

**CHAPTER 10**

**Animals**

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## ARTICLE I

### In General

#### Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Aggressive animal.* Any animal that, without provocation, harasses persons by encroaching onto public property or the property of another from a vehicle or from the owner's or custodian's yard through or over a fence, or attacks, injures or kills another animal while off the owner's or custodian's property.

*Animal.* Any of a kingdom (*Animalia*) of living beings typically differing from plants in capacity or spontaneous movement and rapid motor response to stimulation; consistent therewith, any one (1) of the lower animals distinguished from man.

*Animal owner.* Any person who owns, keeps, harbors, possesses or otherwise has custody or control of any animal in the City, whether such person is a resident or nonresident of the City.

*Animal owner's authorized agent or custodian.* Any person who acts for or in the place of the animal owner by authority from the animal owner.

*Cat.* Any domesticated animal of the species *Felis domestica*.

*Dog.* Any domesticated animal of the species *Canis familiaris* or other species of the family *Canis*.

*Domesticated animal.* Dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than seventy (70) pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this Chapter.

*Fowl.* Any domesticated, feathered animal.

*Guard dog.* A dog disciplined, through special training, to protect persons or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

*Harboring.* The activity of the occupant of any premises on which an animal is kept or to which an animal customarily returns daily for food and care which contributes to the animal's habit or tendency to stay at or return to such premises for care and sustenance.

*Leash.* A substantial chain, rope, cord or similar device sufficient to hold an animal in restraint and which is not more than six (6) feet in length.

*Ordinance Control Officer.* Any officer or employee of the City designated by the Police Chief or by his or her authorized representative to enforce the animal control provisions of this Chapter.

*Rabies inoculation.* The inoculation of an animal with a rabies vaccine approved by the Colorado Department of Public Health and Environment and administered by a licensed veterinarian.

*Running at large.* Any animal, unless specifically excepted by this Chapter, not under the direct and competent control of the owner or the owner's authorized agent by means of a leash, except an animal on or within the owner's premises or the owner's motor vehicle; provided that, when such vehicle is parked, the animal shall be within the enclosed portion of such motor vehicle or tethered so as to restrain the animal within the confines of the motor vehicle.

*Veterinarian.* A person licensed by the State to practice veterinary medicine.

*Vicious animal.* Any animal that, without provocation, bites, snaps at or attacks humans or other domesticated animals on public or private property or in a terrorizing manner approaches any person in an apparent attitude of attack;

provided, however, that an animal shall not be deemed a *vicious animal* by reason of having bitten or attacked the following:

- (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 or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked on the street immediately adjacent to the owner's property.
  - (3) Any person engaged in attacking or molesting another person.
  - (4) Any person engaged in attempting to stop an altercation between such animal and another animal.
  - (5) Any person who deliberately and wantonly provokes such animal to bite or to attack such person, another person or another animal.
- (Ord. 8 §1, 2006)

**Sec. 10-2. Exemption for police dogs.**

Police dogs owned by federal, state or local law enforcement agencies shall be deemed exempt from the provisions of this Chapter while being used in the performance of the functions and duties of said department.

(Ord. 8 §1, 2006)

**Sec. 10-3. Cruelty to animals.**

(A) In this Section, unless the context otherwise requires:

*Abandon* includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

*Mistreatment* includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

*Neglect* includes failure to provide food, water, protection from the elements, opportunity for exercise or other care normal, usual and proper for an animal's health and well-being.

(B) A person commits cruelty to animals if, except as authorized by law, he or she knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats or neglects any animal or causes or procures it to be done, or, having the charge and custody of any animal, fails to provide it with proper food, drink or protection from the weather or abandons it.

(C) Cruelty to animals is a misdemeanor. In the case of any person incurring a second or subsequent conviction under the provisions of Subsection (B) above, a sentence of imprisonment within the minimum and maximum terms shall be mandatory and shall not be subject to suspension, nor shall such person be eligible for probation or parole for any part of such period. A plea of *nolo contendere* accepted by the Court shall be considered a conviction for the purposes of this Section.

(D) Nothing in this Section shall be construed to prohibit any conduct authorized or permitted in Title 33, C.R.S., as amended.

(E) It shall be the duty of the Ordinance Control Officer or any duly authorized police officer of the City to take up and impound any such animal that is found to be subject to cruel and inhumane treatment as defined in this Section.

(Ord. 8 §1, 2006)

**Sec. 10-4. Poisoning animals prohibited.**

It is unlawful for any person to poison any animal or fowl or to distribute poison in any manner whatever with the intent or for the purpose of poisoning any animal or fowl.

(Ord. 8 §1, 2006)

**Sec. 10-5—10-10. Reserved.**

## **ARTICLE II**

### **Owner Responsibilities**

**Sec. 10-11. Identification required; exception.**

(A) It is unlawful for the owner or custodian of any domesticated animal within the City to fail to cause such animal to wear or bear at all times legible and current identification containing words, numbers or a combination thereof which enables the Ordinance Control Officer to readily ascertain, at a minimum, the name and current telephone number of the owner or custodian. Said identification may be in the form of a durable tag affixed to the collar or harness of such animal, a microchip surgically implanted into such animal or other similar type of identification.

(B) This Section does not apply to transient or tourist animals, provided that they will be in the City less than thirty (30) days and that they are confined in a suitable enclosure or are under the control of the owner or custodian by a leash.

(Ord. 8 §1, 2006)

**Sec. 10-12. Proof of rabies vaccination required.**

(A) The owner or custodian of any domesticated animal shall have such animal vaccinated against rabies by a licensed Colorado veterinarian unless there can be shown a written statement from a licensed Colorado veterinarian that such vaccination would be detrimental to the health of such animal.

(B) Every owner or custodian shall maintain upon each animal a collar or harness to which its current rabies tag shall be attached.

(C) An animal with a microchip surgically implanted containing the rabies vaccination information is exempt from the requirement of Subsection (B) above. It shall be the responsibility of the owner or custodian to provide proof of the information contained in the microchip.

(Ord. 8 §1, 2006)

**Sec. 10-13. Running at large prohibited.**

It is unlawful for any person to permit any animal or fowl to run at large within the City. Any animal found running at large may be taken up, impounded and disposed of by the Police Department in the manner provided by state law.

(Ord. 8 §1, 2006)

**Sec. 10-14. Premises where animals kept to be clean.**

It is unlawful for any person who keeps any animal within the City to permit the corral, barn, yard, pen or place wherein the animal is kept to become foul, noisome, putrid, malodorous, unwholesome, offensive or in any way dangerous or detrimental to human health, comfort or welfare; and any such place is hereby declared to be a nuisance and subject to abatement.

(Ord. 8 §1, 2006)

**Sec. 10-15. Removal of dead animals.**

When any animal dies in the City, it shall be the duty of the owner or custodian thereof to remove the body of such animal from the City. If such body is not removed within twenty-four (24) hours of the death, the body shall be deemed a nuisance and may be abated as such.

(Ord. 8 §1, 2006)

**Sec. 10-16. Removal of excrement.**

Persons who have in their custody or are the keepers of a dog, horse or other domesticated animal shall be responsible to clean and remove any solid substances excreted from such dog or horse onto any public street, sidewalk, alley

or other public place and to remove the substance and deposit it in a receptacle or other depository so that it is not lying on public streets, sidewalks, alleys or other public places.

(Ord. 8 §1, 2006)

**Sec. 10-17. Disturbing the peace.**

It is unlawful for the owner or custodian of any animal to permit such animal to disturb, molest, damage or destroy the property of others, or to permit a dog, by loud and persistent or habitual barking, to disturb any person or neighborhood; and the same is hereby declared to be a public nuisance.

(Ord. 8 §1, 2006)

**Sec. 10-18. Aggressive behavior.**

It is unlawful for any owner or custodian of an animal to permit or allow said animal to behave as an aggressive animal.

(Ord. 8 §1, 2006)

**Sec. 10-19. Vicious animals to be confined.**

It is unlawful for any owner or custodian of a vicious animal to permit the same to run at large. The police may take up and impound any such animal that is found running at large without notice to the owner or owner's agent.

(Ord. 8 §1, 2006)

**Sec. 10-20. Animal bites; confinement.**

(A) The owner or custodian of any domesticated animal that has bitten any person so as to cause an abrasion of the skin shall immediately advise the Ordinance Control Officer of that fact. Any such animal shall be immediately confined for a period of ten (10) days or longer on the advice of the attending veterinarian or the County Health Department. Confined animals shall have no contact with the public, and it is unlawful for any person to remove any confined animal from the designated quarantine location. Confinement may be on the premises of the owner or custodian if deemed appropriate in the discretion of the Ordinance Control Officer, but must remain within the City for a minimum of ten (10) days. If not confined on the premises of the owner or custodian, confinement will be at the animal shelter, or in any veterinary hospital or boarding kennel within the City limits. Such confinement shall be at the expense of the owner or custodian. In the case of animals whose owner or custodian cannot be located, such confinement shall be at the animal shelter. Since they are not considered to be transmitters of the rabies virus, bites inflicted by rodents, rabbits, reptiles or fowl need not be reported to animal control.

(B) The owner or custodian of any animal that has been reported as having inflicted a bite which caused an abrasion of the skin of any person shall, on demand of the Ordinance Control Officer, produce said animal for examination and confinement, as prescribed in this Section. If the owner or custodian of any such animal willfully or knowingly hides or refuses to produce the animal, each day of refusal to produce the animal shall constitute a separate and individual violation of this Chapter. It is unlawful to give away, sell or remove any such animal from the City or to destroy such animal before it can be properly confined by the Ordinance Control Officer.

(C) When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the County Public Health Officer and advise him or her of any reports of human contact with said animal. If any animal under confinement dies while under observation, the Ordinance Control Officer or his or her agent shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Ordinance Control Officer shall notify the County Public Health Officer of any reports of human contact with the animal.

(Ord. 8 §1, 2006)

**Sec. 10-21—10-30. Reserved.**

## **ARTICLE III**

### **Impoundment**

#### **Sec. 10-31. Generally.**

(A) Authority. The Ordinance Control Officer or any duly authorized officer of the City shall cause all animals found to be running at large in violation of this Chapter to be taken up and impounded in such place as designated by the City Council, and such animals may be taken up without the necessity of filing a complaint.

(B) Any animal found within the City to be in violation of the requirements of this Chapter, except those animals temporarily within the City less than thirty (30) days, shall be impounded, and such animals may be taken up without the necessity of filing a complaint.

(Ord. 8 §1, 2006)

#### **Sec. 10-32. Notice.**

Upon any animal being impounded, a notice containing a description of the animal shall be posted at the City Hall and at the pound. If the owner or custodian of such animal is known, such notice shall be served upon the owner or custodian or by leaving such notice at his or her place of residence with a member of his or her family or with his or her landlord.

(Ord. 8 §1, 2006)

#### **Sec. 10-33. Disposition of unredeemed animals; fee.**

If the owner or custodian of an impounded animal does not appear and claim the same within three (3) days after the posting or serving of a notice as provided in Section 10-32, and pay an impoundment fee plus any additional fees, the Police Department shall dispose of the animal in a humane manner. The Municipal Court may impose and collect any such fees at the time of sentencing on municipal violations.

(Ord. 8 §1, 2006)

#### **Sec. 10-34. Releasing animals from pound without authority prohibited.**

It is unlawful for any person to release any dog or other animal from the pound unless such person has been authorized to do so. The Municipal Court is hereby empowered to charge any defendant under this Code the amount of any fees incurred as a result of impoundment or any other fees as part of the disposition or sentence in any case brought before such Court.

(Ord. 8 §1, 2006)

#### **Sec. 10-35—10-40. Reserved.**