

ARTICLE V

Animal Control Sec.

7-5-10. Definitions

For the purpose of this Article, the following words shall have the following meanings, unless the context indicates otherwise.

Animal means any animal or fowl.

Bee means a honey-producing insect of the genus

Apis, including all life stages of such insect.

Cat means any member of the feline species.

Dog means any member of the canine species.

Dog under control means a dog that is physically controlled by a person by means of a leash, cord or chain held by the person, or a dog that is at all times accompanied by a person and that at all times immediately responds to the sound or sight command of such person.

Fowl means a chicken, duck, goose, turkey, pigeon or bird except any canary, parakeet or similar bird kept solely as a pet.

Own means to own, co-own, control, feed, herd, maintain, board, train, breed, keep or harbor an animal, or to knowingly permit an animal to remain for seven (7) consecutive days on or about property or premises owned, controlled or occupied by an owner.

Owner means a person who owns an animal.

Pet means an animal that is tamed or domesticated and kept as a favorite and treated with affection, except any animal that is customarily larger than thirty (30) pounds or is classified as a carnivore. Pet shall not include any dog, cat or fowl.

Stray animal means an animal that is not accompanied by a person.

Vicious animal means an animal that bites or attacks without provocation, or that has bitten or attacked without provocation. (Ord. 224 §1, 1987; Ord. 481 §1, 2003)

Sec. 7-5-20. Rabies vaccination

Every owner of a dog or cat six (6) months of age or older shall have such dog or cat vaccinated every three (3) years against rabies with a Colorado Department of Health-approved vaccine by a licensed veterinarian. No person shall own any such dog or cat that has not been vaccinated as required by this Section. Upon vaccination, the veterinarian shall provide the owner with a rabies tag showing the year and the series number of the tag, and with a certificate of vaccination, on a form satisfactory to the Town, containing the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat;
- (2) The date of vaccination;
- (3) The type of vaccination used;

(4) The date the next vaccination is required;

(5) The year and series number of the rabies tag; and (6) The breed, age, color and sex of the vaccinated dog or cat. (Ord. 224 §2, 1987; Ord. 481 §1, 2003)

Sec. 7-5-30. Dog license required

(a) No person shall own any dog six (6) months of age or older without obtaining and keeping in force a valid license therefor in the manner provided in this Section.

(b) Each application for a dog license shall be made to the Town Clerk upon a form provided for that purpose. At the time the completed application is submitted to the Town Clerk, the applicant shall submit the certificate of vaccination required by Section 7-5-20 above, and shall pay the required license fee. The Town Clerk shall then issue a numbered dog license and a metal tag bearing the same number as the dog license. The Town Clerk shall keep a record of the date of issuance of each license issued, the number of such license and the name and address of the applicant for such license. Such tag shall be securely attached to a collar, which collar shall be worn by the dog at all times. If a tag is lost or destroyed, a duplicate tag shall be issued upon payment of the required fee.

(c) Such license shall be in effect for a period of one (1) year from the date of issuance. Within ten (10) days before the date of expiration of such license, the owner shall submit a current certificate of vaccination and shall pay the required license renewal fee. The Town Clerk shall then issue a renewal of such license. (Ord. 224 §3, 1987)

Sec. 7-5-40. Animal bites and quarantine.

(a) A person having knowledge that an animal has bitten a person shall immediately report the incident to the Police Department or to the Town Clerk.

(b) Any animal that has been reported to have bitten a person shall be quarantined and shall be observed for a period of ten (10) days from the date of the report. On demand by the Chief of Police, the owner of any animal that has been reported to have bitten any person shall produce the animal for quarantine and observation as prescribed in this Section. The procedure for and place of such quarantine and observation shall be designated by the Chief of Police. The owner shall quarantine the animal on the owner's premises, or in an animal shelter if so required by the Chief of Police. If the animal is required to be quarantined in any Town-designated animal shelter, the costs of such quarantine and any associated impound and boarding fees, together with any other applicable costs pursuant to this Article, shall be paid by the owner in advance to the Police Department. A stray animal whose owner cannot be located shall be quarantined in an animal shelter by the Town; if such owner is subsequently located, such owner shall pay the costs of such quarantine, together with any other applicable costs pursuant to this Article.

(c) No person shall remove, without the consent of the Chief of Police, any animal which has been quarantined pursuant to this Section.

(d) Any police officer, Town employee or health officer is authorized to enter upon any premises in the Town for the purpose of impounding any animal as authorized in this Section or for any other purpose as authorized by this Article. (Ord. 224 §4, 1987; Ord. 541 §1, 2006).

Sec. 7-5-50. Violations; enforcement

(a) No person shall fail to keep a dog under control at all times. It shall be prima facie evidence that a dog is not under control if such dog is off the leash of such person and is out of the range of either the sight or sound command of such person, if such dog trespasses upon the property or premises of another person without such other person's consent, or if such dog inflicts any damage without the consent of such person.

(b) No person shall own a vicious animal within the Town.

(c) No person shall permit a dog to habitually disturb the neighborhood; or permit a dog to bark or howl for an excess period of time in the Town any time of the day or night.

(d) Subject to the provisions of Subsection (e) of this Section, no person shall maintain more than three (3) dogs which are four (4) or more months old per residence within the Town, and the owning of more than three (3) such dogs per residence is hereby declared to be a nuisance. This shall not apply to those portions of the Town where the zoning of the property would permit a greater number of animals to be kept.

(e) A person may apply to the Town for a variance from Subsection (d) pursuant to Section 7-5-60 below.

(f) Any vicious animal or any stray animal may be taken up and impounded by a Town police officer or other Town employee. (Ord. 224 §5, 1987; Ord. 368 §1, 1998; Ord. 481 §1, 2003; Ord. 575 §1, 2008)

Sec. 7-5-60. Variances

(a) A person may apply for a variance from the provisions of Subsection 7-5-50(d), 7-5-90(a) or 7-5-90(b) of this Article. Such application shall be on a form supplied by the Town Clerk. The completed application shall be returned to the Town Clerk and shall be accompanied by the required application fee.

(b) The application shall contain the following information: (1) The name, address and telephone number of the applicant;

(2) The number and species, and such other identifying characteristics as applicable, including but not limited to breed, age, color and sex, of all animals or bees owned by the applicant in the case of a variance from Subsection 7-5-50(d) or 7-5-90(a) of this Article, or the number and species of animals customarily being boarded, trained or groomed by the applicant in the case of a variance pursuant to Subsection 7-5-90(b) of this Article;

(3) A description of the property where such animals or bees will be kept, the length of time they will be customarily on the premises and the facilities for their care;

(4) The reasons for requesting the variance; and

(5) Such other information as the Town may require.

(c) The application shall be reviewed by the Board of Trustees at a public hearing held not sooner than ten (10) days after all property owners within three hundred (300) feet of the application have received a notice of the hearing and a copy of the application. The applicant shall be responsible for providing such notice and such copy to such property owners.

(d) The Board of Trustees may grant a variance if it determines that the granting of such variance would not disturb the neighborhood or create a nuisance.

(e) The variance, if granted, shall be reviewed at least annually and may be reviewed at any time by the Board of Trustees to ensure that the excepted activities are not disturbing the neighborhood or creating a nuisance. (Ord. 224 §6, 1987; Ord. 481 §1, 2003)

Sec. 7-5-70. Impoundment of vicious animals

(a) When a vicious animal has been taken up and impounded, the Police Department shall give notice of such impoundment and of the date, time and location of the hearing provided in Subsection (b) below. If the owner is known, the Police Department shall give such notice personally, by telephone or by mail. If the owner is not known, the Police Department shall post such notice in the offices of the Police Department, and such notice shall contain, in addition to the other information provided for in this Section, a description of the animal by species, if known to the Police Department, color, size and such other descriptive information as the Police Department deems appropriate.

(b) The owner of an animal impounded pursuant to this Section shall be entitled to a hearing before the Municipal Court. Such hearing shall be held as soon as practicable following the impoundment. At the hearing, the Municipal Court shall determine by a preponderance of the evidence whether the animal bit or attacked a person or an animal without provocation. If the Court so determines, the Court may order the animal to be destroyed in order to protect the public health, safety and welfare, and shall order the owner to pay the impoundment fee, any costs of boarding the animal, any costs of destroying the animal if the animal has been ordered to be destroyed, and any other applicable costs pursuant to this Article. Upon a determination by the Court that the animal has bitten or attacked a person or an animal without provocation on a second or subsequent occasion, the Court shall order the animal to be destroyed in order to protect the public health, safety and welfare, and shall order the owner to pay the impoundment fee, any costs of boarding the animal, any costs of destroying the animal and any other applicable costs pursuant to this Article. (Ord. 255 §1, 1988; Ord. 481 §1, 2003)

Sec. 7-5-80. Impoundment of stray animals

When any stray animal has been taken up and impounded, the Police Department shall record the species of animal and description, including color and size; any tag or registration information; date, time and location of impound; date on which disposition will occur if not claimed prior to said date; and costs required to be paid by the owner pursuant to this Article to obtain the release of the animal. If the owner is known, the Police Department shall give notice to the owner by telephone, electronic mail or mail. If the owner is not known, the Police Department shall make the information available to potential owners who call or visit the Police Department to inquire about the identity of lost or stray animals in the Police Department's custody. The owner shall appear at the Police Department to claim such animal and to pay the impoundment fee, any costs of boarding the animal and any other applicable costs pursuant to this Article, within three (3) days of the date on which notice was given in person, by telephone or by electronic mail, or within three (3) days of the date of mailing, whichever is applicable. If no owner appears to claim such animal and pay such costs within such three-day period, the animal shall be disposed of by selling, adopting out or being destroyed, as the Chief of Police may from time to time determine. (Ord. 224 §7, 1987; Ord. 255 §2, 1988; Ord. 481 §1, 2003; Ord. 541 §1, 2006)

Sec. 7-5-90. Regulation of animals and bees

(a) Keeping of animals and bees prohibited. Subject to the provisions of Subsection (c) below, no person shall own any animal or bees within the Town, except for dogs, cats, pets or fowl, as otherwise provided for in this Article.

(b) Training, boarding or breeding of animals prohibited. Subject to the provisions of Subsection (c) below, no person shall keep, maintain or operate within the Town any kennel, building or other place or establishment for the purpose of training, boarding or breeding of animals, and the keeping, maintaining or operating of such an establishment is hereby declared to be a nuisance.

(c) Variance. A person may apply for a variance from the provisions of Subsections (a) and (b) above pursuant to Section 7-5-60 above.

(d) Pets. No person who owns any pet within the Town shall fail to keep such pet securely enclosed in a pen or building, and no such person shall permit such pet to run or fly at will except on the premises of such person, or to go upon the premises of another person.

(e) Removal of fecal matter. Any owner taking an animal to 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. 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.

(f) Places for animals or bees kept clean; running or flying at will, prohibited. No person who keeps any animal or bees within the Town shall permit the place within which the same are kept to become foul, noisome, putrid, malodorous, unwholesome, offensive or in any way dangerous or detrimental to human health, comfort or welfare. Any such place kept in violation of this Subsection is hereby declared to be a nuisance. No person who owns any animal shall permit the same to run or fly at will except on the premises of such person, or to go upon the premises of another person.

(g) Exceptions.

(1) This Section, except for Subsection (f) above, shall not be applicable to the display of any pet or fowl by an entrant in any show, fair or 4-H project. No person shall display any animal, except a pet or fowl, at any such show, fair or 4-H project.

(2) This Section, except for Subsection (f) above, shall not be applicable to the temporary keeping by a licensed veterinarian of an animal during the time necessary for treatment.

(3) This Section shall not be applicable to any person engaged in operating a packinghouse or slaughterhouse governed by Colorado Health Department regulations, nor keeping of animals for a temporary period of time not to exceed seventy-two (72) hours in connection with the operation of such business.

(4) This Section, except for Subsection (f) above shall not be applicable to the owning of no more than two (2) pets. Such pets shall be kept entirely within an interior cage, an exterior pen or a fenced area. The owner of such pets shall obtain a license from the Town Clerk, identifying the pets by breed, color and sex.

(5) This Section, except for Subsection (f) above, shall not apply to the owning of no more than twelve (12) fowl. Such fowl shall be kept entirely within an interior cage, an exterior pen or a fenced area.

(6) This Section, except for Subsection (f) above, shall not be applicable to any animal kept in an area zoned for agricultural-recreational use.

(h) Tethering that endangers well-being of domesticated animal unlawful; lawful tethering of domesticated animal defined.

(1) It is unlawful to tether any animal in such a manner as to create an immediate physical danger to the well-being of the animal.

(2) Tethering to a pole, stake or any similar stationary object shall be deemed to create an immediate physical danger to the well-being of a domesticated animal if the domesticated animal is not within the immediate vicinity of its owner, caretaker or other responsible adult, except as provided in Paragraph (3)(g) below.

(3) Domesticated animals not in the immediate vicinity of their owner, caretaker or other responsible adult may be tethered by means of a trolley system or attached to a pulley on a cable run, if the conditions set forth below are met:

a. The tether must be attached to a properly fitting collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering.

b. There must be a swivel attached to both ends of the tether to minimize tangling.

c. The tether may not weigh more than one-eighth ($\frac{1}{8}$) of the animal's body weight.

d. The trolley system or cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.

e. The tethered domesticated animal shall be provided with sufficient area to exercise, and shall have access to adequate shelter and adequate water.

f. The trolley system or cable run must be located on the domesticated animal owner's property and must prevent the tether from extending over an object or edge that could result in injury or strangulation of the domesticated animal and prevent the tether from becoming entangled with other objects or animals.

g. A stake, if flush with the ground and containing a slip ring or other low profile, freely rotating ring device, shall be allowed under the same conditions as a trolley system except for the trolley height requirements.

(4) In no case shall a domesticated animal be tethered in excess of ten (10) hours in a twenty-four hour period. Tethering in excess of ten (10) hours in a twenty-four-hour period shall be unlawful and shall be deemed to constitute inhumane treatment of the domesticated animal. (Ord. 224 §8, 1987; Ord. 398, 1999; Ord. 481 §1, 2003; Ord. 560 §1, 2007)

Sec. 7-5-100. Fees

The fees which apply to this Article are set forth in the Fee Schedule. (Ord. 224 §9, 1987; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 7-5-110. Reserved

Sec. 7-5-120. Animal at large

(a) No animal shall be at large or beyond the control of its keeper.

(b) It shall be prima facie evidence that an animal is at large if the animal is not under restraint or the keeper is not aware of its location.

(c) All cats and dogs are required to have current rabies vaccinations. Owners of all cats and dogs are to retain proof of the rabies vaccinations that have been made until a subsequent vaccination is given to the dog or cat. (Ord. 606 §1, 2009)