) A potbellied pig shall not exceed one hundred fifty (150) pounds in weight.

(6) No more than one (1) potbellied pig shall be permitted on any residential property, except as otherwise provided by Section 13.04.190 of this Code.

(7) A potbellied pig kept on residential property shall be kept as a pet for personal enjoyment, and not kept or raised for breeding, sale or human consumption. (Ord. 5.06.33.5 §2, 2009)

## CHAPTER 9.06

### Dog and Cat Licensing and Permits

#### 9.06.010 Required.

It is unlawful for the owner, possessor or keeper of any domestic dog (*Canis familiaris*) or any domestic cat (*Felis catus*) to keep, maintain, house or have in possession within the Town a dog or cat, without bearing identification in the form of a microchip, Town identification tag or other form of identification tag which allows the Animal Welfare Officer to determine the name, address and telephone number of the owner. Dog and cat owners shall either display the identification tag by means of a collar or harness, or equip the dog or cat with identification in the form of a microchip. Every dog and cat within the Town shall bear some form of identification at all times. (Ord. 5.06.33 §1, 2005)

#### 9.06.020—9.06.060 Reserved.

#### 9.06.070 False and stolen license documents.

It is unlawful for any person to make use of a stolen, counterfeit or forged rabies vaccination certificate, rabies vaccination tag or other form. (Ord. 5.06.33 §1, 2005)

#### 9.06.080 Reserved.

#### 9.06.090 Spay or neuter required.

(a) It is unlawful to own, keep or possess in the Town any dog or cat over the age of six (6) months which has not been spayed or neutered by a licensed veterinarian, except as provided in Subsection (b) below. Every dog or cat owner not exempt from this requirement shall have proof of the animal's spay or neuter in the form of documentation from a licensed veterinarian.

(b) The following are exceptions to Subsection (a) above:

(1) Long-term medical exemption: A licensed veterinarian has determined that the animal is medically unsuited to undergo the surgical procedure. The owner or keeper of the animal shall present a signed statement from a licensed veterinarian which states specifically the medical grounds for the exemption.

(2) Temporary medical exemption: An animal has a temporary medical condition preventing performance of spay or neuter surgery. The animal's owner or keeper must present a signed statement from a licensed veterinarian which states specifically the medical grounds for the temporary exemption and provides a date after which the surgery may be performed. After that date the temporary exemption expires and spay or neuter shall be required.

(3) Transitory status exemption: An intact animal over six (6) months of age may temporarily be kept in the Town for no longer than thirty (30) days for purposes of breeding or while the owner or keeper is visiting temporarily. The owner or keeper must be able to present a certificate of health for the animal signed by a licensed veterinarian.

(4) Intact permit: An owner may obtain an intact permit for an annual fee of fifty dollars (\$50.00). (Ord. 5.06.33 §1, 2005)

## **CHAPTER 9.07**

### **Penalties**

#### **9.07.010 Penalties for violation.**

(a) Any person who is convicted of, or pleads guilty or no contest to, a violation of any provision of this Title shall be punished by a fine of not more than nine hundred ninety-nine dollars (\$999.00), or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. The court may also order an offender to complete an anger management treatment program or any other appropriate treatment program.

(b) The penalty assessment procedure provided in Section 3.03.200 of this Code may be used by the Animal Welfare Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period, for any of the following violations:

(1) Excessive animal waste prohibited in violation of Section 9.01.020 of this Title:

First violation:	\$50.00
Second violation:	\$100.00

(2) Removal of excrement in violation of Section 9.01.030 of this Title:

First violation:	\$30.00
Second violation:	\$60.00

(3) Livestock or fowl running at large prohibited in violation of Section 9.02.010 of this Title:

First violation:	\$30.00
Second violation:	\$60.00

(4) Shelter for dogs required in violation of Section 9.03.010 of this Title:

First violation: \$100.00  
Second violation: \$200.00

(5) Containment of dogs in violation of Section 9.03.015 of this Title:

First violation: \$100.00  
Second violation: \$200.00

(6) Rabies control in violation of Section 9.03.020 of this Title:

First violation: \$100.00  
Second violation: \$200.00

(7) Dogs at large prohibited in violation of Section 9.03.030 of this Title:

First violation: \$50.00  
Second violation: Summons and Complaint  
must be issued

(8) Intact cats at large prohibited in violation of Section 9.03.035 of this Title:

First violation: \$50.00  
Second violation: Summons and Complaint  
must be issued

(9) Animal at large prohibited in violation of Section 9.05.040 of this Title:

First violation: \$50.00  
Second violation: Summons and Complaint  
must be issued

(10) Dog and cat identification required in violation of Section 9.06.010 of this Title:

First violation: \$100.00  
Second violation: \$200.00

(11) False and stolen license documents in violation of Section 9.06.070 of this Title:

First violation: \$30.00  
Second violation: \$60.00

(12) Spay or neuter required in violation of Section 9.06.090 of this Title:

First violation:	\$100.00
Second violation:	\$200.00

(c) The penalty assessment procedure provided in Section 3.03.200 of this Code may not be used by the Animal Welfare Officer, and the alleged violator shall be required to appear in the court for any of the following violations:

- (1) Prohibited livestock and fowl in violation of Section 9.02.030 of this Title.
- (2) Noisy animals prohibited in violation of Section 9.03.040 of this Title.
- (3) Poisoning prohibited in violation of Section 9.03.050 of this Title.
- (4) Dangerous dog, cat, domestic animal or other animal and at-risk dog in violation of Section 9.03.060 of this Title.
- (5) Emergency treatment of impounded animals in violation of Section 9.04.040 of this Title.
- (6) Costs related to unredeemed animals in violation of Section 9.04.070 of this Title.
- (7) Maximum number of household animals in violation of Section 9.05.010 of this Title.
- (8) Dog litter maintenance in violation of Section 9.05.020 of this Title.
- (9) Keeping wild, exotic or dangerous animals in violation of Section 9.05.030 of this Title.
- (10) Trapping unlawful in violation of Section 9.08.010 of this Title. (Ord. 5.06.33.4 §4, 2008)

**9.07.020 Disposition of dangerous dog, cat, domestic animal or other animal and at-risk dogs.**

(a) The court shall order any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or any owner who enters into a deferred judgment, to make restitution as follows:

- (1) If the owner's animal injures any animal, restitution shall be equal to any reasonable and necessary medical expenses in treating such animal and in rehabilitating such animal.
- (2) If the owner's animal destroys any animal, restitution shall be the greater of the fair market value or the replacement value of such animal on the date, but before the time, the animal was destroyed, plus any reasonable and necessary medical expenses incurred in treating the animal and the expense to dispose of such animal.

(b) The court shall order any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or any owner who enters into a deferred judgment, whose animal inflicted bodily injury or serious bodily injury upon any person, to make restitution pursuant to the provisions governing restitution.

(c) The court shall order that the owner obtain a license for the animal that is deemed dangerous, which includes dangerous dogs, cats, domestic animals and other dangerous animals for a violation of Subsection 9.03.060(a) of this Title for two (2) years following any conviction. Said license shall be issued only following a determination by the Animal Welfare Officer that any other conditions imposed by the court pursuant to this Section have been met, and the court's order shall authorize the Animal Welfare Officer to continue to make inspections to assure compliance with any such conditions.

(d) The court may order any owner of a dangerous dog, cat, domestic animal or other dangerous animal who has been convicted of a violation of Subsection 9.03.060(a) of this Title or any owner of an at-risk dog who has been convicted of a second or subsequent violation of Subsection 9.03.060(b) of this Title, for the same dog within a thirty-six-month period, to comply with the following:

(1) That such animal shall be contained in a building or enclosure designed to be escape-proof and, whenever such animal is outside of such building or enclosure, keep the animal under such owner's control by use of a leash no longer than six (6) feet in length held by someone twenty-one (21) years of age or older who is capable of effectively controlling the animal. Any such order may exceed any term of probation imposed by the court, and may extend through and include the life of the dangerous dog, cat, domestic animal or other dangerous animal. If the animal was impounded to be held for trial, the escape-proof containment must be inspected and approved by an Animal Welfare Officer before the animal may be returned to the owner. If the animal was not impounded to be held for trial, an Animal Welfare Officer must inspect and approve the containment within thirty (30) days of the court order;

(2) That the owner of such animal be required to present to the Town Administrator or the Town Administrator's designee proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such animal during the twelve-month period following the conviction, except where liability coverage is not available after exhausting all reasonable possibilities as determined by the court;

(3) That the owner of such animal have the animal spayed or neutered by a licensed veterinarian and that said owner shall provide to the court proof of the animal's spay or neuter in the form of documentation from a licensed veterinarian;

(4) That the owner of such animal shall, at the owner's own expense, have a microchip containing an identification number implanted into the animal or such other means of identification that is approved by the court. The Town Administrator or the Town Administrator's designee shall maintain a file containing the registration numbers and names of the animals convicted of being dangerous or at-risk by the court, and the names and addresses of the owners. The owner shall notify the Town Administrator or the Town Administrator's designee of any change of address;

(5) That at all times when such animal is away from the property of the owner, the owner shall keep such animal either in a secure temporary enclosure or under such owner's physical control by use of a leash no longer than six (6) feet in length held by someone twenty-one (21) years of age or older who is capable of effectively controlling the animal. Any such order may exceed any term of probation imposed by the court, and may extend through and include the life of the

dangerous animal. Extension style leashes may not be used. Leashes may not be attached to inanimate objects;

(6) That the court may require that the owner have posted at the front door entrance to the owner's property where such animal is kept a conspicuous and clearly legible sign obtained from the Animal Welfare Officer warning that an animal previously deemed dangerous or at-risk by the court is present on the property;

(7) That the owner of such animal enroll in a training program as determined appropriate by the Animal Welfare Officer, and submit a certificate of completion to the court at such time as determined by the court.

(e) In addition to the penalties set forth above and set forth in Section 9.07.010 above, any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or who enters into a deferred judgment for a violation that results in bodily injury to a person or death of a domestic animal or a second or subsequent violation of Subsection 9.03.060(a) resulting in a conviction or a deferred judgment involving the same animal, the court may order that the dangerous dog, cat, domestic animal or other dangerous animal be destroyed by lethal injection upon exhaustion of any right an owner has to appeal a conviction based on a violation of Subsection 9.03.060(a), at the cost of the owner. (Ord. 5.06.33.4 §4, 2008)

## **CHAPTER 9.08**

### **Trapping Animals Prohibited**

#### **9.08.010 Trapping unlawful.**

Except as expressly provided in this Section, it is prohibited and it is unlawful for any person to set or cause to be set within the Town any trap, snare or mechanical device for the purpose of holding, capturing or killing an animal or animals. (Ord. 5.06.33 §1, 2005)

#### **9.08.020 Rodents excepted.**

The prohibition of this Section shall not apply to any person who sets traps with the intent to trap rodents by means of a trap, snare or mechanical device specifically designed to trap such animals and who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. (Ord. 5.06.33 §1, 2005)

#### **9.08.030 Rodent defined.**

*Rodent* means a mouse, rat, prairie dog, gopher, mole or other animal commonly known as a rodent, but shall not include a hamster, guinea pig, gerbil, rabbit or squirrel. (Ord. 5.06.33 §1, 2005)

#### **9.08.040 Other animals excepted.**

Any animal causing damage, injury or destruction to private property may be trapped or restrained by the owner or occupant of such property, by the agent of such owner or occupant or by an

authorized representative of the Police Department, by means of a snare or mechanical device designed not to injure or harm the animal. (Ord. 5.06.33 §1, 2005)

**9.08.050 Authorized persons.**

The prohibition of this Section shall not apply to any public officer or official of a police, fire or animal control agency, the State or the United States, when such person is acting within the scope of his or her official duties. (Ord. 5.06.33 §1, 2005)