

CHAPTER 6 ANIMALS*

*Cross reference(s)--Health and sanitation, Ch. 30; circuses and carnivals, § 42-271 et seq.

State law reference(s)--Home rule powers, Col. Const. Art. XX, § 6; authority to regulate animals, C.R.S. § 31-15-401(1)(f), (1)(i), (1)(m).

ARTICLE I. IN GENERAL

Sec. 6-1. 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:

Animal means any living creature, domestic or wild.

Animal control officer means any person designated by the Police Department or the City Manager as an "animal control officer," Code enforcement officer or police officer with the duties of investigation, control and enforcement of this Code and State laws pertaining to animals.

Bodily injury means physical pain, illness or any impairment of physical or mental condition.

Domesticated animals means animals which have been by breeding or otherwise tamed or reoriented to domestic life, including but not limited to dogs, cats, horses, mules, donkeys, cattle, sheep, swine, goats, chickens, domesticated Vietnamese potbellied pigs, and other domestic fowl and livestock.

Effective and immediate control means such direct, physical restraint achieved by leash, cord or chain sufficient to prevent attack or uninvited contact by the animal upon a person other than the owner, to prevent entry upon public property if the animal is not on a leash controlled by a human or to prevent entry upon private property of another without the consent of the person in possession of such private property.

Good cause shall mean to act out of necessity or take action against an animal to defend a person or property from imminent harm or damage.

Humane officer means any person designated by the humane society as a law enforcement officer or any person so designated by the Police Department or any person so designated by the City Manager and who qualifies to perform such duties under State laws.

Kennel means any person engaged in the business of breeding, buying, selling or boarding dogs and/or cats or engaged in the training of dogs for guard or sentry purposes.

Livestock means horses, mules, cattle, burros, swine, sheep, goats, poultry and rabbits.

Mutilate shall mean to detach or destroy an animal's limb or other essential part or to otherwise cripple or maim an animal.

Owner means any person owning, possessing, keeping, leasing or harboring any animal within the City.

Person means any individual, firm, company, partnership, corporation, limited liability company, organization or other entity, and includes the term "owner" as defined in this section.

Pet shop means any person engaged in the business of breeding, buying, selling or boarding animals of any species.

Premises means real property, buildings and other improvements.

Running at large means an animal that is not restricted to its owner's premises or not under the effective and immediate control of a person or such animal's owner.

Severe bodily injury means bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

To own means to own, possess, keep, harbor or lease.

Unprovoked attack means the infliction of bodily injury on one or more persons or animals by an animal, which injury is not necessary to:

- (1) Protect a person from an unlawful assault.
- (2) Protect the property of a person against theft, criminal mischief or criminal trespass.
- (3) Protect the animal from an unjustified and unprovoked attack which could cause serious bodily injury to

it.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or for the diagnosis and treatment of diseases and injuries of animals.

(Code 1975, § 26-10; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 1957, 2-26-90; Ord. No. 2179, § 2, 7-27-92; Ord. No. 2228, § 2, 1-25-93; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 3, 11-14-94; Ord. No. 2666, § 1, 6-18-01; Ord. No. 2686, § 1, 10-22-01)

Cross references: Definitions generally, § 1-2.

Sec. 6-2. Vaccination required.

(a) Except as provided in Subsection (b) of this section, every owner of a dog or cat over six months of age shall have such dog or cat vaccinated against rabies within seven days after the dog or cat is brought into the City, within seven days after the acquisition of the dog or cat or within seven days after the dog or cat reaches the age of six months, whichever occurs later, by a veterinarian properly licensed by the State. All owners of domesticated Vietnamese potbellied pigs shall have such pigs tested for pseudorabies and brucellosis prior to being brought into the City and shall maintain proof of such tests being performed by a veterinarian properly licensed by the State. In addition, every such pig brought into the City must be neutered or spayed before the pig reaches six months of age.

(b) In the case of a dog or cat that was vaccinated in another state and was subsequently brought into the City from such other state, the requirement of Subsection (a) of this section shall be met during the time for which such vaccination is effective, for a time period not to exceed the period of time recommended in the Compendium of Animal Rabies Control, as promulgated by the National Association of State Public Health Veterinarians, after having been vaccinated against rabies by a veterinarian properly licensed by the state from which the dog or cat was brought, and if the owner has a rabies tag for such vaccination and a certificate of such vaccination which show substantially the information required by Subsection (c) of this section and which show that no further rabies vaccination is required.

(c) Upon vaccination as required by Subsection (a) of this section, the veterinarian shall provide the owner with a rabies tag showing the month, year and a series number of the tag and with a certificate of vaccination on a form showing the following information:

(1) The name, address and telephone number of the owner of the vaccinated dog or cat.

(2) The date of the vaccination.

(3) The type of vaccination used.

(4) The date by which the next vaccination is required, which date shall not exceed the period of time recommended in the Compendium of Animal Rabies Control, as promulgated by the National Association of State Public Health Veterinarians, from the date of the previous vaccination, regardless of the type of vaccination used.

(5) The month, year and series number of the rabies tag.

(6) The breed, approximate age, color and sex of the vaccinated dog or cat.

(d) Any person who shall violate any of the provisions of this section shall, upon conviction, be fined a sum of not less than \$15.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined a sum of not less than \$30.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon a third or subsequent conviction within any 12-month period, be fined a sum of not less than \$50.00 nor more than \$1,000.00. These minimum fines shall be mandatory and may not be suspended by the court.

(Code 1975, § 26-11; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2179, § 2, 7-27-92; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2486, § 1, 12-15-97; Ord. No. 2558, § 1, 8-9-99)

State law references: Rabies control, C.R.S. § 25-4-601 et seq.

Sec. 6-3. Purpose.

The purpose of this chapter is to establish the regulations and expectations of both owners and domestic pets in order to maintain the health and well-being of animals, prevent damage to people or property, and protect the public health, safety, and welfare.

(Ord. No. 2950, § 1, 7-11-06)

Sec. 6-4. Commercial license required.

(a) No kennel, veterinary hospital, pet shop, livery, riding stable, abattoir, stockyard, hatchery, livestock auction or other place where livestock or poultry are regularly bred, kept, offered for sale or slaughtered for commercial purposes or educational facility or laboratory regularly using animals shall engage in business in the City without obtaining a commercial license. Commercial licenses shall expire on December 31 of the year first issued and shall be renewed annually thereafter.

(b) Application for the license referred to in Subsection (a) of this section shall be made on forms provided by the City Clerk for that purpose. The applicant shall furnish the following information on the application:

(1) The name, business address and telephone number of the applicant.

(2) The address of the premises for which the application for a license is being made and the approximate number and types of animals which will be kept on the premises.

(3) Copy of a lease or proof of ownership of the premises for which the application for a license is being made.

(4) Such other information as the City Clerk reasonably deems necessary.

(c) A license shall be issued by the City Clerk after completion of the application provided for in Subsection (b) of this section, proof of the applicant's ability to comply with the requirements of this article and with other applicable laws, including requirements for the humane care of animals, and payment of the applicable license fee pursuant to Subsection 6-7(a). The license fee will be prorated the first year of issuance.

(d) It shall be a condition of the issuance of any license pursuant to this section that humane officers and inspectors of the City or the State shall be permitted to inspect all animals and the premises where animals are kept at any time.

(e) No license issued pursuant to this section shall be transferable.

(Code 1975, § 26-13; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2558, § 2, 8-9-99)

Sec. 6-5. Reserved.

Editor's note: Ord. No. 2486, § 3, adopted Dec. 15, 1997, repealed former § 6-5 of the Code, which pertained to change of ownership and derived from the 1975 Code, § 26-14; Ord. No. 1542, adopted March 17, 1986; and Ord. No. 1707, adopted Sept. 28, 1987.

Sec. 6-6. Attachment of tag.

(a) The owner of a dog or cat shall attach the rabies tag provided for in Subsection 6-2(c) to the collar or harness of the dog or cat. Such tags shall remain attached to the collar or harness at all times, and the collar or harness shall be worn by the dog or cat at all times.

(b) No person shall attach a rabies tag to the collar or harness of any dog or cat except to the dog or cat for which the rabies tag was issued.

(c) Any person who shall violate any of the provisions of this section shall, upon conviction, be fined a sum of not less than \$15.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined a sum not less than \$30.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon a third or subsequent conviction within any 12-month period, be fined a sum of not less than \$50.00 nor more than \$1,000.00. These minimum fines shall be mandatory and may not be suspended by the court.

(Code 1975, § 26-15; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2179, § 2, 7-27-92; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2486, § 4, 12-15-97)

Sec. 6-7. Fees.

(a) License fees. The annual fee for the following licenses issued pursuant to this article shall be determined from time to time by resolution of the City Council:

(1) Each kennel or pet shop, covering all animals kept during the year.

(2) Each livery or riding stable, covering all horses kept during the year.

(3) Each abattoir, stockyard, hatchery, livestock auction or other place where livestock or poultry are regularly bred, kept, offered for sale or slaughtered for commercial purposes, covering all animals kept during the year.

- (4) Each veterinary hospital or educational facility or laboratory regularly using animals, covering all animals kept during the year.
- (b) Other fees. Other fees pursuant to this article shall be as follows:
- (1) Impound fee. For each stray animal returned to the owner, including any quarantined animal, the fee shall be as determined from time to time by resolution of the City Council.
- (2) Board fee. For each day that an animal, including any quarantined animal, is boarded in the shelter, the fee shall be as determined from time to time by resolution of the City Council.
- (3) Emergency medical fee. For each animal that requires emergency medical treatment, the fee shall be the actual costs of treatment, not to exceed an amount determined from time to time by resolution of the City Council.
- (4) Disposal fee. For all animals within the City, shall be as determined from time to time by resolution of the City Council.
- (5) Adoption fee. The adoption fee shall be established by the contracted animal shelter facility.
- (c) Prorating or refunding. No fee imposed pursuant to this article shall be prorated or refunded. (Code 1975, § 26-16; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2179, § 2, 7-27-92; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 5, 11-14-94; Ord. No. 2486, § 5, 12-15-97; Ord. No. 2981, § 1, 2-27-07)

Sec. 6-8. Dogs running at large.

- (a) Unlawful acts; defense. It shall be unlawful for any owner of a dog to fail to prevent such dog from running at large within the City. It shall be an affirmative defense to this section that the dog was contained entirely upon private property with the consent of the person in lawful possession of such property.
- (b) Violations; penalties. Any person who shall violate any of the provisions of this section shall, upon conviction, be fined a sum of not less than \$50.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined not less than a sum of \$150.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon a third or subsequent conviction, be fined a sum of not more than \$1,000.00. Minimum fines in this subsection shall not be suspended by order of the court, except that, if proof of neutering or spaying is provided to the court at the time of sentencing, the court shall reduce or suspend the penalty by the amount of the cost of such procedure. (Code 1975, § 26-17; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 1957, 2-26-90; Ord. No. 2353, § 5, 11-14-94; Ord. No. 2486, § 6, 12-15-97)
- State law references: Authority to regulate and prohibit the running at large of animals, C.R.S. § 31-15-401(1)(m)(1).

Sec. 6-9. Cats running at large.

- (a) It shall be unlawful for any owner of a cat to permit such cat to enter upon the private property or premises of another without the prior consent of the owner or person in possession or charge of such private property. For purposes of this section, the term "private property" shall include all real property, including common areas of condominiums, townhouses or other developments; however, the term shall exclude public ways, parks and other publicly owned property and facilities.
- (b) Any person who shall violate any of the provisions of this section shall, upon conviction, be fined a sum of not less than \$50.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined not less than a sum of \$150.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon a third or subsequent conviction, be fined a sum of not more than \$1,000.00. Minimum fines in this subsection shall not be suspended by order of the court, except that, if proof of neutering or spaying after the date of the violation is provided at the time of sentencing, the court shall reduce or suspend the penalty by the amount of the cost of such procedure. (Code 1975, § 26-17.1; Ord. No. 1840, 2-13-89; Ord. No. 2353, § 7, 11-14-94)
- State law references: Authority to regulate and prohibit the running at large of animals, C.R.S. § 31-15-401(1)(m)(1).

Sec. 6-10. Vietnamese potbellied pigs at large.

- (a) It shall be unlawful for any owner of a domesticated Vietnamese potbellied pig to permit such pig to be

left unattended by the owner or the owner's designee in the outdoor premises of the owner or to permit such pig unrestrained to enter upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property or upon any publicly owned property and facilities.

(b) Any person who shall violate any of the provisions of this section shall, upon conviction, be fined a sum of not less than \$50.00 nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined not less than a sum of \$150.00, nor more than \$1,000.00. Any person who shall violate any of the provisions of this section shall, upon a third or subsequent conviction, be fined a sum of not more than \$1,000.00. Minimum fines in this subsection shall not be suspended by orders of the court.

(c) All other provisions of this article shall be applicable to domesticated Vietnamese potbellied pigs. (Code 1975, § 26-17.2; Ord. No. 2179, § 3, 7-27-92; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 8, 11-14-94)

State law references: Authority to regulate and prohibit the running at large of animals, C.R.S. § 31-15-401(1)(m)(1).

Sec. 6-11. Enforcement.

It shall be the duty of the animal control officers, including any contracted animal control officers, to see that any dog, cat or Vietnamese potbellied pig found running at large in violation of the standards of Subsection 6-8(a) applicable to dogs or Subsection 6-9(a) applicable to cats or Section 6-10 applicable to Vietnamese potbellied pigs is taken and impounded in the animal shelter designated by the City Council, and such dog, cat or Vietnamese potbellied pig may be taken without the necessity of filing a complaint and shall be impounded and disposed of as provided in Section 6-13.

(Code 1975, § 26-18; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 1840, 2-13-89; Ord. No. 2179, § 4, 7-27-92; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 9, 11-14-94)

Sec. 6-12. Quarantine of animals.

(a) An animal which is known to have bitten any person or any animal which, in the opinion of a member of the Police Department, an animal control officer or of any licensed veterinarian of the State, appears to be inflicted with rabies shall be closely confined by its owner in accordance with the directions of a member of the Police Department or an animal control officer or shall be impounded by animal control, at the election of the Police Department or an animal control officer, for a period of not less than ten days. No person shall knowingly dispose of an animal that has bitten someone, without the approval of an animal control officer or the Police Department. No person shall fail to prevent such animal from being closely confined in accordance with the directions of the Police Department or an animal control officer.

(b) The owner of any animal that has been reported to have bitten any person shall, on demand of any member of the Police Department or an animal control officer, produce the animal for examination and quarantine. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there shall be probable cause to believe that the animal has bitten any person and that the owner is keeping or harboring the animal upon such a demand, and the owner may be charged with a violation of this section by failing to produce such an animal. If the owner of any such animal shall willfully or knowingly secrete or refuse to produce such animal, such act shall constitute a separate and individual violation of this section.

(c) If the owner of a quarantined animal is not determined or located, the Police Department or an animal control officer may order the animal to be destroyed; if, however, the owner of a quarantined animal is located, the owner shall be responsible to the City for all costs incurred for the confinement and treatment of the animal under this section. If the animal is determined to be suffering from rabies, it shall be destroyed forthwith.

(d) If the animal is inoculated for rabies during the ten-day quarantine, an additional ten days of quarantine is required. Total quarantine, if so inoculated, shall be 20 days.

(Code 1975, § 26-19; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2666, § 2, 6-18-01)

Sec. 6-13. Impoundment; euthanasia; dead animals.

(a) Impoundment. Any animal found running at large may be taken up by any person or by any animal control officer and impounded by such officer for a period not to exceed five days. It shall be lawful for any

animal control officer to go upon any property, excluding a dwelling, using such force as may be reasonably necessary, for the purpose of pursuing and catching any animal to be impounded. An animal control officer shall not go within the interior of a dwelling to remove an animal without a court order or the consent of an occupant of the dwelling over the age of 18 years. In the event that the impounded animal is not claimed by its owner or keeper within five days, the animal may be destroyed or sold by the animal control office or designated animal control facility in which the animal has been impounded.

(b) Claiming impounded animals. The City or its designated agent, including an animal control facility, may sell an impounded animal, which has not been claimed by its owner, to any person. The owner of any animal impounded by the City shall reclaim the animal from the animal shelter and pay any applicable fees as provided in Section 6-7.

(c) A person receiving a summons and complaint for a violation of Section 6-2, 6-6 or 6-12 may pay the standard fine for such violation at the violations bureau of the Municipal Court, provided that proof of a valid rabies vaccination is provided and payment of any applicable fee is made, at the time payment of the fine is tendered. Failure to provide the proof required or to pay the fees required shall result in a mandatory court appearance on the violation.

(d) An animal owner who wishes to have his live or dead pet disposed of by the City may pay a fee, as provided for in Section 6-7. Upon receiving evidence of payment, an animal control officer will pick up a dead animal for disposal or transport a live animal to a facility for humane euthanasia.

(e) When any animal shall die in this City, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith from the City for disposal. If such body shall not forthwith be removed, the body shall be deemed a nuisance and subject to abatement by the City. When the body of any such dead animal shall be in any street, highway or public grounds in this City, it shall be the duty of the City to cause such body to be removed forthwith for proper disposal.

(f) Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. Payment of the medical fees, as provided for in Section 6-7, may be required before the animal is released to the owner.

(g) Proof of ownership. A valid rabies tag worn by any animal shall be presumptive evidence that the owner of the animal is the person registered as obtaining the rabies vaccination for such animal. The registered owner of an animal may be charged with any violation the animal committed.

(Code 1975, § 26-20; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2486, § 7, 12-15-97; Ord. No. 2666, § 3, 6-18-01)

State law references: Impoundment authority, C.R.S. § 31-15-401(1)(m).

Sec. 6-14. Possession of wild or vicious animals.

No person shall keep or permit to be kept on such person's premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoological garden, theatrical exhibit or circus, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical or mechanical devices.

(Code 1975, § 26-21; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87)

Sec. 6-15. Misuse of animals.

No person shall give away any live vertebrate animal as a prize for or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement, or no person shall offer such vertebrate as an incentive to enter into any business agreement whereby the vertebrate is for the purpose of attracting trade.

(Code 1975, § 26-22; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87)

Sec. 6-16. Animals in heat.

The owner of every female dog or cat in heat shall keep the dog or cat confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal, except for planned breeding, and such that the animal does not create a nuisance by attracting other dogs or cats.

(Code 1975, § 26-23; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87)

Sec. 6-17. Care and control.

(a) Nuisance animals are described and procedures for handling nuisance animals are included as follows:

(1) It shall be unlawful for any owner of an animal to fail to exercise proper control of such owner's animal to prevent it from becoming a nuisance. The following shall be deemed a nuisance:

a. An animal which, at any place within the City:

i. without provocation, and without effective and immediate control, repeatedly snaps at or repeatedly lunges at or approaches a person while growling and snarling at such person in a threatening manner.

ii. without provocation, and without effective and immediate control, chases or runs at another person while snapping or biting, growling or snarling at such person in a threatening manner.

b. Excessive, continuous or untimely barking or, in the case of a Vietnamese potbellied pig, squealing.

c. Harassing passersby while encroaching on public or private property, including snarling and/or growling while leaning on or over fences and walls.

d. Chasing vehicles or persons.

e. Unattended animals chained or tied in public places, including private property frequented by business invitees.

f. Trespassing upon school grounds.

g. Trespassing upon public or private property in such a manner as to damage property, which includes damages and nuisances caused by defecation and urinating on plants, flowers and shrubs, and rooting to such an extent that the animal traverses the property boundary line or violates the landscaping code in Article III of Chapter 18.

h. A dog or pig found to be running at large by the Municipal Court on three or more occasions within any 12-month period.

(2) For purposes of this section, no animal shall be deemed a nuisance by reason of having attacked, threatened or terrorized any person under any of the following conditions:

a. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;

b. 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;

c. Any person engaged in attacking or molesting another person;

d. Any person engaged in attempting to stop an altercation between such animal and another animal;

e. Any person who deliberately and wantonly provokes such animal to bite or to attack such person, another person, or another animal.

(3) When any such animal shall be seized as a nuisance, it shall be impounded by the Police Department or an animal control officer and may be held until a fact-finding dispositional hearing ("dispositional hearing") can be held in Municipal Court to determine its proper disposition. This dispositional hearing can take place notwithstanding any court action against any person who has been charged with a violation of any of the sections in this article, and any statement made by any person at such a dispositional hearing shall not be used in evidence in any trial procedure.

(4) If any animal shall be identified as a nuisance that cannot be taken up by the Police Department or an animal control officer, but the owner can be identified, the owner may be charged under this section notwithstanding the fact that the animal has not been captured.

(5) Prior to the dispositional hearing, the owner of the animal shall be given written notice of the dispositional hearing by the Police Department, animal control officer, or the court, if the owner or keeper is known. Such notice may be personally served upon the owner of the animal, or sent standard delivery in the U.S. mail, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing and the rules of evidence prevailing in judicial proceedings shall not be binding. However, such rules of evidence may be used as a guide for the introduction of evidence. Any and all documentary evidence and other data deemed relevant by the Municipal Judge shall be received in evidence. The Municipal Judge shall have the power to determine that the animal be further confined, to order that the owner take specific steps to prevent the animal from running at large or to otherwise abate the nuisance created or to order the animal to be sold or destroyed. The owner of the animal shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, the right to cross-examine the City's witnesses and [the] right to compel the attendance of witnesses. At such dispositional hearing, the City shall have the burden to prove by a preponderance of the evidence that the animal

constitutes a nuisance as defined in Subsection (a) of this section.

- (b) It shall be unlawful for a person to knowingly or recklessly engage in any of the following acts, or any combination thereof:
- (1) Fail to provide an animal with sufficient food and water, proper shelter and protection from the weather to avoid harm to an animal;
 - (2) Fail to provide veterinary care when needed to prevent suffering and injury to an animal;
 - (3) To, without good cause, mutilate an animal;
 - (4) To, without good cause, beat repeatedly or kill or attempt to kill an animal;
 - (5) To cruelly treat, torment, overload, overwork or otherwise abuse any animal to the extent that the animal is in imminent danger of injury, sickness or death;
 - (6) To cause or permit any dogfight, cockfight, bullfight or other combat between animals or between humans and animals;
 - (7) To abandon such animal or neglect such animal to the extent that the animal is in imminent danger of injury, sickness or death. The term "neglect" shall include leaving an animal unattended in a vehicle without adequate ventilation or to leave an animal unattended in any manner that subjects the animal to extreme temperatures or conditions and thereby creates a risk of imminent injury, sickness or death to the animal;
 - (8) To crop a dog's ears or neuter an animal. This provision shall not apply to actions of a licensed veterinarian; and
 - (9) To poison any dog or cat or distribute poison in any matter whatsoever with the intent or for the purpose of poisoning any dog or cat.
- (c) Any member of the Police Department or an animal control officer may take necessary and appropriate steps to abate any violation of Subsections (a) and (b) of this section and, further, may impound the animals affected until a dispositional hearing can be held before the judge of the Municipal Court in the manner and form provided in Subsection (a) of this section.
- (d) No owner shall fail to maintain areas where animals are kept in a clean and sanitary fashion. It shall be the duty of every owner to dispose of, in a reasonable manner, any accumulation of animal excretion on premises where animals are kept, in order to prevent the attraction of flies, insects or other pests, and in order to prevent the propagation of obnoxious odors.
- (e) Any person who purchases or leases, whether lessor or lessee, a dog which is used as a commercial guard or attack dog in the City must comply with vaccination requirements as stated in this article. Premises where guard or attack dogs are used must be conspicuously posted by the person in control of the premises with notice of a guard dog's presence. Such posting shall provide emergency telephone numbers for the purpose of contacting persons in control of the premises or animals when City agencies or other governmental agencies require access to the property.
- (f) No person shall harbor or allow there to be more than a total of three dogs, three cats or one Vietnamese potbellied pig or, if dogs, cats and pigs are harbored or allowed, any combination not exceeding four such animals per residential dwelling unit that they occupy. This subsection shall not apply to dogs or cats under three months old from the same litter of a female dog or cat harbored or allowed per residential dwelling unit. This section shall not apply to animals maintained in an Agricultural District when the uses are approved in compliance with Chapter 18.
- (g) Any person who shall violate parts a, f, or h of paragraph (a)(1) or any parts of paragraph (b) of this section shall, upon conviction, be subject to enhanced penalties, as follows:
- (1) Fined a sum of not less than \$100.00 nor more than \$1,000.00, or imprisoned for not more than one year, or both such fine and imprisonment; and
 - (2) Ordered to have the animal spayed or neutered by a licensed veterinarian or a licensed shelter; and
 - (3) Ordered to have the animal be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information shall be registered with the appropriate company responsible for maintaining such information for the microchip; and a copy of the initial registration and a receipt acknowledging completion of registration from the company shall be provided to the Animal Control Division of the Police Department.
- (h) Any person who shall violate any other provision of this section, shall, upon conviction, be punished as provided in Section 1-8(a). In addition to any penalty provided above, the court shall have the authority to include any of the following requirements:
- (i) The owner of the animal provides a separate enclosure in the rear yard of the owner's property that

securely limits the animal's access to the public as determined by an Animal Control Officer, unless the animal is under the physical control of a responsible person and restrained by a lead not to exceed four feet in length;

(j) The owner and the animal shall complete a socialization or behavior program approved by Animal Control;

(k) The owner of the animal shall notify the Police Department in person or by telephone as soon as practicable but no later than one hour after the owner's knowledge of the occurrence of either of the following events: the animal has escaped or has otherwise ceased to be in the custody of the owner or the animal had attacked a person or domestic animal.

(l) The owner shall post a conspicuous warning sign on the building or front portion of the property notifying others that a dangerous dog is housed in the building or on the property.

(Code 1975, § 26-24; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 1877, 7-24-89; Ord. No. 2179, §§ 5, 6, 7-27-92; Ord. No. 2228, § 3, 1-25-93; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 10, 11-14-94; Ord. No. 2486, § 8, 12-15-97; Ord. No. 2526, § 1, 10-12-98; Ord. No. 2666, § 4, 6-18-01; Ord. No. 2686, § 2, 10-22-01; Ord. No. 2932, § 1, 11-15-05; Ord. No. 2950, § 2, 7-11-06; Ord. No. 2996, § 1, 7-10-07)

State law references: Cruelty to animals, C.R.S. § 18-9-201 et seq.; authority of City to prohibit cruelty to animals, C.R.S. § 31-15-401(1)(i).

Sec. 6-18. Animal attacks.

(a) It shall be unlawful to own an animal that:

(1) Causes severe bodily injury to a person in an unprovoked attack, whether on or off the premises of its owner. The owner of an animal that causes severe bodily injury to a person in an unprovoked attack, whether on or off the premises of its owner, shall be responsible for all the medical expenses incurred by such person. Any owner who shall violate the provisions of this subsection shall, upon conviction, be fined a sum of not less than \$500.00 nor more than \$1,000.00, and imprisoned for not less than five days nor more than one year. The court shall also assess against the owner of the animal all costs incurred in apprehending, detaining, treating and disposing of the animal.

(2) Causes bodily injury to a person in an unprovoked attack, whether on or off the premises of its owner. The owner of an animal that causes bodily injury to a person in an unprovoked attack, whether on or off the premises of its owner, shall be responsible for all the medical expenses incurred by such person. Any owner who shall violate the provisions of this subsection shall, upon conviction, be fined a sum of not less than \$500.00 nor more than \$1,000.00 or imprisoned for not more than one year, or both such fine and imprisonment. The court shall also assess against the owner all costs incurred in apprehending, detaining, treating and disposing of the animal.

(3) Causes bodily injury to another animal in an unprovoked attack while on or off the premises of its owner. Any owner who shall violate the provisions of this subsection shall, upon conviction, be fined a sum of not less than \$500.00 nor more than \$1,000.00 or imprisoned for not more than one year, or both such fine and imprisonment. The court shall also assess against the owner all costs incurred in apprehending, detaining, treating and disposing of the animal that caused the attack as well as any costs incurred by the owner of the attacked animal in treating it or disposing of its body if it was killed.

(b) Any person who shall violate any provision of this section shall, upon conviction, be:

(1) Ordered to pay for all costs associated with the confinement and destruction of the animal; or

(2) Ordered to have the animal spayed or neutered by a licensed veterinarian or a licensed shelter; and

(3) Ordered to have the animal be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information shall be registered with the appropriate company responsible for maintaining such information for the microchip; and a copy of the initial registration and a receipt acknowledging completion of registration from the company shall be provided to the Animal Control Division of the Police Department.

(4) The owner shall post a conspicuous warning sign on the building or front portion of the property located within the City notifying others that a dangerous dog is housed in the building or on the property.

(c) In addition to any penalty provided above, the court shall have the authority to include any of the following requirements:

(1) The owner of the animal provides a separate enclosure in the rear yard of the owner's property that securely limits the animal's access to the public as determined by an Animal Control Officer, unless the animal is under the physical control of a responsible person and restrained by a lead not to exceed four feet in length;

(2) The owner and the animal shall complete a socialization or behavior program approved by Animal Control;

(3) The owner of the animal shall notify the Police Department in person or by telephone as soon as practicable but no later than one hour after the owner's knowledge of the occurrence of either of the following events: the animal has escaped or has otherwise ceased to be in the custody of the owner or the animal had attacked a person or domestic animal.

(Code 1975, § 26-25; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2228, § 4, 1-25-93; Ord. No. 2353, § 11, 11-14-94; Ord. No. 2950, § 3, 7-11-06; Ord. No. 2996, § 2, 7-10-07)

Sec. 6-19. Disposition of animals.

(a) Any animal that causes bodily injury to a person or serious bodily injury to an animal in an unprovoked attack may be impounded by animal control officers or the Police Department without prior notice to the animal's owner. A police officer, animal control officer may remove the animal from the premises of the owner without civil or criminal liability if the animal is not located within the residence of its owner. In the event that an animal is located within the residence of its owner, the Police Department or animal control unit may obtain a court order from the Municipal Court authorizing the seizure of the animal prior to removing it from its owner's residence or may remove the animal from its owner's residence upon receiving the owner's consent.

(b) Following the impoundment of an animal pursuant to this section, an animal control officer, or police officer shall leave a notice with a person over the age of 18 years at the residence of the owner of the seized animal. The notice shall indicate the date and time on which the animal was seized, the location where the animal is impounded and the date, time and location of the hearing concerning the seizure of the animal. Within two working days of the seizure of the animal, a copy of this notice shall be sent to the owner of the animal by certified or registered mail.

(c) The owner of an animal seized pursuant to this section shall be entitled to a hearing before the Municipal Court within two weeks of the date the mailed notice is postmarked. At the hearing, the court shall determine whether the animal caused bodily injury to a person or severe bodily injury to a person or to a domesticated animal and whether the attack was unprovoked. If the court determines, based upon a preponderance of the evidence, that the animal, in an unprovoked attack, caused severe bodily injury to a person, the court shall order the animal destroyed and all the costs associated with the seizure, confinement and destruction of the animal assessed against its owner. If the court determines, based upon a preponderance of the evidence, that the animal caused bodily injury to a person in an unprovoked attack or caused severe bodily injury to a domesticated animal in an unprovoked attack, the court may order the destruction of the animal in order to protect the public health, safety and welfare. Upon a second or subsequent unprovoked attack on a person or domesticated animal, the court shall order the destruction of the attacking animal and shall assess all costs associated with the seizure, confinement and destruction of the animal to its owner.

(Code 1975, § 26-26; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2353, § 12, 11-14-94; Ord. No. 2666, § 5, 6-18-01)

Sec. 6-20. Interference prohibited.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the members of the Police Department, an animal control officer, or any licensed veterinarian of the State, in the discharge of their respective duties as prescribed in this article, or to violate any of the provisions of this article.

(Code 1975, § 26-27; Ord. No. 1542, 3-17-86; Ord. No. 1707, 9-28-87; Ord. No. 2666, § 6, 6-18-01)

Sec. 6-21. Animals prohibited in City.

(a) Generally. No horses, mules, sheep, cattle, swine, goats or other livestock, rodents, chickens, pigeons, turkeys or peacocks shall be kept or maintained within the corporate limits of the City in residential zone districts. No geese or other fowl shall be kept or maintained in residential zone districts, except that no more than two ducks may be kept or maintained on any one premises. No more than three adult rabbits may be kept or maintained on any one premises within the City. No more than five adult hamsters, gerbils or guinea pigs may be kept or maintained on any one premises within the City. No more than one domesticated Vietnamese potbellied pig, weighing less than 70 pounds, may be kept or maintained on any one premises within the City. This section shall not apply to animals maintained on the premises of a farming operation, a licensed

commercial enterprise, a veterinarian hospital, a pet shop or an educational facility.

(b) Additional conditions to prohibition. In addition to the general prohibition of Subsection (a) of this section, the following requirements shall exist for the following zoning districts:

(1) Agricultural District. Subsection (a) of this section shall not apply to animals maintained in an Agricultural District when the uses are approved in compliance with Chapter 18.

(2) Residential Estate District. No more than a combined total of ten rabbits, ducks and/or chickens shall be permitted to be kept per lot. No more than a combined total of three horses, cattle, goats, llamas and sheep shall be kept per acre of lot, with a maximum of four such animals permitted and subject to the following conditions:

a. All manure shall be disposed of promptly so as not to constitute a health or odor problem or other condition of public nuisance; and

b. All livestock shall be kept within a fenced area.

(3) Preservation/Revitalization District. Nondomestic animals shall be permitted in a Preservation/Revitalization District only if kept in cages or other protective shelters and if they do not pose a public threat or nuisance.

(c) Wild animals. It is unlawful for any wild animals to be kept or maintained within the corporate limits of the City. "Wild animal" shall be defined as any animal that customarily exists in its natural unconfined state and is usually not domesticated and shall include but not be limited to lions, tigers, cheetahs, panthers, cougars, mountain lions, ocelots, wildcats, bobcats and other wild exotic cats; foxes, minks, skunks and other fur-bearing wild animals; apes, monkeys and other like primates; bears; reptiles, including all poisonous snakes, domestic and/or imported or exotic, and any nonpoisonous snake over six feet in length; alligators or crocodiles; wolves or coyotes; any hybrid or mix breed between wild animals and domestic animals; bees or bee hives; but such definition shall specifically exclude domestic birds, aquatic animals, insects, and reptiles that are not a health hazard or are not poisonous. Alleged domestication of any wild animal shall not affect its status. Nothing in this section shall prohibit the further classification of any animal in this section as a dangerous or vicious animal.

(1) Upon verbal or written notification by any member of the Police Department or any animal control officer, the owner, possessor or keeper of any wild animal shall forthwith remove the animal from the City, and failure of the owner, possessor or keeper thereof to remove the animal shall cause the animal to be subject to immediate impoundment by the Police Department or animal control.

(2) After impoundment by the City, the City may arrange for such accommodations as may be necessary, either within or without the boundaries of the City, for the safekeeping of the animal. After impoundment, disposal of the animal may, at the discretion of the Police Department or animal control, be arranged in accordance with the owner's wishes or may be sold or destroyed. The arrangement of disposition of the animal shall include payment to the City of the costs of impounding and keeping the animal.

(3) It is unlawful for any wild animal to be running at large within the City, and such wild animal when found may be impounded or destroyed forthwith by the Police Department or animal control if the animal poses any threat to public health or safety, and no civil liability shall attach for the destruction thereof.

(4) This subsection shall not apply to animals maintained on the premises of a farming operation, a licensed commercial enterprise, a veterinarian hospital or an educational facility, or animals in their natural habitat.

(d) Prairie dog.

(1) Prairie dogs are rodents and therefore may be regulated in accordance with this Section 6-21 when found in any zone district located within the City. Any relocation of prairie dogs within the City must be to a location approved for prairie dog relocation.

(2) Any development project in any zone district located within the City shall comply with the following provisions:

a. Any person wishing to develop any vacant land in the City where evidence of prairie dog colonies exists must include in any development project a plan for the relocation of prairie dogs in connection with the development.

b. Developers are required to provide the City documented evidence of efforts made to relocate prairie dogs. Relocation can only be to designated relocation sites within the City or to relocation sites located outside the City limits in accordance with the Division of Wildlife permitting process. Developers may contact the City Development Department to obtain referral and contact information on the relocation process and, if

necessary, disposal information.

c. The Developer, upon presenting documentation of good faith attempts to relocate prairie dog colonies, may dispose of the prairie dog colony through only those extermination techniques and procedures that are authorized by the Department of Agriculture and that are not in violation of state or federal laws.

d. No Development Permit shall be approved until documentation is submitted identifying the good faith efforts undertaken by the Developer to comply with the prairie dog regulations contained herein.

(Code 1975, § 26-8; Ord. No. 1542, 3-17-86; Ord. No. 2179, § 1, 7-27-92; Ord. No. 2228, § 1, 1-25-93; Ord. No. 2271, § 1, 7-26-93; Ord. No. 2353, § 1, 11-14-94; Ord. No. 2628, § 1, 8-28-00; Ord. No. 2656, § 2, 2-12-01; Ord. No. 2666, § 7, 6-18-01)

Sec. 6-22. Police service dog unit.

The Police Service Dog Unit of the Thornton Police Department will be using trained police dogs. The actions of trained police dogs, when operating in connection with and under the control of the Police Service Dog Unit and while such actions are within the scope and in furtherance of the duties associated with the Police Service Dog Unit, shall be exempt from all provisions of this Chapter 6. This provision shall not exempt the canines from the requirements to have all the canines used in connection with the Police Service Dog Unit to be vaccinated as with any other canine located within the City, pursuant to Section 6-2 of the Code.

(Ord. No. 2826, § 1, 6-8-04)

Cross references: Law enforcement, Ch. 38.

Secs. 6-23--6-50. Reserved.

ARTICLE II. LIVESTOCK AND FOWL

DIVISION 1. GENERALLY

Sec. 6-51. Violations and penalties.

The City Council declares that animals specified in Section 6-52 running at large within the corporate limits of the City or being maintained within the corporate limits constitute a nuisance. Any person or owner of any such animal found running at large or any person or owner maintaining such animal within the corporate limits shall be subject to a fine as provided in Section 1-8(a).

(Code 1975, § 26-9; Ord. No. 1542, 3-17-86; Ord. No. 2353, § 2, 11-14-94)

Sec. 6-52. Animals running at large.

It shall be unlawful for any owner or possessor or keeper, whether owner, bailor, bailee, lessor or lessee, of any horse, mule, donkey, cattle, sheep, swine, goat, chicken, other domestic fowl or livestock to fail to prevent such from running at large within the City.

(Code 1975, § 26-1; Ord. No. 1542, 3-17-86)

Secs. 6-53--6-75. Reserved.

DIVISION 2. IMPOUNDMENT*

*State law references: Impoundment authority, C.R.S. § 31-15-401(1)(m).

Sec. 6-76. Enforcement; notice.

(a) The office of the State Board of Stock Inspection commissioners and its agents may enforce this article by the taking up and impounding of any animals listed in Section 6-52 that are running at large. The City Police Department or animal control unit may assist the office of State Board of Stock Inspection Commissioners in the impounding of such animals. Forthwith after impounding, the State Board of Stock Inspection Commissioners' office shall give notice of the sale of the impounded animals.

(b) Small animals impounded that the State Board of Stock Inspection Commissioners cannot or will not handle will be impounded under the same conditions as set forth for small domestic animals in Article I of this chapter.

(Code 1975, § 26-2; Ord. No. 1542, 3-17-86)

Sec. 6-77. Contents of notice.

The notice of sale as provided in Subsection 6-76(a) shall contain the information provided by State law.
(Code 1975, § 26-3; Ord. No. 1542, 3-17-86)

Sec. 6-78. Redemption of animals; costs.

The owner of the animal impounded under this division shall claim it before sale within the time specified in the notice, and costs shall be paid and the animal released according to State law.
(Code 1975, § 26-4; Ord. No. 1542, 3-17-86)

Sec. 6-79. Disposition of unclaimed animals.

If the animal impounded under this division shall not be claimed and costs shall not be paid as provided in Section 6-78, the animal shall be disposed of according to State law.
(Code 1975, § 26-5; Ord. No. 1542, 3-17-86)

Sec. 6-80. Disposition of sale proceeds.

The proceeds of a sale under this division shall first be applied to the payment of all the accrued costs of feeding and advertising, and any surplus shall be paid over to the treasurer of the City in which the sale is made, but if sufficient money is not realized from such sale to pay such costs, the Chief of Police shall so certify to the City, and such deficiency shall be paid from the unclaimed surplus received from the sale of other animals.

(Code 1975, § 26-6; Ord. No. 1542, 3-17-86)

Sec. 6-81. Surplus of sale proceeds to owner.

When any surplus proceeds shall accrue from the sale under this division, the owner may apply to the State Board of Stock Inspection Commissioners for the purpose of claiming any such surplus proceeds.

(Code 1975, § 26-7; Ord. No. 1542, 3-17-86)