

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE 1

Administration and Abatement of Nuisances

Sec. 7-1-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Brush means voluntary growth of bushes and such as are growing out of place at the location where growing, and includes all cuttings from trees and bushes and high and rank shrubbery growth which may conceal filthy deposits.

Litter means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

Refuse means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

Rubbish means any type of debris, trash, waste or rejected matter.

Trash means any worn-out, broken up or used refuse, rubbish, toppings, twigs, leaves of trees or worthless matter or material.

Weed means an unsightly, useless, troublesome or injurious growing herbaceous plant, and includes all rank vegetable growth which exhales unpleasant and noxious odors and high and rank vegetable growth that may conceal filthy deposits. (Ord. 2007-07 §1)

Sec. 7-1-20. Common law nuisances.

Any nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the Town, and any person causing or permitting any such nuisance shall be in violation of this Chapter. (Ord. 2007-07 §1)

Sec. 7-1-30. Owner responsibility.

(a) Every owner of any lot, block or parcel of property within the Town remains liable for violation of the duties imposed by Sections 7-1-80, 7-1-120, 7-2-120, 7-3-10, 7-3-30, 7-4-30, 7-5-30 and 10-5-70, even though such obligation is also imposed upon the tenants or occupants of his or her premises, and even though the owner has by agreement imposed on the occupant or other persons the duty of complying with the above-referenced Sections.

(b) Any state of things prohibited by this Article shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof. (Prior code 3-17; Ord. 2007-07 §1)

Sec. 7-1-40. Prohibition of nuisances.

No person, being the owner, agent or occupant of or having under his or her control, any building, lot, premises or real estate, whether or not improved, within the limits of the Town, shall maintain or allow any nuisance to be or remain therein. (Ord. 2007-07 §1)

Sec. 7-1-50. Ascertaining nuisances.

Whenever the pursuit of any trade, business or the manufacturing or maintenance of any substance or condition of things is, upon investigation, considered by the Town Administrator dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated. (Ord. 2007-07 §1)

Sec. 7-1-60. Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or Town official against any person who violates any provision of this Chapter. (Ord. 2007-07 §1)

Sec. 7-1-70. Abatement of nuisance.

(a) In all cases where a nuisance shall be found in any building or upon any grounds or other premises within the jurisdiction of the Town, twenty-four (24) hours' notice shall be given, in writing, signed by the Town Administrator, to the owner of said premises or the occupant or person in possession, charge or control of such building or other premises where he or she is known and can be found, to abate such nuisance and comply with the requirements of this Chapter. However, in the case where accumulated refuse has been deemed to be the nuisance, the Town Administrator shall require the removal of such accumulated refuse within thirty (30) days of such notice.

(b) In the case of any nuisance in or upon any street, alley or other public property, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

(c) Should any such nuisance, within or upon any public or private premises or as aforesaid, not be abated forthwith after the notice herein provided is given, the Town Administrator may abate the same. The Town Administrator shall have the authority to call for the necessary assistance therefor.

(d) In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the Town, the Town Administrator may abate the same forthwith without such notice being given.

(e) Any officer who is duly authorized to abate any nuisance specified in this Article shall have the authority to engage the necessary assistance and incur the necessary expense therefor.

(f) The expense incurred by the Town in abating any nuisance may be recovered from the author thereof as set forth in this Chapter. (Ord. 2007-07 §1)

Sec. 7-1-80. Right of entry.

The Town Administrator may enter upon the property, vacant lot, house or other building or premises within the Town, with the proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof. (Prior code 3-15; Ord. 2007-07 §1)

Sec. 7-1-90. Report of costs.

Upon the completion of any work by the Town contemplated by this Chapter, the Town Administrator shall prepare a report, in writing, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Administrator may determine the cost of such work. The Town Administrator shall make a separate report for each lot or parcel of land. (Ord. 2007-07 §1)

Sec. 7-1-100. Assessment of property.

The Town Administrator shall determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lots and parcels of land from which the nuisance was abated. (Ord. 2007-07 §1)

Sec. 7-1-110. Notice of assessment.

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment. (Ord. 2007-07 §1)

Sec. 7-1-120. Payment of assessment.

(a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice. Failure to pay such billing or assessment as provided for in this Article shall cause such assessment to become a lien against the lot, block or parcel of land wherein the Town performed the services provided for in this Article, and such lien shall have priority over all other liens except general taxes and prior special assessments.

(b) The amount of such assessment may be paid to the Town Clerk at any time before the amount of the assessment is certified to the County Assessor, but thereafter only to the County Treasurer. (Prior code 3-16; Ord. 2007-07 §1)

Sec. 7-1-130. Objection to assessment; hearing.

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector may appear and have a hearing before the Town Administrator and Board of Trustees. (Ord. 2007-07 §1)

Sec. 7-1-140. Certified assessment.

In case the owner fails to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the County Assessor, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes. (Ord. 2007-07 §1)

Sec. 7-1-150. Cumulative remedies.

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge, conviction or violation of this Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist. (Ord. 2007-07 §1)

Sec. 7-1-160. Concurrent remedies.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law. (Ord. 2007-07 §1)

Sec. 7-1-170. Violations and penalties.

Any person who violates any of the provisions of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 2007-07 §1)

ARTICLE 2

Nuisances

Sec. 7-2-10. Accumulation to constitute nuisances.

Whenever there exists in or upon any lot or piece of ground within the limits of the Town any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type upon any private or public property, except in areas specifically zoned in Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such items shall constitute a nuisance and shall be a violation of this Article. (Ord. 2007-07 §1)

Sec. 7-2-20. Posting of handbills, posters and placards.

Any handbill, poster, placard or painted or printed matter which is stuck, posted or pasted upon any public or private residence or other building, or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the residence shall be deemed a nuisance and may be abated as provided in this Chapter. (Ord. 2007-07 §1)

Sec. 7-2-30. Streets, streams and water supply.

No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 2007-07 §1)

Sec. 7-2-40. Stagnant ponds.

The permitting or maintaining of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance. Every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisances from accumulating thereon. (Ord. 2007-07 §1)

Sec. 7-2-50. Sewer inlet.

No person shall, in the Town, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that has a sewer connection any article that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health. (Ord. 2007-07 §1)

Sec. 7-2-60. Nauseous liquids.

No person shall discharge or permit to be discharged out of or from or permit to flow from any house or property any foul or nauseous liquid or substance of any kind into or upon any adjacent ground or lot or into any street, alley or public place. (Ord. 2007-07 §1)

Sec. 7-2-70. Stale matter.

No person shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation. (Ord. 2007-07 §1)

Sec. 7-2-80. Transporting garbage, manure.

Every vehicle or trailer used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantially tight box thereon so that no portion of such filth will be scattered or thrown into such street. (Ord. 2007-07 §1)

Sec. 7-2-90. Dumping on property.

It is unlawful for any person to use any land, premises or property within the Town for the dumping or disposal of any garbage, trash, litter, rubbish, offal, filth, excrement, discarded building materials or combustible materials of any kind. (Ord. 2007-07 §1)

Sec. 7-2-100. Dead animal removal.

When any animal dies in the Town, it shall be the duty of the owner or keeper thereof to properly dispose of or remove the body of such animal forthwith beyond the limits of the Town. If such body is not forthwith properly disposed of or removed, the same shall be deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal is in any street, highway or public grounds in the Town, it shall be the duty of the Town Administrator to cause such body to be removed forthwith beyond the limits of the Town. (Ord. 2007-07 §1)

Sec. 7-2-110. Noisemakers.

The use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter. (Ord. 2007-07 §1)

Sec. 7-2-120. Inoperable vehicles.

(a) No inoperable vehicle shall be parked, stored, deposited or abandoned, or permitted to be parked, stored, deposited or abandoned upon any public or private property for a period of more than thirty (30) days. A vehicle is presumed to be inoperable if:

(1) It does not have a valid registration or license plate on it.

(2) It is placed on blocks, chains or other supports.

(3) One (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways is absent.

(b) Any inoperable or abandoned motor vehicle may be towed pursuant to Sections 42-4-1602 through 42-4-1614, C.R.S.

(c) Any vehicle which is stored or parked upon premises which are properly zoned for such purpose and which premises are in the business of repairing or storing motor vehicles shall be exempt from Subsections (a) and (b) above. (Prior code 3-8, 3-9, 3-10; Ord. 2007-07 §1)

Sec. 7-2-130. Vacant residential dwellings.

All broken windows in a vacant dwelling shall be replaced by the owner or agent within seventy-two (72) hours after notice is given by the Town Administrator. (Ord. 2007-07 §1)

Sec. 7-2-140. Solicitors, canvassers, door-to-door salespersons.

(a) No person shall enter or remain upon the premises of a private residence within the Town, without first having been invited or requested by the occupant thereof, for any purpose of contacting said occupant to solicit the immediate or future sale of goods, services or other things of value. The provisions of this Section shall not apply to charitable, religious or political solicitations.

(b) No person shall enter or remain upon the premises of a private residence within the Town, where a "No Solicitation" or "No Trespassing" sign has been posted in a conspicuous place at or near

the entrance to the premises, without first having been invited or requested by the occupant thereof, for any purpose of contacting said occupant to solicit the immediate or future sale of goods, services or other things of value, except for solicitations of a charitable, religious or political nature.

(c) No person shall attempt to obtain, by telephone or otherwise, an invitation to visit or enter any private residence for the purpose of soliciting the purchase or sale of goods, services or other things of value, ore for the solicitation of a religious, charitable or political nature, by knowingly making a false or deceptive representation or statement.

(d) Any person violating any provision of this Section shall result in the issuance of a summons and, upon conviction, may be assessed a fine of not less than three hundred dollars (\$300.00). Each subsequent violation within the same calendar year shall result in a fine double the amount of the previous penalty. (Ord. 2006-04 §§2, 3; Ord. 2007-07 §1)

ARTICLE 3

Garbage and Refuse

Sec. 7-3-10. Accumulation of refuse prohibited.

It is unlawful for any person to allow the accumulation upon any property of refuse, trash, garbage, cinders, ashes, weeds, building materials or any other unused items or waste materials. (Prior code 3-6; Ord. 2007-07 §1)

Sec. 7-3-20. Responsibility for refuse on premises.

It is the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. (Ord. 2007-07 §1)

Sec. 7-3-30. Removal of refuse from property.

(a) The owner, occupant, agent in charge or other person responsible for a parcel of property within the Town is hereby required to keep all refuse, iceboxes and other items with compartments off of such property. If such refuse is allowed to accumulate on any lot, block or parcel of ground, the Town Administrator shall, by certified mail or personal service, direct the owner, occupant, agent in charge or other person responsible that the refuse must be removed. In the event the refuse is not removed within seven (7) days after mailing or personal service of such notice, the Town may then order the refuse removed and charge the cost thereof to the owner, occupant, agent in charge or other responsible person. The cost of such removal is set forth in Appendix B to this Code and may include such administrative costs as may be necessary to procure compliance with this Section.

(b) Discarded refuse, including automobile parts, stoves, furniture and junkyard refuse, shall be removed periodically by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed by the establishment creating such

deposit. Any accumulation of refuse that is highly explosive or flammable which might endanger life or property shall be removed to such places as approved by the Town Administrator. Such removal shall be handled by the establishment responsible therefor. (Prior code 3-7; Ord. 2007-07 §1)

ARTICLE 4

Weeds and Brush

Sec. 7-4-10. Undesirable Plant Management Advisory Commission designated.

The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute. (Ord. 2007-07 §1)

Editor's Note: Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

Sec. 7-4-20. Declaration of nuisance.

Any weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance, and it is unlawful to permit any such weeds or brush to grow or remain in any such place. (Ord. 2007-07 §1)

Sec. 7-4-30. Duty of property owner to cut.

(a) It is unlawful for the owner, occupant, agent in charge or other person responsible for a parcel of property within the Town to allow or permit weeds to grow or to remain grown if such weeds are uncut and in a blooming stage or which are more than twelve (12) inches in height on such lot, block or parcel of ground or along a sidewalk or along a street or alley adjoining the lot, parcel or block, except as provided in Section 7-4-60 below. *Weeds*, for purposes of this Section, shall include grass which is twelve (12) inches or more in height and not in an agricultural zone being grown for agricultural purposes.

(b) The owner, occupant, agent in charge or other person responsible for a parcel of property within the Town is hereby required to keep all weeds mowed to a height of less than twelve (12) inches, except as provided in Section 7-4-60 below. If weeds are allowed to exceed twelve (12) inches in height on any lot, block or parcel of ground, the Town Administrator shall, by certified mail, personal service or posting a written notice affixed or hung on the door of an occupied residential property, direct the owner, occupant, agent in charge or other person responsible that the weeds be cut. In the event the weeds are not cut within seven (7) days after mailing, personal service or posting of such notice, the Town may then order the weeds cut and charge the cost thereof to the owner, occupant, agent in charge or other person responsible. The cost of cutting the weeds may include such administrative costs as may be necessary to procure compliance with this Section.

(c) All property owners shall be responsible for the control of weeds, noxious weeds and vegetation in the easements and rights-of-way adjacent to their property to the same extent as required on the remainder of their property under this Section. (Prior code 3-11, 3-12; Ord. 2003-11; Ord. 2004-07 §1; Ord. 2007-07 §1)

Sec. 7-4-40. Noxious weeds.

For the purposes of this Article, noxious weeds shall include:

- (1) Leafy Spurge (*Euphorbia esula*);
- (2) Canada Thistle (*Cirsium arvense*);
- (3) Musk Thistle (*Carduus nutans*);
- (4) Field Bindweed (*Convolvulus arvensis*);
- (5) Russian Knapweed (*Acroptilon repens*);
- (6) Scotch Thistle (*Onopordum acanthium*);
- (7) Diffuse Knapweed (*Centaurea diffusa*);
- (8) Spotted Knapweed (*Centaurea maculosa*);
- (9) Dalmatian Toadflax (*Linaria dalmatica*); and
- (10) Any other species designated by the State, the County or the Town Administrator. (Ord. 2003-11; Ord. 2007-07 §1)

Sec. 7-4-50. Removal from Town.

All weeds and brush cut in accordance with Section 7-4-30 above shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut. (Ord. 2007-07 §1)

Sec. 7-4-60. Enforcement.

(a) The Town, through its personnel or designated contractors, shall have the right to enter upon any premises, places or lands, public or private, during reasonable daylight hours, for the purpose of inspecting such property for management of undesirable plants pursuant to Section 35-5.5-109, C.R.S. Untended, rank and unmanaged growth of vegetation on any property within the Town which is visible from any public way, street, sidewalk or alley is declared to be a public nuisance and may be abated by the Town, either with its personnel or by scheduling a contractor to do the work at the property owner's cost.

(b) No weeds or grass shall be over nine (9) inches tall and growing within fifty-five (55) feet of a building, creating a fire hazard; or along sidewalks, curbs or roadways to obstruct pedestrian traffic, on corners causing a traffic hazard or blocking the flow of water; i.e., drainage ditches. The owner or occupant may be notified and, if not abated by the owner or occupant, the Town may schedule to do the work at the owner's expense. The cost to the owner for such work is set forth in Appendix B to this Code. (Ord. 2003-11; Ord. 2007-07 §1)

Sec. 7-4-70. Burning prohibited.

It is unlawful for any person to burn weeds, leaves, limbs, trees, lawns, gardens, rubber tires or any other refuse or discarded or unused material, or to start any fires of any kind except as follows:

- (1) When a permit has been issued by the Town Administrator or other administrative authority.
- (2) When such fire is in a fireplace, stove or grill being used for heating or cooking.
- (3) On a designated burn day as established by the Town, and then the only items allowed to be burned are weeds, unpainted and/or unvarnished wood or other items as may be designated by the Town. (Prior code 3-5; Ord. 2007-07 §1)

ARTICLE 5

Trees

Sec. 7-5-10. Prohibited trees.

(a) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted within the Town limits any female box-elder tree (*Acer negundo*), female cottonwood trees (*Populus spices*), Siberian elm (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property within the Town, and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance.

(b) The owner of any property within the Town, upon which any tree listed in Subsection (a) above has been planted after the effective date of the ordinance codified herein, shall cut and remove such tree from his or her property after being given two (2) days' written notice to do so by the Town.

(c) In case of the failure of any owner of such property to cut and remove such tree as required in Subsection (b) above, the Town shall cut and remove such tree. (Ord. 2007-07 §1)

Sec. 7-5-20. Trees and limbs in public right-of-way.

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a danger to public safety shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value. (Ord. 2007-07 §1)

Sec. 7-5-30. Control of trees and shrubs.

(a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.

(b) It is unlawful for any owner, occupant, agent in charge or other person responsible for a parcel of property situated in the Town to fail to prune, trim, cut or remove any dead, dying, diseased or unsafe trees or shrubs located on such premises.

(c) If any owner, occupant, agent in charge or other person responsible for a lot, block or parcel of ground situated in the Town fails to prune, trim, cut or remove any dead, dying, diseased or unsafe trees or shrubs located on such premises, the Town Administrator shall, by certified mail or personal service, direct the owner or other person responsible that such trees and/or shrubs need to be removed. In the event such trees and/or shrubs are not removed within seven (7) days after mailing or personal service of such notice, the Town may order such trees and/or shrubs removed and charge the cost thereof to the owner, occupant, agent in charge or person responsible. The cost of such removal may include such administrative costs as may be necessary to procure compliance with this Section.

(d) The Town shall give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. In the event such trees and other vegetation are not removed within seven (7) days after mailing or personal service of such notice, the Town may then order such trees and vegetation removed and charge the cost thereof to the owner or occupant of such abutting property. The cost of such removal may include such administrative costs as may be necessary to procure compliance with this Section.

(e) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plant upon access-controlled arterials or other public parks and greenbelts within the Town, unless authorized or directed by the Town.

(f) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the Town, except any person who notifies the Town of such injury, damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement. (Prior code 3-13, 3-14; Ord. 2007-07 §1)

ARTICLE 6

Animals

Sec. 7-6-10. Animals.

(a) The only animals which are allowed to be kept by any person within the Town are dogs and cats. All other animals are prohibited except in areas which are specifically zoned for the purpose of keeping animals, such as an agricultural zone or an estate zone, and in such zones, such animals may be kept as the Board of Trustees shall allow by permit.

(b) Any person desiring to keep an animal in such zone shall apply to the Board of Trustees for a permit to keep such animal as he or she desires. The Board of Trustees shall grant such permit in the appropriate zone when the number and type of animals is compatible with the size of the lot and the

character of the neighborhood and such other criteria as the Board of Trustees may determine. (Prior code 4-1)

Sec. 7-6-20. Control of animals.

(a) All animals shall be kept under control. No owner, harborer, keeper or other person who has assumed responsibility for an animal shall allow such animal to run at large within the Town. If any animal is found at any place within the Town other than upon the premises of the owner, the owner is presumed to have violated this Section.

(b) A dog shall be considered running at large when it is neither on the premises of the owner nor on a leash ten (10) feet or less in length attached to the dog and held or tied to a person.

(c) Any cat found at any place within the Town other than upon the premises of its owner shall be deemed to be running at large, if such cat is not under the control of a responsible person, provided that a complaint is made to the proper Town authority.

(d) All other animals are prohibited except as set forth in Section 7-6-10 above. (Prior code 4-2)

Sec. 7-6-30. Dog license required.

The owner, keeper, harborer or other person who has assumed responsibility for any dog within the Town shall secure a license for such dog. However, no license shall be required for any dog under the age of six (6) months, for seeing-eye dogs or for dogs which are brought into the Town for a period of ten (10) days or less. (Prior code 4-3; Ord. 2007-07 §1)

Sec. 7-6-40. Term of dog license.

Licenses issued for dogs in this Town shall be good for a period of one (1) year. The license term shall be from January 1 to December 31 of the same year. Dog licenses for each calendar year shall be obtained prior to the first day of March in the year for which the license is issued. Dogs brought into the Town shall be licensed no later than thirty (30) days from the date they are brought into the Town. (Prior code 4-4)

Sec. 7-6-50. License fee and vaccination.

(a) Each applicant for a license shall be required to pay to the Town Clerk a fee as set forth in Appendix B to this Code.

(b) No license shall be issued to any applicant for a dog license until such applicant has produced and displayed to the Town Clerk a certificate issued by a licensed doctor of veterinary medicine certifying that such dog has been vaccinated for rabies and that such vaccination will not expire prior to December 31 of the licensing year. (Prior code 4-5)

Sec. 7-6-60. Issuance of license.

The Town Clerk shall issue to each person making proper application and payment of fees as provided in this Article a dog license for each dog. The Town Clerk shall keep a suitable book for the registration of dogs, shall register therein all dogs whose owners, keepers or harborers have paid the

license fee herein provided, and shall keep a record of the date of registration and the name, sex, breed and color of each dog, and the place where the dog shall be kept. (Prior code 4-6)

Sec. 7-6-70. License tag required.

(a) The Town Clerk shall furnish to the person causing the dog to be licensed a suitable tag bearing a number corresponding to that of the license issued for such dog and the year for which such license is issued. Each dog so licensed shall be provided by its owner, keeper or harborer with a collar or harness of suitable material to which such tag shall be securely fastened, and its owner shall keep such collar or harness with such tag fastened to the dog at all times.

(b) It is unlawful for any owner, keeper, harborer or other person who has assumed responsibility for a dog to permit such dog to wear any license tag other than the one issued by the Town for the dog. (Prior code 4-7)

Sec. 7-6-80. Maintaining a nuisance animal.

(a) Any animal that menaces or attacks persons, vehicles or other animals, goes upon school premises without the permission of the person in charge thereof or damages, destroys or injures any shrubbery, plants, flowers, lawn, fence or other property, either private or public, is hereby declared to be a public nuisance, and the owner shall be deemed to be responsible for the actions of the animal.

(b) Areas in which animals are kept shall be maintained in a manner which does not create odors, dust, noise or drainage offensive to the senses of smell, hearing or sight, thereby constituting a hazard or nuisance to the use or enjoyment of adjoining properties. (Prior code 4-8)

Sec. 7-6-90. Animal defecation; owner responsibility.

(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. (Prior code 4-9)

Sec. 7-6-100. Confinement of female dog in heat.

The Town Administrator may order any unspayed female dog that is in a stage of estrus (heat) and is not properly confined, or is creating a public nuisance, to be removed to a boarding facility or a veterinary hospital until the period of estrus is finished. All expenses incurred as a result of such 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. (Prior code 4-10; Ord. 2007-07 §1)

Sec. 7-6-110. Noisy animals.

(a) It is unlawful for the owner, keeper, harborer or any other person who has assumed the responsibility for an animal to permit such animal kept in any yard, house or other place to bark,

howl, yelp, bawl or make other loud and persistent noise in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous.

(b) Whenever a person is charged with a violation of this Section, he or she shall not be convicted thereof unless two (2) or more complaining witnesses testify at the trial, or other corroborating evidence is presented and received.

(c) The Town Administrator, police officer or other designated officer of the Town shall have authority, without liability, to use all reasonable means to abate such nuisance, including the authority to impound such animal, upon receipt of a signed complaint, where the owner is absent from the premises; provided, however, that this authority does not extend to entering the owner's dwelling or other building upon the owner's premises.

(d) Upon impoundment of an animal for violation of this Section, the Town Administrator or other officer, shall attempt to notify the absent owner by reasonable means as soon as possible, and such animal may not be destroyed until the owner is notified and has had the opportunity to reclaim the animal from impoundment. (Prior code 4-11; Ord. 2007-07 §1)

Sec. 7-6-120. Animal bites; report and quarantine requirements.

(a) The owner of any animal that bites a human being shall report the occurrence to the Town Administrator when known to him or her or reported to him or her, and shall deliver the animal to the Town Administrator and shall provide such further information required by the Town Administrator.

(b) 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) The owner of the animal shall provide written assurances that the animal shall be and remain quarantined on the owner's premises.

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

(c) Every person having knowledge thereof shall report to the Town Administrator any suspected or positively diagnosed occurrence of rabies, and any biting by any suspected or confined rabid animal.

(d) No person shall kill any suspected or confirmed rabid animal except in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal.

(e) No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found.

(f) 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 Colorado Department of Public Health and Environment 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 the Colorado Department of Public Health and Environment. (Prior code 4-12; Ord. 2007-07 §1)

Sec. 7-6-130. Vicious dog prohibited.

(a) No person shall own, keep, harbor or possess any vicious dog within this Town except as provided in Section 7-6-140 below; provided, however, that an animal is not a vicious animal because it has attacked or bitten any or all 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;
- (4) Any person engaged in attempting to aid such animal when it is injured.

(b) *Vicious animal* means any animal that constitutes a threat to human beings or other animals or which approaches any human being in a violent and terrorizing manner in an apparent attack on such human being. (Prior code 4-13)

Sec. 7-6-140. Guard dog.

Guard dogs shall be permitted only when they are confined inside a building or inside a chain-link fence at least six (6) feet in height and such fence or building has such other anti-escape measures as may be deemed necessary by the Town Administrator. Any person owning a guard dog shall post a sign reading "Danger – Guard Dog!" (Prior code 4-14; Ord. 2007-07 §1)

Sec. 7-6-150. Nuisance.

If any animal has been deemed to be a vicious animal or to be a nuisance, the Municipal Court may order such animal destroyed or otherwise removed from the Town. (Prior code 4-15; Ord. 2007-07 §1)

Sec. 7-6-160. Animals; limit on number.

No residence or address shall be allowed to keep more than four (4) animals of any kind, and not more than three (3) dogs or three (3) cats or any combination thereof not exceeding the total number of four (4). This Section shall not apply to residences or addresses which have been permitted animals as set forth in Section 7-6-10 above, or to residences where new litters are still nursing and such litters are less than twelve (12) weeks old. (Prior code 4-16; Ord. 2007-07 §1)

Sec. 7-6-170. Impoundment authorized.

It is lawful for the Town Administrator or police officer or other designated officer of the Town to impound dogs which have been found running at large or return the dog to the owner, keeper, harbinger or other person who has assumed responsibility of the dog, and to issue such person a

penalty assessment or summons and complaint for a violation of this Article. Any dog so impounded shall not be returned to the owner until a redemption fee has been paid, which redemption fee shall consist of the fee contained in Appendix B to this Code plus an additional daily fee for the feeding and care of such animal, as contained in Appendix B to this Code. (Prior code 4-17; Ord. 2007-07 §1)

Sec. 7-6-180. Disposition of unredeemed animals.

Any animal which has been impounded and not redeemed for a period of seventy-two (72) hours may be disposed of in any humane manner by the appropriate administrative authority. (Prior code 4-18)

Sec. 7-6-190. Inhumane treatment.

It is unlawful for any person to inhumanely treat any animal. Inhumane treatment may consist of failure to provide food, shelter, water, or to abuse by kicking, hitting, beating or otherwise mistreating any animal. Any animal receiving inhumane treatment may be removed or impounded at the expense of the owner by the appropriate authority. It is unlawful for any person to inhumanely treat or inhumanely kill any animal. (Prior code 4-19; Ord. 2007-07 §1)

Sec. 7-6-200. Animals in park.

No animal shall be allowed in any park in the Town. (Prior code 4-20)