



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, October 14, 2019  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537  
6:30 PM**

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**LOVELAND PLANNING COMMISSIONERS:** Patrick McFall (Chair), Michael Bears, Jeff Fleischer, Rob Molloy, David Hammond, Milo Hovland, Susan Peterson, Deborah Tygesen and Jerico Devlin.

### **CALL TO ORDER**

#### **I. PLEDGE OF ALLEGIANCE**

#### **II. REPORTS:**

##### **A. Citizen Reports**

This is time for citizens to address the Commission on matters not on the published agenda.

##### **B. Current Planning Updates**

###### **1. Monday, October 28, 2019**

- Dakota Glen Outlot J Rezoning - Public Hearing
- Planning Commission Pictures

###### **2. Resignation of Commissioner Molloy**

###### **3. Fall Recruitment for Boards and Commissions**

###### **4. Strategic Planning Position Vacancy Update**

**C. City Attorney's Office Updates**

**D. Committee Reports**

**E. Commission Comments**

**III. APPROVAL OF MINUTES**

**Review and approval of the September 23, 2019 meeting minutes**

**IV. REGULAR AGENDA**

**1. Northern Colorado Regional Airport – Master Plan Update**

This is an informational item. Airport staff will provide an update on the Master Plan effort that is underway. The presentation to the Planning Commission is part of the public outreach process. The update will include a review of overall Master Plan goals, existing conditions, forecasted needs and recommendations for the Airport Influence Area. The Final Report will be presented for adoption to the Loveland City Council and the Fort Collins City Council in the first quarter of 2020. The Planning Commission is encouraged to ask questions and provide comments; no formal action is required by the Commission.

**2. Animal Husbandry Public Hearing - Ordinance**

**Presented by staff planner Emily Tarantini**

This is a public hearing to present proposed amendments to Title 6 (Animals) of the Loveland Municipal Code concerning allowances for the keeping of pot-bellied pigs and pygmy goats within the City limits. This topic responds to a "Rule of 4" request by the Loveland City Council.

The Current Planning Division has determined that the keeping of pot-bellied pigs and pygmy goats within an urban, residential setting is appropriate with licensing and other limited restrictions. In making this recommendation, Planning staff has conducted significant research and consulted with the Larimer Humane Society and with Dr. Ragan Adams, a Veterinary Extension Specialist with Colorado State University. Planning staff has also received assistance from the Loveland City Attorney's office in preparing the proposed ordinance.

The role of the Planning Commission is to conduct a public hearing and forward a recommendation to the City Council. The Commission may recommend approval, approval with adjustments to the ordinance, or denial.

**V. ADJOURNMENT**

**See the following page for information on Public Hearing Procedures.**

## SUPPLEMENTARY INFORMATION

### Public Hearing Procedures

The purpose of a public hearing is for the Planning Commission (PC as used below) to obtain full information as to the matter under consideration. This includes giving all interested parties the opportunity to speak (provide testimony) at the hearing.

The public hearing is a formal process. Below is the typical hearing sequence followed by the Planning Commission.

*Annotations have been provided for clarity.*

- 1. Agenda item is recognized by the Chair**
- 2. Public hearing is opened\***
- 3. Staff presentation**  
*(May include clarifying questions to staff from Commissioners)*
- 4. Applicant presentation**  
*(May include clarifying questions to applicant from Commissioners)*
- 5. Public comment**  
*(All public comment should be made from the center podium upon direction from the Chair. Citizens should provide their name and mailing address in writing at the podium, and introduce themselves. The PC may ask clarifying questions of the citizens. At a public hearing, the PC does not respond to questions from citizens; questions directed to the applicant or staff should be requested through the Chair.)*
- 6. Applicant response**  
*(The Chair typically requests that applicants respond to comments and questions raised during public comment)*
- 7. PC questions to staff, the applicant and possibly to citizens who presented**  
*(Commissioners may use this step in the process to gain a more detailed understanding of relevant information)*
- 8. Close public hearing**  
*(Unless specifically permitted by the Chair, further testimony is not allowed after the public hearing is closed)*
- 9. Motion**  
*(Motions are made by a PC member with possible conditions)*
- 10. Motion is seconded**  
*(A 2nd is required before the motion can be considered; a motion that fails to obtain a second dies)*
- 11. PC discussion**  
*(The PC discusses the application and whether it satisfies the required criteria as found in adopted City policies and ordinances)*
- 12. PC Chair requests that the applicant agrees to any conditions prior to a vote**  
*(When preparing to vote on a motion for approval, the PC Chair will ask if the applicant is willing to accept the proposed conditions, if any. If the applicant does not accept the conditions as proposed, the PC may deny the application)*
- 13. Vote**  
*(The decisions of the PC must address relevant findings of fact. These findings respond to criteria specified in adopted plans and codes, and serve to guide zoning, annexation and other land use decisions. Relevant criteria and findings are itemized in the Staff Report and referred to in the recommended motion.)*

\* Note that the Planning Commission may place time limits on presenters. All presenters, including the applicant, staff and citizens, should communicate clearly and concisely, refraining from duplicating detailed information that has been provided by others.

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**September 23, 2019**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 23, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Hovland, Peterson, Tygesen, and Devlin. Members absent: Commissioners Fleischer, Molloy, and Hammond. City Staff present: Robert Paulsen, Current Planning; Laurie Stirman, Assistant City Attorney; Lisa Rye, Planning Commission Secretary.

*These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <https://loveland.viebit.com/>*

**CITIZEN REPORTS**

There were no citizen reports.

**CURRENT PLANNING UPDATES**

1. **Robert Paulsen, Current Planning Manager**, welcomed Rico Devlin as a new Planning Commissioner. Mr. Devlin introduced himself as a CSU graduate and has worked in Loveland for over 5 years as a Commercial Real Estate Broker. He shared that he is honored to be with the Commission and looks forward to serving the community.
2. **Robert Paulsen, Current Planning Manager**, provided a preview of the agenda for the Monday, October 14, 2019 Planning Commission meeting. The Poudre School district will be presenting plans for the South East Elementary School location and extent review, and the Commission will be reviewing the location and plans to ensure that it comports with the City's Comprehensive Plan. In a second agenda item, Airport Director Jason Licon will be providing a Northern Colorado Regional Airport master plan update. Lastly, Mr. Paulsen announced that the Animal Husbandry item has been removed from tonight's agenda, and will be moved to the October 14<sup>th</sup> meeting.

**CITY ATTORNEY'S OFFICE UPDATES**

**Laurie Stirman, Assistant City Attorney**, noted there is nothing to report.

**COMMITTEE REPORTS**

There were no committee reports.

## **APPROVAL OF THE MINUTES**

*Commissioner Hovland made a motion to approve the August 26, 2019 minutes; upon a second from Commissioner Bears, the minutes were approved unanimously.*

## **REGULAR AGENDA**

### **1. Highway 402 Corridor Plan – Public Hearing**

**Project Description:** The Strategic Planning office, in concert with their consultant team, has completed the final draft of the Highway 402 Corridor Plan. The role of the Planning Commission is to conduct a public hearing and make a recommendation to the City Council concerning the adoption of this plan.

The 402 Corridor Plan effort began in 2018 following a determination of high priority by City Council. It was recognized that this stretch of highway serves a growing importance as a transportation corridor and southern gateway to the City of Loveland. While much of the corridor is rural in character, the entire corridor is within the City's growth management area and is subject to varying degrees of change and urbanization in the near term and in the longer-term future. The planning effort examined the corridor holistically, reviewing existing and future transportation needs and forms, land use options, infrastructure provision along with the impact of natural features and environmental constraints. A major focus was placed on community input in effort to develop a consensus-based plan that establishes policies to guide future growth.

**Jennifer Hewett-Apperson, Community and Strategic Planning**, stated that she provided a presentation to the Planning Commission on August 26, 2019, where she introduced the Highway 402 Corridor Plan. She asked that the commission recommend the approval of the Corridor Plan to the Loveland City Council.

## **CITIZEN COMMENTS:**

**Commissioner McFall opened the public hearing for citizen comment at 6:40 p.m.**

- **Mr. Brian Peterson**, owner of Thompson Valley Tree Farm at 2526 Highway 402, stated that his company, which builds athletic fields and parks, and works on river restoration, is celebrating their 40<sup>th</sup> year in business. His business does a good amount of revenue and employs approximately 50 people. Mr. Peterson added that he also serves on the Board of Directors for the Loveland Business Partnership group. He attended some 402 project workshops and public discussions, and is in support of the corridor plan. He shared that the 402 corridor has several challenges, such as zoning, access, and the expansion of lanes serving the roadway. He has considered an alternative location for his business because Highway 402 has been a “nightmare”, as access in and out of his property has

been very difficult. He would like to see his current location work for his business, and added that the proposed zoning within the land use plan is a good start and is in support of it. He shared that he has been happy with his communications with Ms. Hewett-Apperson and hopes to keep the dialogue going, so he knows what the City's intentions will be over time.

**Commissioner McFall closed the public comment portion at 6:45 p.m.**

**Mr. Paulsen** directed questions to Ms. Hewett-Apperson, asking what the primary challenges and achievements have been throughout the planning process, and what the next steps are. **Ms. Hewett-Apperson** responded that the one chief challenge was the floodplain map revision just at the start of the corridor plan process, which put a substantial part of the corridor in the flood zone. Another challenge she shared has been the great diversity of uses within the corridor, which consists of large lot residential development, large portions of unincorporated land, and industrial uses mixed with agricultural uses. Because of this diversity, there has been opposition to some proposed projects, which brought about community involvement in Planning Commission and City Council meetings. Notwithstanding these earlier controversies, the planning process included good dialogue between community members at stakeholder committee meetings, and citizens worked together and towards a compromise to design a plan for the development of the corridor. Utility provision is, and will continue to be, a huge challenge. The City of Loveland Public Works Department, along with Colorado Department of Transportation (CDOT), will be working on an access control plan, which will address appropriate property access points and the signalization of intersections. Other next steps will be the continuation of intergovernmental coordination to get the plan implemented.

## **COMMISSIONER QUESTIONS:**

- **Commissioner McFall** shared that he has major concerns about existing vehicular chokepoints on Highway 402. He stated that the intersection by Osborn Farms has a tendency to cause traffic to back up enough for drivers to sit through 2 or 3 light cycles before they can proceed. If the width of the corridor is not expanded, there will be more chokepoints created. He added that he is aware of an agreement between the state and the City of Loveland for the state to provide funds for the construction of Highway 402 if they become available, and questioned if there has been other conversations regarding this.
- **Ms. Hewett-Apperson** responded, stating that approximately 10 years ago, the Colorado Department of Transportation (CDOT) conducted studies that focused on the widening of the roadway. It was determined that the preferred alternative proposed by both the 402 Plan and the DOT were similar, such as 150-foot right-of-ways with 2 travel lanes in each direction and bike and sidewalk facilities. The need for adequate right-of-way has been identified; and, going through the development review process will help ensure that adequate right of way is dedicated so that the roadway can be expanded. If a large enough development is proposed, the development project would be responsible for much of the roadway improvements as part of the development process.

- **Commissioner Devlin** asked how utilities expanded throughout the corridor will be financed so developers will be attracted to that location. **Ms. Hewett-Apperson** stated that any developer seeking to do water and wastewater services would be responsible for funding those services on their own. She added that this is an important item for the corridor, especially for attracting a high-quality development; and discussions are ongoing.

*Commissioner Hovland made a motion to recommend the adoption of the Highway 402 Corridor Plan to City Council; upon a second by **Commissioner Tygesen**, the motion was unanimously approved.*

**ADJOURNMENT:**

*Commissioner Bears made a motion to adjourn. Upon a second by **Commissioner Tygesen**, the motion was unanimously approved.*

**Commissioner McFall adjourned the meeting at 6:59 p.m.**

Approved by: \_\_\_\_\_  
Patrick McFall, Planning Commission Chair

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Lisa Rye, Planning Commission Secretary

Loveland Planning  
Commission

# MASTER PLAN

STUDY

Mead  
& Hunt



Northern Colorado  
Regional Airport

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Northern Colorado  
Regional Airport

# Agenda

- Process/Schedule Review
- Airport Influence Area (AIA) Analysis
- Proposed Conceptual Development Plan (CDP)
- Next Steps

GOZ

# Public Outreach Meetings

## 1. Master Plan Introduction (May 2019)

1. Master Plan process overview & goals
2. How to participate
3. Existing conditions, forecast, and airport facility needs
4. AIA recommendations

## 2. Master Plan Recommendations (September 2019)

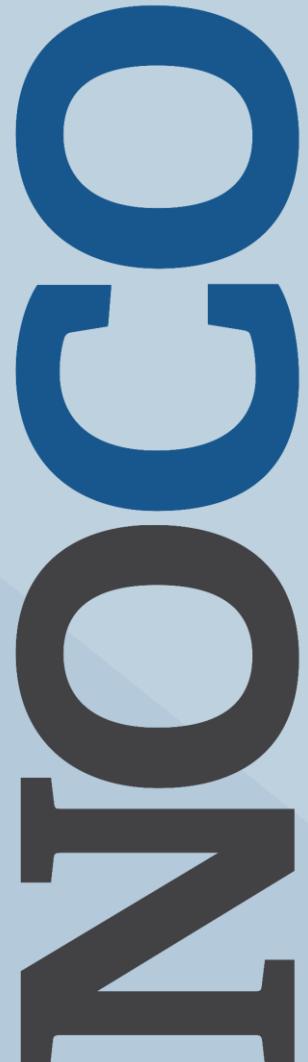
1. Alternatives analysis
2. Recommended development plan

## 3. Master Plan Draft (February 2020)

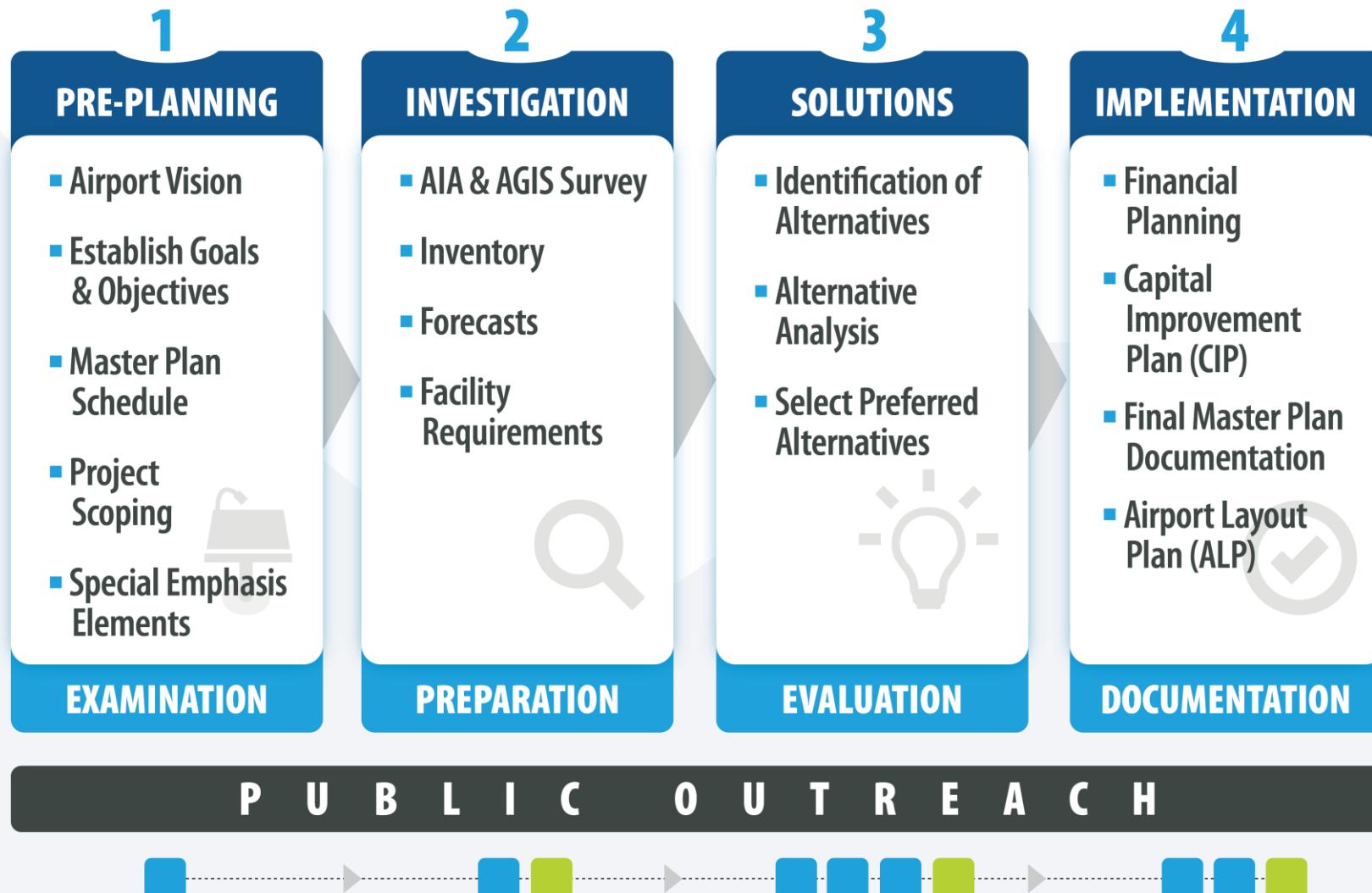
1. Implementation plan & financial analysis
2. Draft Final Report

# We want to hear from you!

- Attend Master Plan Public Open House Meetings
- October 2019 Planning Commissions
  - Fort Collins, Loveland and Larimer Co.
- Master Plan Website:  
<https://www.flynoco.com/mpu/>
  - FAQ
  - Draft working papers
  - Project updates
  - Open House presentation materials
  - Submit comments
- Follow the Airport on Social Media for Updates
  - 
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- Contact the Airport Directly
  - [airportmasterplan@cityofloveland.org](mailto:airportmasterplan@cityofloveland.org)



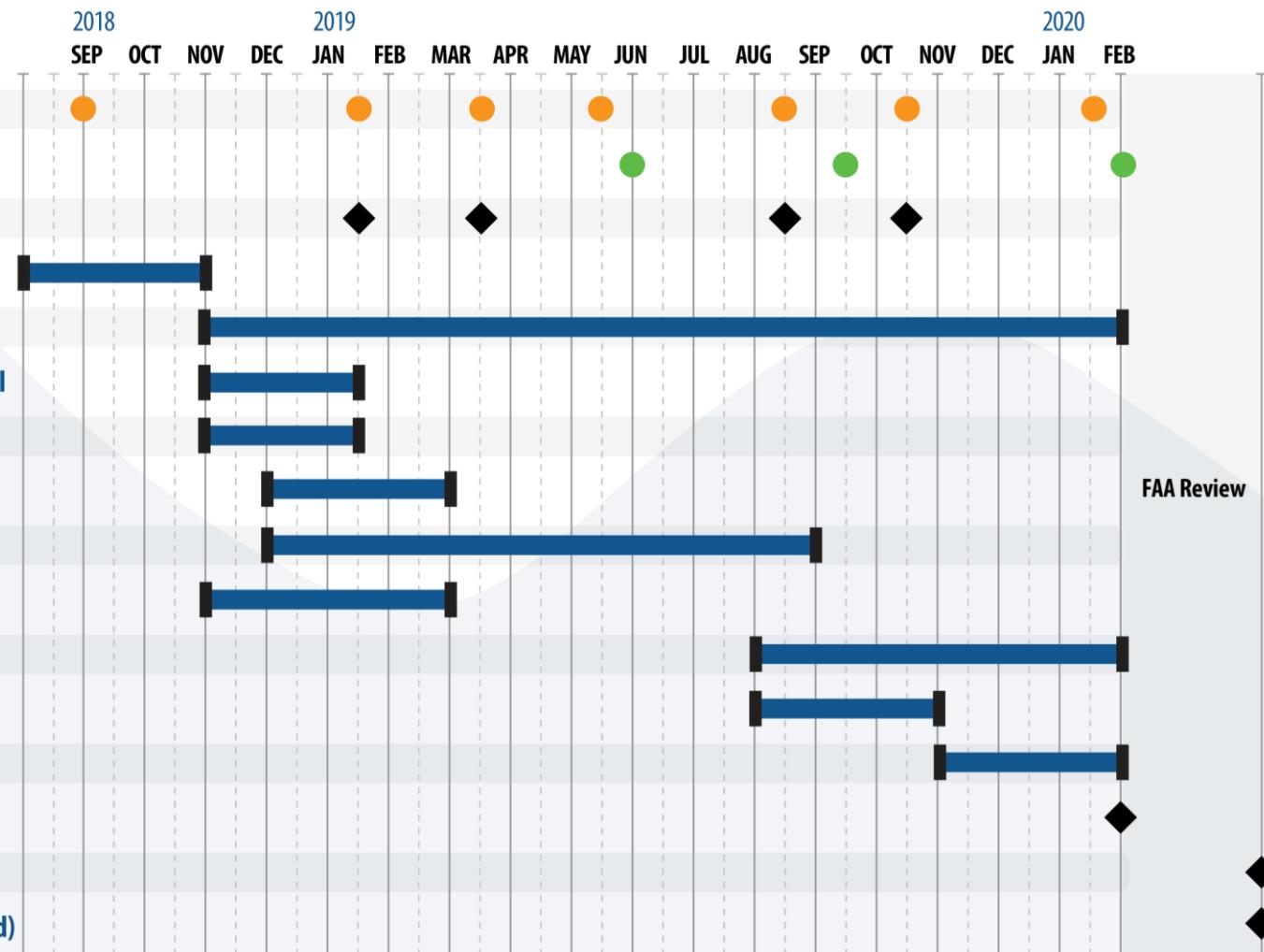
# MASTER PLAN PROCESS



# Project Schedule

## Project Elements

- > Master Plan PDSC Meetings
- > Public Open Houses
- > Draft Working Papers
- > Scoping
- > Public Outreach & Communication
- > Existing Conditions Inventory/Environmental
- > Aviation Activity Forecasts
- > Facility Requirements
- > Alternatives Development & Evaluation
- > Airport Influence Area
- > Airport Layout Plan (ALP)
- > Facilities Implementation Plan
- > Financial Feasibility Analysis
- > Master Plan Complete (Draft Final Report)
- > ALP Approved by FAA (Final Report)
- > City Council Approval (Fort Collins & Loveland)



Timeframe

Public Open House

Event Deadline

Planning & Development Sub Committee (PDSC)



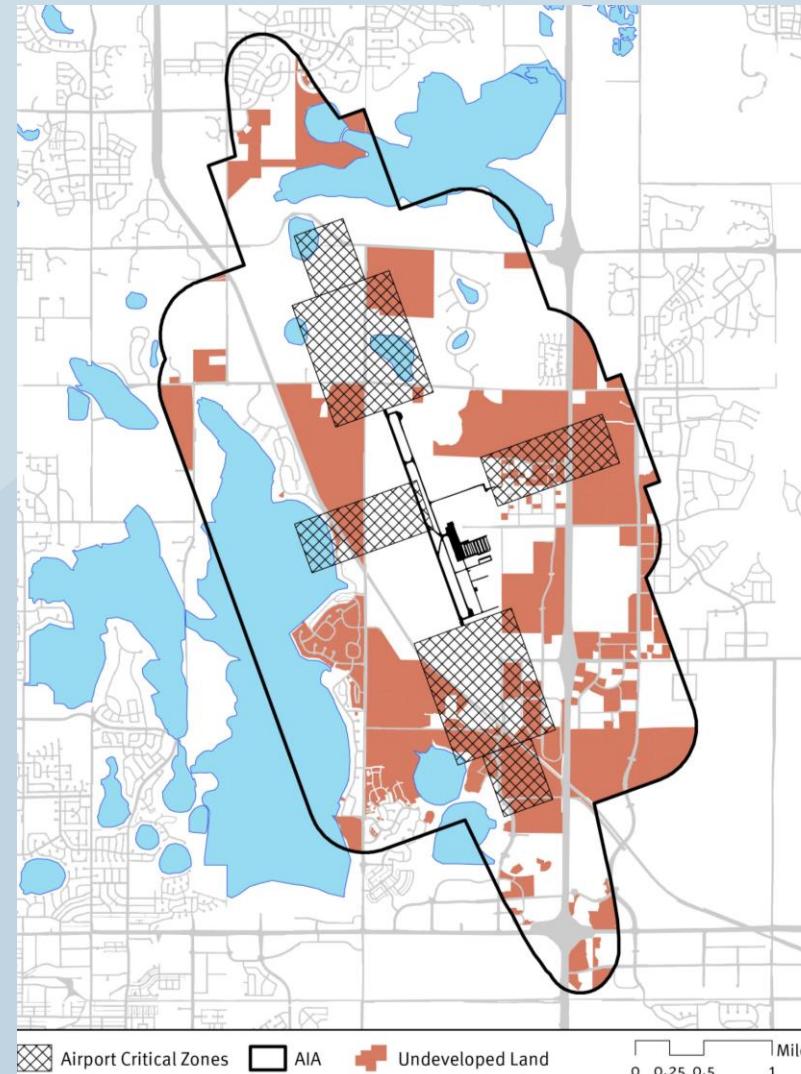
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# Airport Influence Area (AIA) Existing Conditions

## ✈ Existing Land Use and Development

- Developed land uses (off-airport): About 2,500 acres or 27%
- Private property: +10,000,000 square feet of physical building space (much was built within the past 20 years)
- Housing units: Approximately 2,100 (mostly detached single-family units)
- Undeveloped land: 2,900 acres outside of Airport (approximately 2,300 acres outside of Airport Critical Zones)
- About 80% of undeveloped off-airport land is within the City of Loveland's Growth Management Area

Off-Airport Undeveloped Land in AIA



GOZ

# AIA LAND USE/REAL ESTATE MARKET FINDINGS

- Near-term market is likely to be stronger for industrial/flex uses than for traditional private office uses
- Prevailing asking rents for existing space is important distinction between office and industrial/flex uses in the market area
  - Industrial space rents are typically high enough to encourage new development
- Current market for all types of housing within and near the AIA is strong (likely to continue)
- Appeals to residential and nonresidential uses
  - Centrality in the region and accessibility to I-25
- Recent hotel development activity has been strong.
  - Primary generators of hotel demand in AIA are related to business travel and interstate travel
  - Some hotels being built ahead of market

Off-Airport Building Space (Square Feet by Year Built)<sup>1</sup>

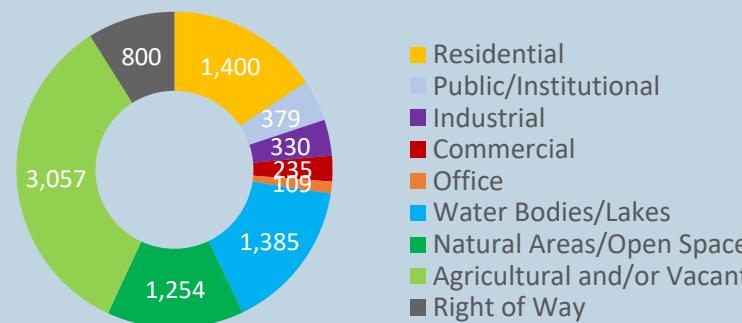
	Pre-2000	2000-2018	Total
Industrial	2,184,000	848,000	3,032,000
Office	226,000	1,189,000	1,415,000
Retail <sup>2</sup>	361,000	1,051,000	1,412,000
Hotel	127,000	319,000	446,000
Residential	1,096,000	3,555,000	4,651,000

NOTES:

1 Figures are rounded. Estimates do not contain building spaces on public/exempt parcels (such as the Larimer County Fairgrounds property).

2 Includes restaurants and auto dealers.

Existing Off-Airport Land Use in AIA



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# AIA Potential for Research/Technology

## → Successful Research/Technology Parks or “Innovation Districts”

- Excellent accessibility to transportation links
- High quality technology infrastructure
- Participating academic institutions (with a strong reputation for encouraging technology transfer)
- Other “bell cow” educational, government, other institutional, and industry anchor occupants
- On-site amenities such as child care, restaurant, health club, hotel, and business support uses as well as housing uses
- An existing technology labor pool base and technology cluster



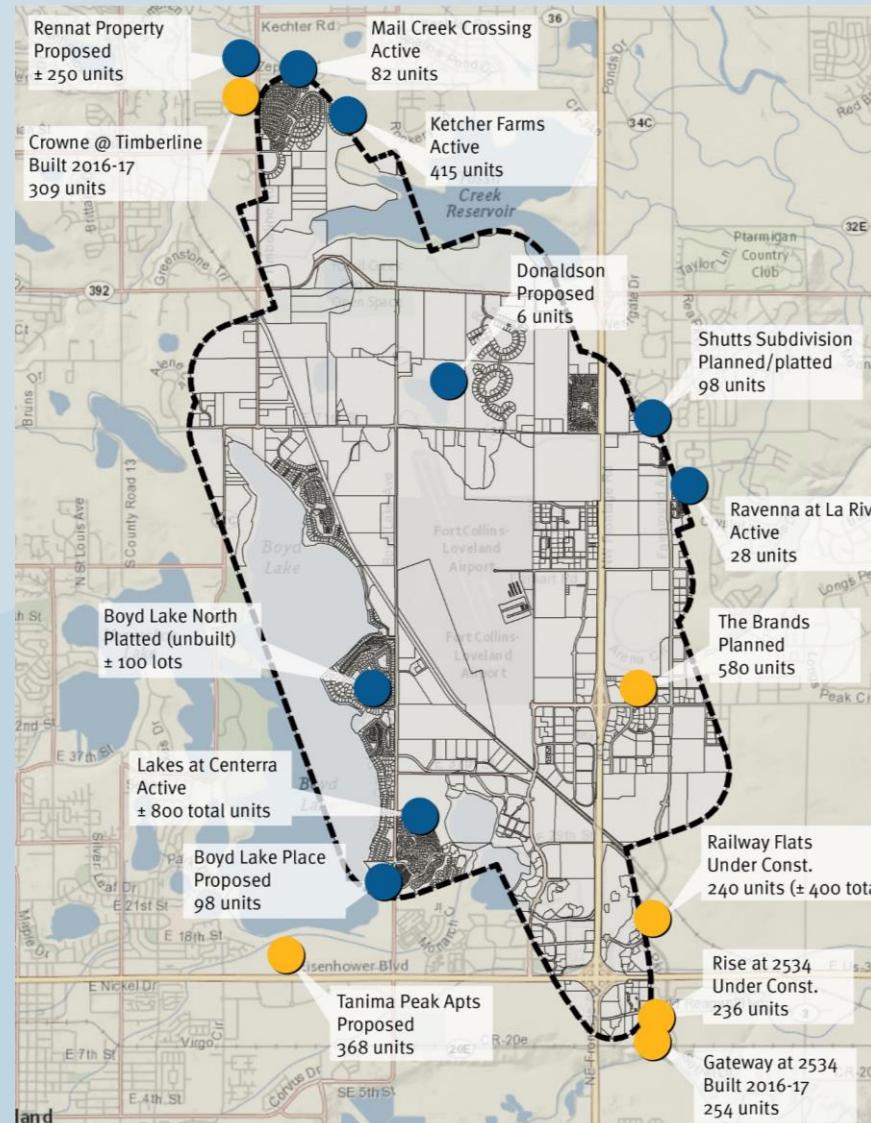
# AIA Residential Compatibility and Land Use



- ✈ Current volume/type of aviation activity has not deterred residential development in the AIA.
- ✈ Opposition to long-term commercial air service could arise if residential uses of any significant scale allowed to develop closer to Airport Critical Zones and the 65 DNL.

## Future Land Use Demand

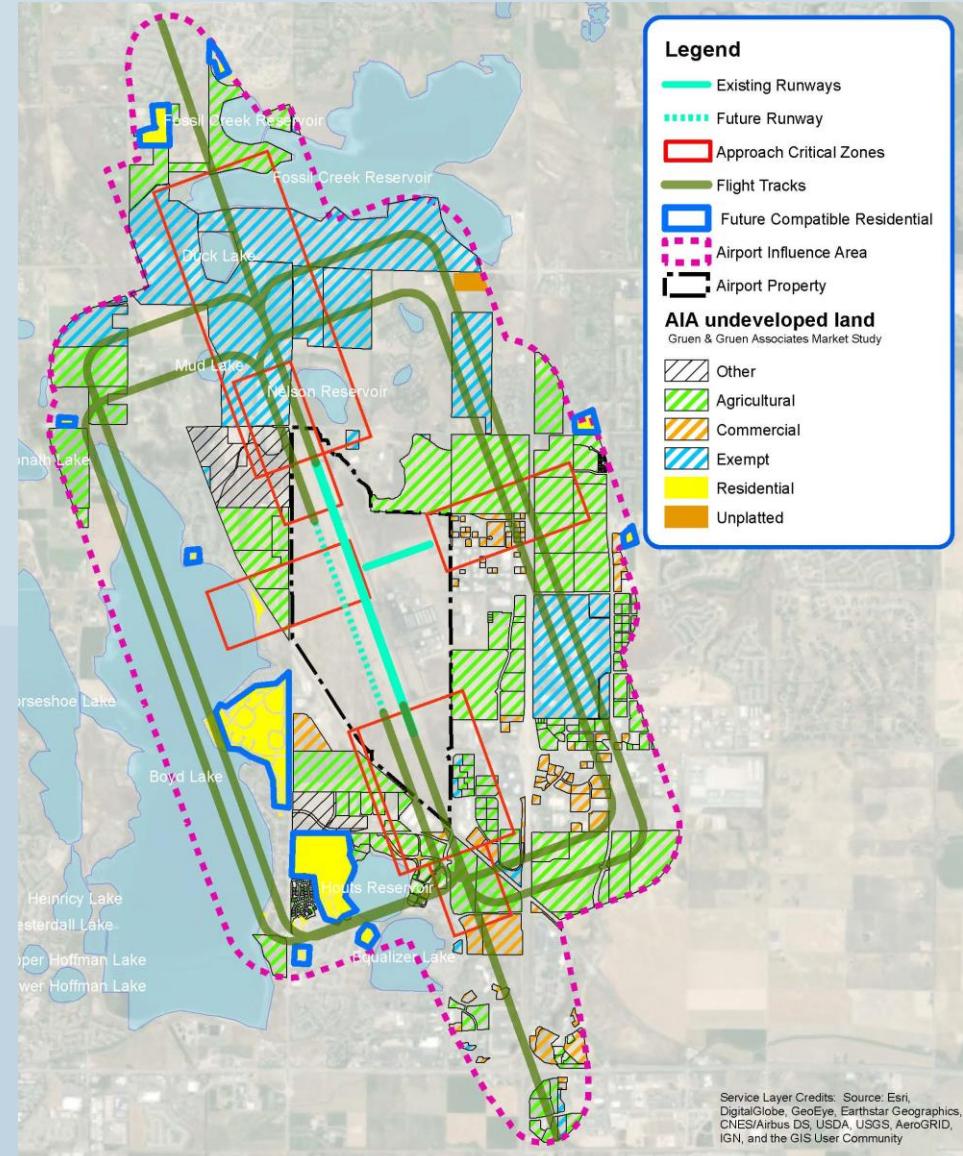
Land Use	20-Year Demand	Estimated Land Requirement
Single-Family Residential	2,000-2,800 units	331-464 acres
Industrial/Flex	2,254,000-3,006,000 (sq. ft.)	172-230 acres
Multi-Family Residential	1,400-1,800 units	58-73 acres
Office	869,000-1,216,000 (sq. ft.)	57-80 acres
Hotel	460 rooms	9-11 acres



Q2

# AIA Residential Compatibility and Land Use

- ✈ Flight Tracks and Airport Critical Zones
- ✈ Areas where future residential would be considered compatible with airport operations



ON

# Airport Influence Area Recommendations

- Develop implementation plan to lay the groundwork for a successful research and technology park or innovation district within the AIA
- Encourage a long-term competitive functioning land market in the AIA
- Proactively plan for a thriving mixed-use environment compatible with Airport operations
- Maintain vigilance in protecting Airport from encroachment/incompatible land uses



# Alternatives Assumptions

- **ASSUMPTION 1:** Recommended improvements must comply with local, state, and federal regulations.
- **ASSUMPTION 2:** Role of the Airport and return of commercial service.
- **ASSUMPTION 3:** Airfield design aircraft.
- **ASSUMPTION 4:** Runway approach, length and width requirements.
- **ASSUMPTION 5:** Efficient and targeted development.
- **ASSUMPTION 6:** Continued use of Runway 6/24.
- **ASSUMPTION 7:** Air carrier passenger terminal requirements.
- **ASSUMPTION 8:** Remote tower requirements.



*Remote tower camera mast aerial view (Source: CDOT)*



*View of Runway 6/24*



Northern Colorado  
Regional Airport

GO  
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# Alternatives Goals

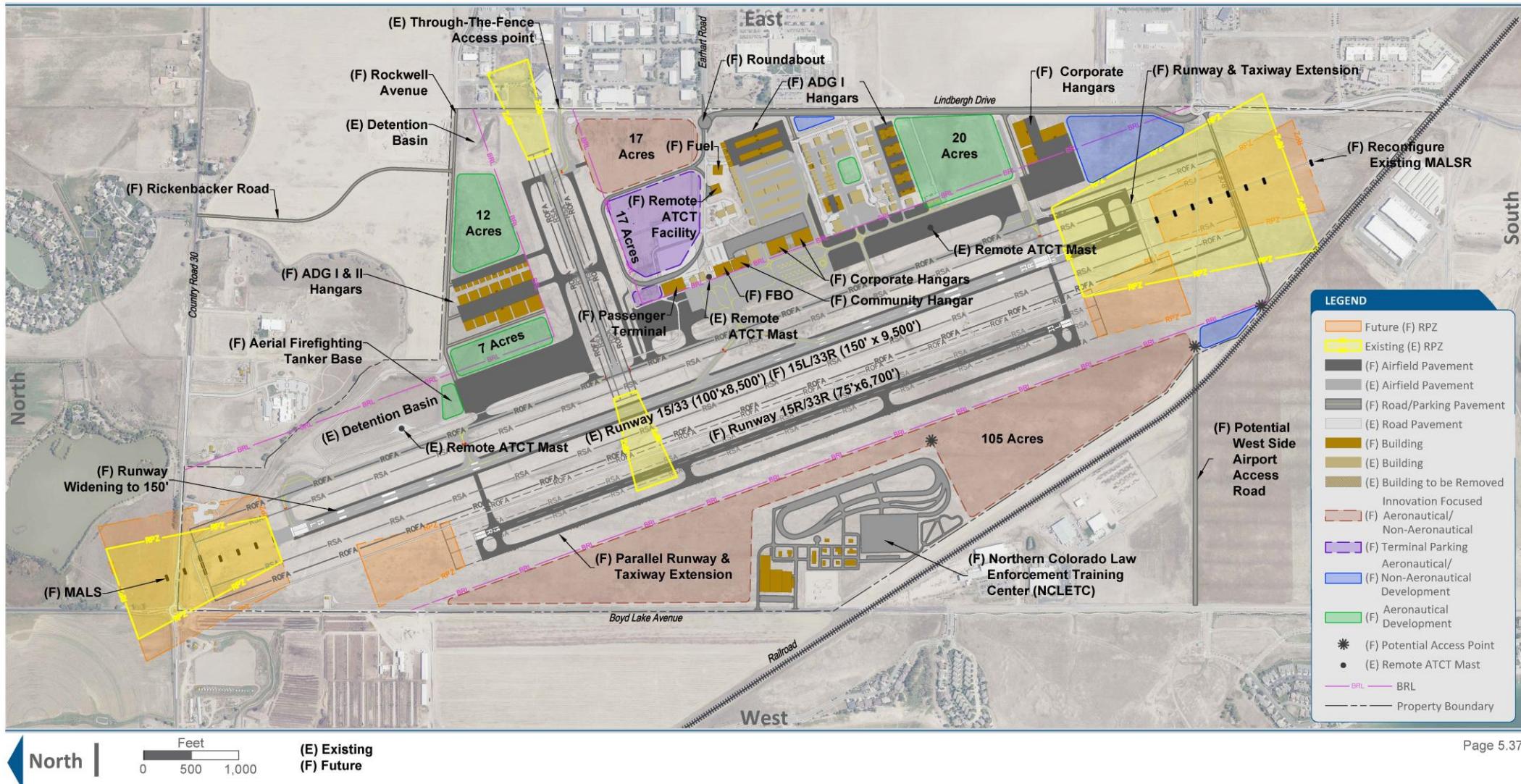
- ✈ Provide direction for future airport development
- ✈ Facilitate strategic plan goals
- ✈ Facilitate center for innovation
- ✈ Encourage private and public investment and compatible land use
- ✈ Enhance fiscal self-sufficiency
- ✈ Consider aircraft operational requirements
- ✈ Consider emerging technology such as electric aircraft
- ✈ Maximize airport access and approach capabilities
- ✈ Plan for environmental compatibility



GOALS



CONCEPTUAL DEVELOPMENT PLAN (CDP)



Conceptual Development  
Plan (CDP)



Northern Colorado  
Regional Airport

# Next Steps

- **Continued Community Outreach on alternatives/CDP**
  - Oct 9, 6:00 PM Larimer County Planning Commission
  - Oct 11, 12:00 PM Fort Collins Planning Commission
  - Oct 14, 6:40 PM Loveland Planning Commission
- **Public input is considered, and alternatives/CDP are revised**
- **Airport Commission approval of CDP and Master Plan Implementation Phase**
- **Implantation Phase includes detailed financial analysis and Airport Layout Plan drawing set**



## MEMORANDUM

DATE: October 14, 2019

TO: Planning Commission  
FROM: Emily Tarantini, City Planner I  
RE: **Title 6 Amendments Relating to Animal Husbandry**

### I. SUMMARY

This memorandum summarizes the proposed amendments to Title 6 (Animals). The amendments focus on the allowance of dwarf goats and pot-bellied pigs within the City limits. The proposed Code redlines are found in **Attachment A** of this memo. Planning staff recommends approval of the motion as specified in **Section II** of this memo.

### II. MOTION

Move to approve the amendments to Title 6 relating to the allowance of dwarf goats and pot-bellied pigs within the City limits.

### III. BACKGROUND

At the direction of City Council, Staff was asked to further research the regulations contained within Title 6 of the Municipal Code relating to animal husbandry practices as a result of citizen complaints and violations issued by the Humane Society relating to dwarf goats and pot-bellied pigs. Over the course of approximately 12 months, the Current Planning Division compiled research that included animal regulations within 7 other local municipalities, reached out to the Larimer Humane Society, contacted a CSU Extension Specialist, reached out to the local newspaper to gain public insight and spoke with other goat and pig owners to learn more about the topic.

It is important to mention that Roosters are not included as part of the Title 6 amendments and rooster regulations will remain untouched. During discussions with the Planning Commission and the City Council, it was determined that roosters are not a prevailing concern.

Below is a further breakdown of the project background:

**Fall of 2018**, City Council decides on a rule of four to further review Title 6 (Animals) as a result of citizen complaints and violations issued by the Humane Society relating to dwarf goats and pot-bellied pigs.

**January 3, 2019** Planning staff meets with Larimer Humane Society staff to discuss violations and concerns with enforcing Loveland's Title 6.

**March 11, 2019** the Current Planning Division prepares information for Planning Commission review and comment relating to animal husbandry and the City's animal keeping regulations contained in Title 6. Planning Commission recommends amendments to Title 6 to allow for the keeping of dwarf goats and pot-bellied pigs within City limits.

**April 9, 2019** at a study session, planning staff presents research on the keeping of dwarf goats and pot-bellied pigs. Humane Society representatives also participate. City Council suggests further research and an amendment to Title 6 to allow for the keeping of dwarf goats and pot-bellied pigs within City limits.

**May 9, 2019** Planning staff consults with CSU Veterinary Extension Specialist Dr. Ragan Adams on the keeping of dwarf goats and pot-bellied pigs within City limits and asks for recommendations.

**August 1, 2019** Planning staff receives Dr. Ragan Adams's recommendations on the keeping of dwarf goats and pot-bellied pigs, including educational requisites for the dwarf goat permittees and facility inspections. Recommendations for the pot-bellied pigs include requiring vaccinations and not regulating the pigs by weight.

**August 26, 2019** the Current Planning Division presents an update and summary of the general direction of the proposed amendments. The Planning Commission indicates agreement with the direction being taken.

#### **IV. CONCERNS RAISED**

##### Limitations on Livestock and Enforcement

Currently, the City Code prohibits any livestock to be housed or maintained within the City limits with the exception of horses (1/2 acre per horse), pets, show animals, chickens, ducks, geese and other domesticated fowl. The limitations on livestock can be found within section 6.28.020 of Title 6, see **Attachment B**.

There is concern about the ambiguity of a "Show Animal" which could potentially allow for larger animals like cows, buffalos and bulls to be categorized as a *Show Animal* and permitted within the City. In addition, the City Code does not specify what parameters a resident must meet to classify an animal as a *Show Animal* and does not provide shelter or nuisance-preventing standards for these animals. Larimer Humane Society officers have expressed frustration in this area of the City Code and have suggested this concept be eliminated or further clarified.

Currently, the City Code defines "Pet" as "any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter". Staff believes this definition can potentially allow for an array of animals to be classified as a *Pet* and housed within residential lots in the City as it leaves room for interpretation.

##### Nuisances and Environment

The allowances of dwarf goats and pot-bellied pigs within the City poses a concern related to the noise, odor and proper animal waste disposal to minimize the attraction of insects. These animals, especially dwarf goats, can be known to cause damages to adjacent properties if the proper shelter and enclosure is not provided and can create a nuisance problem within a neighborhood.

##### Public Health

Zoonotic Diseases, which are those that spread between animals and people, can occur. Although animals can provide many benefits to people, these infectious diseases can cause sickness or sometimes death in people.

### Animal Welfare

These concerns include the lack of education for the care of the animals, as citizens may not possess the husbandry skills and knowledge needed to properly raise, care for and provide a high quality of life for the animal. In addition, this topic includes animal housing and health.

## V. RESEARCH

Animal codes from seven local jurisdictions were surveyed as to their overall animal regulations. Particular focus was placed on dwarf goats and pot-bellied pigs. These jurisdictions include Fort Collins, Windsor, Greeley, Longmont, Thornton, Brighton and Denver.

City staff reached out to Larimer Humane Society staff and Dr. Ragan Adams with CSU Veterinary Extension.

Additional resources were acquired from:

- ✓ The American Mini Pig Association
- ✓ The North American Pet Pig Association
- ✓ The Arizona Exotic Animal Hospital
- ✓ Iowa State University College of Veterinary Medicine
- ✓ Centers for Disease Control and Prevention
- ✓ Journal of Planning History - From Farm to Nuisance: Animal Agriculture and the Rise of Planning Regulation
- ✓ Journal of Community Health – A Method for Guarding Animal Welfare and Public Health: Tracing the Rise of Backyard Poultry Ordinances

## VI. RECOMMENDATIONS

<b>Title 6 Chapter</b>	<b>Current Code Challenges</b>	<b>Proposed Solutions</b>
<b>6.04.010 Definitions</b>	Absence of a dwarf goat definition may leave breed types open for interpretation.	Provide a definition for dwarf goats that allow only Nigerian Dwarf or African Pygmy.
<b>6.04.010 Definitions "Humane Society"</b>	The Humane Society definition does not allow for other contracts with agencies the City may use to enforce animal control services at any time.	Include within this definition any other agency the City may have a contract with.
<b>6.04.010 Definitions "Livestock"</b>	Chickens, ducks geese or other domesticated fowl are not defined as <i>Livestock</i> or anywhere else in the code leaving these <i>livestock</i> birds undefined.	Include chickens, ducks, geese or other domesticated fowl within the <i>livestock</i> definition.
<b>6.04.010 Definitions "Pet"</b>	The definition of <i>Pet</i> is open for interpretation allowing almost any animal to become a pet without offering standards for the keeping of such pet.	Further specify as <i>Pet Animal</i> and state that pet animals do not include animals that are otherwise prohibited within Title 6.
<b>6.04.010 Definitions "Show Animal"</b>	The <i>Show Animal</i> concept create confusion in the code as to whether an animal is considered livestock, a show animal or a pet. The <i>Show Animal</i> concept does not further clarify the parameters for keeping a show animal within residential property.	Eliminate the definition and concept of <i>Show Animal</i> in the Code.

<b>6.08.010 License required</b>	Licensing requirements only apply to cats and dogs and does not include pot-bellied pigs or dwarf goats.	Include the pot-bellied pig and dwarf goat within the licensing requirements.
<b>6.08.020 Application and term of license</b>	Licensing terms and renewals exclude pot-bellied pigs and dwarf goats.	Include the pot-bellied pig and dwarf goat within the licensing terms and renewal requirements.
<b>6.08.030 License and identification tags</b>	This section currently excluded pot-bellied pigs and dwarf goats from having to wear a collar or harness on which to attach the license tag or ID tag.	Include the pot-bellied pig and dwarf goat within the license and ID tag requirements.
<b>6.08.060 Impoundment</b>	The impoundment section only applied to cats and dogs and excluded pot-bellied pigs and dwarf goats.	Include the pot-bellied pig and dwarf goat within the impoundment section.
<b>6.12.010 Rabies Vaccination Required</b>	Current rabies vaccination requirements apply only to cats and dogs and does not include other animals, including dwarf goats and pot-bellied pigs. Although rabies vaccinations have not been designed for pot-bellied pigs, many veterinarians are recommending that pet pigs be vaccinated.	Eliminate the specificity of only vaccinating cats and dogs and instead revise to "any animal" which will include dwarf goats and pot-bellied pigs. This section also defers rabies vaccinations to the recommendation of the National Association of State Public Health Veterinarians which will be subject to the discretion of the veterinarian and subject to any updates related to Animal Rabies Control.
<b>6.28.020 Limitations of Livestock</b>	The current definition prohibits any livestock (except for horses, show animals, pets, chickens, ducks, geese and other domesticated fowl) within City limits. This definition creates many opportunities for larger livestock such as a cow or a buffalo to be classified as a show animal or pet and permitted to live within a residential lot in the City.	Provide an exception within the livestock limitations specifically to dwarf goats, pot-bellied pigs, horses and fowl, along with requirements and standards for the keeping of these animals within the City limits.

Thank you,

## **TITLE 6 ANIMALS**

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### **Contents:**

- Chapter 6.04 GENERAL PROVISIONS**
- Chapter 6.08 LICENSES**
- Chapter 6.12 RABIES**
- CONTROL**
- Chapter 6.16 CARE AND TREATMENT OF ANIMALS**
- Chapter 6.20 CONTROL**
- Chapter 6.24 IMPOUNDMENT AND RECLAMATION**
- Chapter 6.28 KEEPING OF ANIMALS**
- Chapter 6.32 ENFORCEMENT AND PENALTIES**

## **CHAPTER 6.04 GENERAL PROVISIONS**

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### **Contents:**

- 6.04.010 Definitions.**

For the purpose of this title the following words and phrases shall be defined as set out below:

**Abandon** means to relinquish or give up an animal with the intent of never again exercising one's right of ownership or control or leaving of an animal by its owner or other person having charge, care, custody or control without making effective provisions for its proper care.

**Animal** means any live, vertebrate creature, domesticated or wild, excluding fish.

**Animal control officer** shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the city pertaining to animals.

**Animal shelter** shall mean any facility operated by a humane society or the city for the purpose of impounding or caring for animals held under the authority of the laws, regulations or ordinances of the state, county or city.

**At large** shall mean outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail or other public access are deemed to be "at large."

**Competent person** means an individual who has the present ability to physically restrain an animal or to whose voice the animal is trained to respond and in fact does respond.

**Dwarf goat** shall mean goats only of the breeds of Nigerian Dwarf or African Pygmy.

**Dwelling unit** shall mean one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family or individual for living and cooking purposes.

**Estray** means any bovine animal, horse, mule or ass found running at large upon public or private lands whose owner is either known or unknown in the section where found or which outside the limits of its usual range or pasture.

**Estrus** means a period of sexual activity in the female dog initiated by swelling of the vulva, sanguineous discharge, and heightened estrogen secretions and terminated by a period of quiescence of the reproductive organs, with a fall in circulating hormonal levels and an absence of sexual behavior all of which causes the female dog to be capable of conception and attractive to the male dog for the purpose of mating.

**Humane society** means the Humane Society for Larimer County, Inc., or other agency with which the City has contracted to provide

animal control services, Fort Collins, Colorado.

**Humane trap** means a device designed to capture or contain an animal without causing injury.

**Keeper** means a competent person who has custodial or supervisory authority or control over an animal.

**Leash** or **lead** means a thong, cord, rope, chain or similar device which holds an animal in restraint.

**Livestock** means horses, cattle, mules, asses, goats, sheep, swine, buffalo, and cattalo, chickens, ducks, geese and other domesticated fowl.

**Neighborhood** means an area within one thousand feet of the property line of the property wherein the animal is kept or maintained.

**Owner** means any competent person having control or purporting to have control over any animal, the person named on the licensing records of any animal as the owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this title even if the animal was in the possession of or under the control of a keeper at the time of the offense.

**Performing animal exhibition** means any spectacle, display, act or event, including circuses, in which animals are featured for entertainment.

**Person** means an individual or entity.

**Pet Animal** means any animal not otherwise prohibited by this chapter that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter. Pet animal may include, but is not limited to, small domestic mammals, rabbits, birds, reptiles, cats and dogs.

**Police officer** means any member of the Police Department of the city.

**Restraint** shall mean: (1) secured by a leash or lead under the physical control of a competent person, (2) tethered to a stationary object not within reach of a street, sidewalk, alley, trail or other public access or (3) within a fence or other enclosure which limits the animal to a particular premises.

**Shelter** means a structure or environment, adequate to the species of pet animal, which provides protection from adverse weather conditions.

**Show animals** means livestock, domestic fowl, or rabbits kept primarily for purposes of display and exhibition at fairs and like events and not for commercial purposes.

**Trap** means any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal. (Ord. 4229 §1 (part), 1996)

## **CHAPTER 6.08 LICENSES**

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### **Contents:**

**6.08.010 License required.**

**6.08.020 Application and term of license.**

**6.08.030 License and identification tags.**

**6.08.040 Designation of agents.**

**6.08.050 License fees.**

**6.08.060 Impoundment.**

### **6.08.010 License required.**

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- A. The owner or keeper of any dog, cat, pot-bellied pig or dwarf goat or cat kept within the city shall secure from the city, within fourteen days of acquiring possession of said dog, cat, pot-bellied pig or dwarf goat or cat, a license to keep the animal, which shall at all times be kept current by the owner or keeper. It is a defense to a charge of violating this section that:

1. The owner or keeper of the dog, cat, pot-bellied pig or dwarf goat or cat had not yet lived in the city for thirty (30) days; or  
2. The dog, cat, pot-bellied pig or dwarf goat was four months of age or less.
- B. No person who owns or keeps a dog, cat, pot-bellied pig or dwarf goat or cat within the city shall fail to obtain the license required by this section. (Ord. 4229 § 1 (part), 1996)

## **6.08.020 Application and term of license.**

- A. The applicant for an initial or renewal license under this chapter shall apply on forms acceptable to the city, pay the fee prescribed by Section **6.08.050**, provide satisfactory evidence that the dog, cat, pot-bellied pig or dwarf goat or cat has been vaccinated against rabies as required by Section **6.12.010**. The applicant shall apply for a renewal license each year.
- B. The initial license and any renewal license issued under this chapter shall be valid for a period of one year from the date of issuance.
- C. If ownership or custody of a dog, cat, pot-bellied pig or dwarf goat or cat licensed under this chapter changes, the new owner or keeper shall obtain a new license pursuant to the terms of this chapter and license issued to the prior owner or keeper shall not be valid. (Ord. 4229 § 1 (part), 1996)

## **6.08.030 License and identification tags.**

- A. No person who owns or keeps a dog, cat, pot-bellied pig or dwarf goat or cat within the city shall fail to ensure that such dog or cat at all times wears a collar or harness made of a durable material to which is attached the appropriate license tag or identification tag required by this chapter.
- B. No person shall use any license or tag issued pursuant to the terms of this chapter for any dog, cat, pot-bellied pig or dwarf goat or cat other than the dog, cat, pot-bellied pig or dwarf goat or cat for which the license or tag was issued.
- C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag upon payment of a replacement fee. (Ord. 4229 § 1 (part), 1996)

## **6.08.040 Designation of agents.**

The city manager may designate agents for the purpose of the administration of this chapter. The compensation and fees to be paid to such agents shall be determined by the city manager. (Ord. 4229 § 1 (part), 1996)

## **6.08.050 License fees.**

- A. A license shall be issued upon compliance with the application requirements of Section **6.08.020** and payment of the applicable license fees as established by resolution of city council.
- B. The license fee shall be waived under the following circumstances:
  1. The applicant is the owner or keeper of an authorized police dog; or
  2. The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog as defined in Section 24-34-801, Colorado Revised Statutes, or other canine trained for the purpose of aiding such person.

## **6.08.060 Impoundment.**

Any dog, cat, pot-bellied pig or dwarf goat or cat found within the city away from its principal premises which does not have affixed to it by means of a collar a valid and current license or identification tag as required by this chapter shall be impounded according to the provisions of Section **6.24.010**. The owner or keeper of such dog, cat, pot-bellied pig or dwarf goat or cat shall be responsible for payment of impound fees as set forth at Section **6.24.040** of this title. (Ord. 4229 § 1 (part), 1996)

# **CHAPTER 6.12 RABIES CONTROL**

Contents:

- 6.12.010 Rabies vaccination required.**
- 6.12.020 Reporting bites required.**
- 6.12.030 Confinement required.**

**6.12.040 Reporting of rabies cases and bites required.**

**6.12.050 Killing rabid or suspect animals authorized.**

**6.12.060 Body removal; approval required.**

**6.12.070 Destruction of rabid animals.**

**6.12.010 Rabies vaccination required.**

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- A. No owner or keeper of a dog or cat over four months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four months of age and again within twelve months of the date of such initial vaccination. Thereafter, no such person shall fail to have the dog or cat vaccinated at intervals designated by the Colorado Department of Health. If any dog or cat is found in the city without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog or cat shall be presumed to have violated this section.
- B. No owner or keeper of any animal ~~other than a dog or cat~~ for which rabies vaccinations are recommended by the National Association of State Public Health Veterinarians shall fail to have such animal vaccinated against rabies in accordance with and at the intervals suggested by the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.
- C. Every person moving into the city from a location outside the city shall comply with this section within thirty (30) days after having moved to the city.
- D. Every person who owns or keeps ~~an dog, cat or other~~ animal for which a rabies vaccination is required under this chapter shall ensure that the animal wears a collar or harness to which its rabies tag shall be attached.
- E. No person shall affix to the collar or harness of any ~~dog or cat~~ animal, or permit to remain affixed, a tag evidencing inoculation for any ~~other dog or cat~~ animal.
- F. No person charged with violating subsection (a) of this section shall be convicted if the person produces in court a rabies vaccination certificate which was valid at the time of the alleged violation. (Ord. 4229 § 1 (part), 1996)

**6.12.020 Reporting bites required.**

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Any person having knowledge, or having had reported to him or her, that an animal other than a rodent, bird or reptile has bitten a human being so as to cause an abrasion of the skin shall immediately report the occurrence to an animal control officer and shall provide further information requested by the animal control officer. For the purposes of this section, rodents, birds and reptiles are not included under the definition of animals since they are not considered to be transmitters of the rabies virus. Bites inflicted by these animals need not be reported to the animal control officer. (Ord. 4229 § 1 (part), 1996)

**6.12.030 Confinement required.**

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- A. If any animal is suspected of having rabies or if any animal has bitten a human being, it shall be confined for a period of not less than ten (10) days from the date of the bite. The animal may be confined on the owner's premises, if deemed appropriate in the discretion of the animal control officer. In the event the owner refuses to or is unable to confine the animal, the animal shall be confined at the animal shelter or a veterinary hospital. Such confinement shall be at the expense of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.
- B. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this section. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and the owner is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of municipal court, who may order the immediate production of the animal. Each day of refusal to produce the animal shall constitute a separate and individual violation of this chapter.
- C. No person shall remove from the city any animal that has been reported as having inflicted a bite on a person or destroy such animal before it can be properly confined by the animal control officer.
- D. For purposes of this section, "confined on the owner's premises" means that the animal is kept inside a secure building where no contact with animals or persons outside the owner's family can occur for a ten-day period. During such period of confinement, the animal shall not be let out to relieve itself without being on a leash and handled by a person capable of physically restraining the animal. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary hospital at the expense of the owner for the remainder of the confinement period. (Ord. 4229 § 1 (part), 1996)

## **6.12.040 Reporting of rabies cases and bites required.**

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- A. Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.
- B. Every physician and other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the animal control officer, giving the names and addresses of such persons. (Ord. 4229 § 1 (part), 1996)

## **6.12.050 Killing rabid or suspect animals authorized.**

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No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

## **6.12.060 Body removal; approval required.**

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No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

## **6.12.070 Destruction of rabid animals.**

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If rabies has been suspected in any animal, such animal shall be summarily destroyed and its brain tested for positive verification of rabies at the owner's expense, or the animal or its body may be disposed of according to the law, regulation or order of the Department of Health. (Ord. 4229 § 1 (part), 1996)

# **CHAPTER 6.16 CARE AND TREATMENT OF ANIMALS**

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### **Contents:**

- 6.16.010 Cruelty to animals.**
- 6.16.020 Animal fights.**
- 6.16.030 Abandonment.**
- 6.16.040 Trapping.**
- 6.16.050 Failure to provide humane treatment unlawful.**
- 6.16.060 Confining in vehicle unlawful; impoundment.**
- 6.16.070 Taking animal without permission.**
- 6.16.080 Releasing from restraint without permission; exception.**
- 6.16.090 Leaving on or near public way unlawful.**
- 6.16.100 Motor vehicle strike or injury; duties of driver.**
- 6.16.110 Harassment of animals.**
- 6.16.120 Injuring or meddling with police dogs.**
- 6.16.130 Artificially treated animals prohibited.**
- 6.16.140 Poisoning of animals.**
- 6.16.150 Maltreatment of performing animals prohibited.**
- 6.16.160 Disposal of dead animals.**
- 6.16.170 Tethering of Animals.**

## **6.16.010 Cruelty to animals.**

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- A. No person shall knowingly commit or cause to be committed any act of mistreatment or harassment or mutilation to any animal; or commit or to cause to be committed any act which would harm, injure or kill any animal; or omit any act the omission of which would result in the mutilation, harm, injury or death of any animal.

- B. Upon receiving information from any source that an animal is being cruelly treated or appears to be neglected or abandoned, a police officer or animal control officer shall make prompt investigation of the animal involved and inquire into the facts of the case to determine whether the circumstances are likely to continue and if so, whether the animal being cruelly treated, neglected or abandoned is in such serious condition that allowing it to remain in such circumstances will seriously endanger the life or health of the animal. The police officer or animal control officer may at any time provide such food and water as may be necessary and shall not be liable for any action for entry upon the property, other than the interior of a building, of the person owning or having charge, care, custody or control of the animal.
- C. If the police officer or animal control officer determines that such emergency situation exists and that caring for and feeding the animal at that location will not adequately protect the animal and that removal of the animal to another location for proper protection and care is advisable, the police officer or animal control officer may take such steps as are necessary for the removal of the animal in accordance with this title. All costs of removing, treating and maintaining the animal shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

## **6.16.020 Animal fights.**

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No person shall cause, instigate or encourage any animal to fight or to enter into combat in any manner. No person shall train or keep any animal for the purpose of fighting. No person shall maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport. (Ord. 4229 § 1 (part), 1996)

## **6.16.030 Abandonment.**

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No owner of an animal shall abandon such animal. (Ord. 4229 § 1 (part), 1996)

## **6.16.040 Trapping.**

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- A. No person shall set or cause to be set any trap within the municipality which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.
- B. Humane traps approved by the humane society may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to the owner or keeper of the animal, an animal control officer or the humane society. No person shall retain any animal captured in humane traps.
- C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of persons. (Ord. 5947 § 1, 2015; Ord. 4229 § 1 (part), 1996)

## **6.16.050 Failure to provide humane treatment unlawful.**

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No person shall fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary care, when necessary, and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal. (Ord. 4229 § 1 (part), 1996)

## **6.16.060 Confining in vehicle unlawful; impoundment.**

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- A. No person shall confine any animal within a parked, closed vehicle without allowing sufficient cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Notwithstanding the foregoing, no person shall confine any animal within a parked, enclosed vehicle if the external ambient temperature is 80 degrees Fahrenheit or greater.
- B. In the event any animal has been confined in a parked, closed vehicle in violation of this section, a police officer may enter the vehicle by the least intrusive means reasonably necessary, leaving written notice in the vehicle of entry, and shall impound such animal to protect its well-being. If the vehicle cannot be secured following entry, the police officer shall remove all items of value from the vehicle, maintain an inventory of said items and impound the vehicle in a safe and secure location until the owner can be located. All fees for the impoundment of the animal or the vehicle shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

## **6.16.070 Taking animal without permission.**

Unless otherwise authorized by this title, no person shall take an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless said person has first received permission from the owner of such animal, and permission from the owner or person in possession of the premises, lot or building. (Ord. 4229 § 1 (part), 1996)

## **6.16.080 Releasing from restraint without permission; exception.**

No person shall release any animal from restraint without consent of the owner, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so, or in the alternative, shall immediately return the animal to the custody of its owner. (Ord. 4229 § 1 (part), 1996)

## **6.16.090 Leaving on or near public way unlawful.**

No person shall tie or otherwise physically fasten an animal to any object on a public way or so near to a public way that the animal may go upon the public way and leave the animal unattended. (Ord. 4229 § 1 (part), 1996)

## **6.16.100 Motor vehicle strike or injury; duties of driver.**

Any person who, while driving a motor vehicle, strikes or injures any animal shall:

- A. Stop and immediately report the accident to the owner of the animal or to the custodian of the animal if the custodian of the animal is of responsible age; or
- B. If, after a reasonable search, the driver cannot locate the owner, immediately report the accident to the animal control officer or the police. (Ord. 4229 § 1 (part), 1996)

## **6.16.110 Harassment of animals.**

No person shall tease, tantalize or provoke any animal in a manner which causes the animal to bark excessively, to attempt to escape from its enclosure or to act in an aggressive manner. (Ord. 4229 § 1 (part), 1996)

## **6.16.120 Injuring or meddling with police dogs.**

No person shall tease, harass, interfere or meddle with any dog or horse used by a law enforcement agency while the animal is being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members. (Ord. 4229 § 1 (part), 1996)

## **6.16.130 Artificially treated animals prohibited.**

No person shall possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animals as pets, playthings, novelties or gifts. (Ord. 4229 § 1 (part), 1996)

## **6.16.140 Poisoning of animals.**

No person shall poison any animal or distribute poison in any manner whatsoever with the intent to poison, or for the purpose of poisoning any animal except that rats, mice or any rodents other than hamsters, guinea pigs, prairie dogs and squirrels may be poisoned by the use of a poisonous substance approved for such use by the United States Environmental Agency. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the state of Colorado. The distribution of any poison or poisoned food (other than that for insect control or rat or mouse poisoning) shall be *prima facie* evidence of a violation of this section. (Ord. 4229 § 1 (part), 1996)

## **6.16.150 Maltreatment of performing animals prohibited.**

No person shall put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal. (Ord. 4229 § 1 (part), 1996)

## **6.16.160 Disposal of dead animals.**

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- A. If any animal dies in the possession of any person in the city, it shall be the duty of such person to cause the animal to be at once removed from the city and buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this section.
- B. In the event the owner or keeper of any such animal shall neglect or refuse to remove the same within twenty-four hours after its death, the city may cause the animal to be removed at the expense of such owner or keeper. (Ord. 4229 § 1 (part), 1996)

## **6.16.170 Tethering of Animals.**

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- A. No person shall cause or permit an animal to be improperly tethered. For purposes of this Section, "improperly tethered" shall mean use of a fixed point tether in a manner that is likely to cause bodily injury to the animal or endanger the health or safety of other animals or people. As used in this Section, "tether" shall have the same meaning as "leash" or "lead" as these words are defined in Code Section [6.04.010M](#). An animal control officer is empowered to make a *prima facie* determination as to whether an animal is improperly tethered, which determination may be based upon, but is not limited to, the consideration of the following factors:
  1. using a tether made of rope, twine, cord or any other material that is insufficient to restrain the animal;
  2. using a tether that:
    - a. is less than ten (10) feet in length;
    - b. does not have swivels on both ends;
    - c. is not attached to the animal by means of a properly fitting harness or collar of at least one (1) inch in width; and/or
    - d. is wrapped around the animal's neck;
  3. using a tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely;
  4. allowing an animal to be tethered in such a manner that the animal is not confined to the owner's property or so that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; or
  5. using a chain as a primary collar rather than a collar made of nylon, cotton, leather or similar material. (Ord. 5591 § 1, 2011)

# **CHAPTER 6.20 CONTROL**

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## **Contents:**

- 6.20.010 Animal at large.**
- 6.20.020 Disturbance of peace and quiet.**
- 6.20.030 Vicious animals.**
- 6.20.040 Public nuisance.**
- 6.20.050 Animal waste removal.**

## **6.20.010 Animal at large.**

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- A. No owner of any animal, or any person who harbors, keeps or is in charge of an animal shall permit such animal to be at large in the city. Any animal off its owner's or keeper's premises shall be on a leash or tether controlled by its owner or keeper, except where such animal and its owner or keeper are located within a fenced park specifically designated by a public authority for off-leash or untethered dogs. (Ord. 5339 § 2, 2008)
- B. No animal owner, or any person who harbors an animal shall fail to prevent the animal from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public parks, trails or fairgrounds, unless permission is posted by public authorities allowing animals at large.
- C. Any unspayed female animal in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other animal of the same species may gain access to the confined animal, except for planned breeding. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the

animal to a boarding facility, veterinary hospital or the animal control center or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an animal control officer shall be a violation of this section and any unspayed female animal in estrus may be summarily impounded in the event of noncompliance with such a removal order.

- D. It shall be *prima facie* evidence that an animal is running at large if the animal is at large in the city without its owner's or keeper's knowledge.
- E. An animal injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such an animal shall be responsible for all veterinary expenses and impoundment fees.
- F. If any animal dies while at large on public property, the owner shall be responsible for disposal fees in addition to penalties for violation of this section. (Ord. 4229 § 1 (part), 1996)
- G. It shall be unlawful for any keeper or owner who uses a fence to enclose an animal to fail to ensure that the fence is properly and adequately constructed for the purpose of securing the animal within the fenced enclosure and that the fence is kept in good repair to so secure the animal. (Ord. 5591 § 2, 2011)

## **6.20.020 Disturbance of peace and quiet.**

- A. No owner, keeper or person in charge of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.
- B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.
- C. No owner or keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (a) of this section unless the owner or keeper or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding twelve months.
- D. The warning process to be employed prior to a charge being instituted for a violation of subsection (a) of this section shall be substantially as follows:
  1. The warning must relate to an incident separate from the charged violation.
  2. A police officer or animal control officer may issue a warning after receiving a complaint of a disturbance.
  3. The complainant must clearly identify himself or herself by stating his or her name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.
  4. A record or incident report shall be kept of any such complaint and investigation.
- E. The warning shall state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace or another individual. The warning shall advise the animal owner of the possible penalties for a violation of this section and advise the owner that the next complaint may result in a summons being issued against the owner. The warning shall be identified as being issued by any police or animal control officer empowered by the city to enforce the provisions of this title.
- F. An owner or keeper shall be deemed to have received a warning under subsection (c) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner or keeper of the animal according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.
- F. The identity of a complainant shall be kept confidential until a violation of this section is charged. If a violation of this section is charged, the complainant shall sign an affidavit attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner. (Ord. 4229 § 1 (part), 1996)

## **6.20.030 Vicious animals.**

- A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person; bites another animal; or approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.
- B. It is a defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:
  1. Other than in self-defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to

- provoke the animal to attack or bite;
2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
  3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;
  4. Attempting to assault another person;
  5. Attempting to stop a fight between the animal and any other animal;
  6. Attempting to aid the animal when it was injured; or
  7. Attempting to capture the animal in the absence of the owner or keeper.
- C. For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.
- D. If a complaint has been filed in municipal court of the city against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge. The municipal judge shall, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order said animal to be destroyed in an humane manner by a veterinarian of the owner's choice, licensed in the state of Colorado, at the animal shelter. (Ord. 4229 § 1 (part), 1996)

## **6.20.040 Public nuisance.**

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- A. It shall be unlawful for any owner or keeper of an animal to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this section, a public nuisance includes an animal which is a safety or health hazard, injures a person or another animal in any manner, damages or destroys public property or the property of another, or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home.
- B. In the prosecution of any charge under this section, it shall not be necessary to prove notice or knowledge on the part of the animal owner or keeper that such animal was violating any section of this title at the time and place charged, it being the intent of this section to impose strict liability upon the animal owner or keeper for the actions, conduct and condition of such animal. (Ord. 4229 § 1 (part), 1996)

## **6.20.050 Animal waste removal.**

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- A. It shall be unlawful for the owner or keeper of any animal to fail to remove any feces deposited by such animal on streets, sidewalks, parks and recreation areas, and private property, or in any water immediately after the animal has deposited the fecal matter.
- B. It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter deposited by an animal in an appropriate trash container.
- C. Any person who is blind, as the term is defined in 26-2-103, C.R.S., and uses a guide dog, or any person using a certified service dog shall be exempt from the provisions of this section. (Ord. 4229 § 1 (part), 1996)

## **CHAPTER 6.24 IMPOUNDMENT AND RECLAMATION**

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### **Contents:**

**6.24.010 Impoundment.**

**6.24.020 Notice of impoundment.**

**6.24.030 Minimum time for impoundment.**

**6.24.040 Impoundment fees.**

**6.24.050 Euthanization or adoption. Any animal not reclaimed by its owner.**

**6.24.060 Sterilization of adopted animals required.**

## **6.24.010 Impoundment.**

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- A. Animal control officers and police officers are hereby authorized to take or capture animals deemed by them to be included in the following categories and impound them at the animal shelter or other appropriate location where the animals will be confined in a humane manner:
  1. Animals at large, vicious animals, animals creating a disturbance, maltreated animals, abandoned and nuisance animals;
  2. Animals which are not licensed or have not been vaccinated against rabies;
  3. Wild or exotic animals kept in violation of Section [6.28.040](#);
  4. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal;
  5. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.
- B. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or destroy such animal if necessary to avoid physical harm to human beings. (Ord. 4229 § 1 (part), 1996)

## **6.24.020 Notice of impoundment.**

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If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, an animal control officer or other animal shelter representative shall attempt to notify the owner of the animal of such impoundment by telephone or mail. (Ord. 4229 § 1 (part), 1996)

## **6.24.030 Minimum time for impoundment.**

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Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel. (Ord. 4229 § 1 (part), 1996)

## **6.24.040 Impoundment fees.**

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- A. The person owning, or having charge, care, custody or control of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. The city or any independent contractor with whom the city has agreed to provide impoundment facilities shall not release any animal impounded until all fees incurred are paid. An impoundment fee shall be collected from any person who voluntarily surrenders an animal to the city for euthanization or adoption.
- B. An owner or keeper reclaiming an impounded animal which is not validly licensed as required under this chapter shall license the animal and present evidence thereof to the animal shelter prior to reclaiming the animal. If the animal does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide a current rabies vaccination certificate or license, the owner may place a cash deposit of fifty dollars (\$50.00) with the animal shelter to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and license is not presented within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter unless a licensed veterinarian recommends that the owner be allowed a greater time to obtain a vaccination due to the condition of the animal.
- C. Failure to reclaim an animal prior to the determination that it has become the property of the city as set forth in Section [6.24.050](#) shall not relieve the person owning or having charge, care, custody or control of the subject animal of the responsibility for all fees and costs incurred prior to said determination. (Ord. 4229 § 1 (part), 1996)

## **6.24.050 Euthanization or adoption. Any animal not reclaimed by its owner.**

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Any animal not reclaimed by its owner within five (5) days after notice of impoundment is delivered to its owner or keeper shall become the property of the humane society and shall be placed for adoption or humanely euthanized. In the event the owner cannot be found within five days after impoundment, then the animal shall become the property of the humane society and shall be placed for adoption or humanely euthanized. Any animal may be euthanized at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal. (Ord. 4229 § 1 (part), 1996)

## **6.24.060 Sterilization of adopted animals required.**

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No unclaimed dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter, guaranteeing that such animal be sterilized. (Ord. 4229 § 1 (part), 1996)

# **CHAPTER 6.28 KEEPING OF ANIMALS**

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## **Contents:**

- 6.28.010 Limitations on the number of household pets.**
- 6.28.020 Limitations on livestock.**
- 6.28.030 Livestock at large.**
- 6.28.040 Exotic Animals.**
- 6.28.045 Limitations on knowingly feeding wild animals.**
- 6.28.050 Exceptions to keeping and transporting certain animals.**

## **6.28.010 Limitations on the number of household pets.**

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No person shall keep, house or maintain in or upon the premises of any residential dwelling unit more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owner or keeper, to the pets, or to any others or more pet animals than can be properly maintained without constituting a nuisance to the occupants of neighboring properties.

(Ord. 4229 § 1 (part), 1996; Ord. 5568 § 1, 2011)

## **6.28.020 Limitations on livestock.**

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No person shall keep, pasture, house, or maintain on any parcel of land in the city any livestock, except: ~~horses, provided that at least one-half acre of pasture land is provided for each horse. Pets or show animals, chickens, ducks, geese and other domesticated fowl are permitted subject to the numerical limitations in Section 6.28.010.~~

1. Horses, provided that at least one-half acre of pasture land is provided for each horse.
2. Chickens, ducks, geese and other domesticated fowl are permitted subject to the numerical limitations in Section 6.28.010.
3. Dwarf goats provided the following requirements are met:
  - a. Two dwarf goats, plus any number of their offspring younger than twelve weeks, may be kept on any lot in the City. The keeping of just one dwarf goat is prohibited. Only female or neutered male dwarf goats shall be permitted.
  - b. Any person keeping dwarf goats pursuant to this provision must first have been issued a permit by the Humane Society at the time, and must also have received such information or training pertaining to the keeping of goats as the Humane Society deems appropriate. Prior to the issuance of said permit, the Humane Society shall conduct a site inspection to verify compliance with the requirements of this section.
  - c. The dwarf goats must be maintained in the rear fifty percent of the lot. On any residential zoned corner lot, the rear fifty percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.

- d. The dwarf goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Shelters shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.
- e. During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced to protect them from predators, which shall be at least three hundred square feet in size. The enclosure shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.
- f. The dwarf goats must be closed in the shelter from one half hour before sunset and one half hour after sunrise.
- g. Any person who owns or keeps dwarf goats over twelve weeks of age shall have the dwarf goats vaccinated against rabies when the dwarf goats become twelve weeks of age, and shall continue to have the dwarf goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

4. Pot-bellied pigs, provided that the owner or keeper shall keep proof of the following:

- a. A Colorado Certificate of Veterinarian Inspection issued by a veterinarian who is licensed and accredited by the State of Colorado.
- b. Documentation of spay or neuter.

5. Livestock may not be killed by or at the direction of the owner or keeper of the livestock except pursuant to the lawful order of the state or county health officials, or for the purposes of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

4-6. The keeping of livestock ~~and domestic fowl~~ except as provided in this section is declared to be a nuisance. (Ord. 4229 § 1 (part), 1996)

## **6.28.030 Livestock at large.**

No person shall permit any livestock to be running at large within the city, except that horses being ridden or being led by the reins shall not be deemed to be running at large. (Ord. 4229 § 1 (part), 1996)

## **6.28.040 Exotic Animals.**

- A. Except as provided in subsection (b), no person shall own or keep within the city any animal which is not commonly domesticated or which is not common to North America or which, irrespective of geographic origin, is of a wild or predatory nature.
- B. The provisions of subsection (a) shall not apply to the owning or keeping of bird, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for pets, nor shall such provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.
- C. No person shall own, possess, harbor, transport, sell, or in any other manner traffic in the following species of animals:
  1. Poisonous snakes and poisonous reptiles; and all nonpoisonous snakes with a length greater than six (6) feet;
  2. Gorillas, chimpanzees, orangutans, and any other primates;
  3. Any species of felines not falling within the categories of ordinary domesticated house cats;
  4. Bears of any species;
  5. Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets or minks;
  6. Any wolf, coyote, fox or other species of canine other than the ordinary domesticated dog.
- D. The provisions of subsection (c) shall not be applicable to any bona fide zoo or any circus or carnival licensed by the city or any bona fide research institute using wild, exotic animals for scientific research. (Ord. 4229 § 1 (part), 1996)

## **6.28.045 Limitations on knowingly feeding wild animals.**

No person shall knowingly provide edible or drinkable material, including, without limitation, bones, salt licks, and water, within the city to any of the following animals:

- A. bears of any species;
- B. deer of any species;
- C. raccoons, skunks, badgers, porcupines, and other similar species, except ferrets and minks;
- D. any species of feline other than the ordinary domesticated house cat;
- E. any wolf, coyote, fox, and other species of canine other than the ordinary domesticated dog; and
- F. any other wild animal to the extent that such feeding constitutes a nuisance to the occupants of neighboring properties. For the purposes of this Section, nuisance shall mean a material threat to health or safety, material property damage, offensive odors, or any other condition that materially interferes with or disrupts another person in the conduct of lawful activities on such person's property. (Ord. 4804 § 6, 2003)
- G. It shall be a defense to a charge of violating this section that a person is feeding only squirrels and birds other than wild ducks or geese. (Ord. 6120 § 1, 2017)

## **6.28.050 Exceptions to keeping and transporting certain animals.**

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The prohibitions of this chapter shall not be deemed applicable to any circus, rodeo, zoo, livestock show or menagerie licensed by the city, to persons authorized by the city manager to keep live wild or dangerous animals for purposes of scientific research, or to licensed veterinarians at their usual places of business, provided that such premises are properly zoned for that purpose. (Ord. 4229 § 1 (part), 1996)

# **CHAPTER 6.32 ENFORCEMENT AND PENALTIES**

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### **Contents:**

- 6.32.010 Enforcement.**
- 6.32.020 Interference with animal control officer.**
- 6.32.030 Inspection powers.**
- 6.32.040 Humane Society personnel designated peace officers.**
- 6.32.050 Penalties.**

### **6.32.010 Enforcement.**

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Police officers, animal control officers and wildlife conservation officers are authorized to enforce the provisions of this title. (Ord. 4229 § 1 (part), 1996)

### **6.32.020 Interference with animal control officer.**

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No person shall interfere with, hinder, or prevent a peace officer, a wildlife conservation officer, an animal control officer or such officer's authorized representative in the discharge of the officer's duties as prescribed in this title. No person shall fail to obey a lawful order of any such officer. (Ord. 4229 § 1 (part), 1996)

### **6.32.030 Inspection powers.**

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Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a police officer or animal control officer or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, the police officer, animal control officer or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the officer by this title; provided, that if such building or premises is occupied, the police officer, animal control officer or authorized representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police officer, animal control officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police officer, animal control officer or authorized representative shall secure entry pursuant to a warrant regularly issued. (Ord. 4229 § 1 (part), 1996)

### **6.32.040 Humane Society personnel designated peace officers.**

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Animal control personnel, officers, agents and employees of the Humane Society of Larimer County, Inc. are hereby authorized to enforce the provisions of this title to the extent provided in the current contract, then in force, between the City and the Humane Society. Under such circumstances, the officers, agents and employees of the Humane Society are peace officers within the Colorado Municipal Court Rules of Procedures, for purposes of issuing summonses and complaints relating to the enforcement of this title. Nothing in this title shall be construed to, and in no way does, limit the authority of police officers to enforce this title. (Ord. 4229 § 1 (part), 1996)

## **6.32.050 Penalties.**

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- A. It is unlawful for any person to violate any of the provisions stated in this title.
- B. Every person found guilty of violating any provision of this title, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as provided in Section [1.12.010](#) of this code. (Ord. 4229 § 1 (part), 1996)

\*\*\*End Title 6\*\*\*

## Title 6

### ANIMALS

#### Chapters:

- 6.04 Definitions.**
- 6.08 Licenses.**
- 6.12 Rabies Control.**
- 6.16 Care and Treatment of Animals.**
- 6.20 Control.**
- 6.24 Impoundment and Reclamation.**
- 6.28 Keeping of Animals.**
- 6.32 Enforcement and Penalties.**

#### Chapter 6.04

### GENERAL PROVISIONS

#### Sections:

- 6.04.010 Definitions.**

#### 6.04.010 Definitions.

For the purpose of this title the following words and phrases shall be defined as set out below:

- A. "Abandon" means to relinquish or give up an animal with the intent of never again exercising one's right of ownership or control or leaving of an animal by its owner or other person having charge, care, custody or control without making effective provisions for its proper care.
- B. "Animal" means any live, vertebrate creature, domesticated or wild, excluding fish.
- C. "Animal control officer" shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the city pertaining to animals.
- D. "Animal shelter" shall mean any facility operated by a humane society or the city for the purpose of impounding or caring for animals held under the authority of the laws, regulations or ordinances of the state, county or city.
- E. "At large" shall mean outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail or other public access are deemed to be "at large."
- F. "Competent person" means an individual who has the present ability to physically restrain an animal or to whose voice the animal is trained to respond and in fact does respond.
- G. "Dwelling unit" shall mean one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family or individual for living and cooking purposes.
- H. "Estray" means any bovine animal, horse, mule or ass found running at large upon public or private lands whose owner is either known or unknown in the section where found or which outside the limits of its usual range or pasture.
- I. "Estrus" means a period of sexual activity in the female dog initiated by swelling of the vulva, sanguineous discharge, and heightened estrogen secretions and terminated by a period of quiescence of the reproductive organs, with a fall in circulating hormonal levels and an absence of sexual behavior all of which causes the female dog to be capable of conception and attractive to the male dog for the purpose of mating.
- J. "Humane society" means the Humane Society for Larimer County, Inc., Fort Collins, Colorado.
- K. "Humane trap" means a device designed to capture or contain an animal without causing injury.

- L. "Keeper" means a competent person who has custodial or supervisory authority or control over an animal.
- M. "Leash" or "lead" means a thong, cord, rope, chain or similar device which holds an animal in restraint.
- N. "Livestock" means horses, cattle, mules, asses, goats, sheep, swine, buffalo and cattalo.
- O. "Neighborhood" means an area within one thousand feet of the property line of the property wherein the animal is kept or maintained.
- P. "Owner" means any competent person having control or purporting to have control over any animal, the person named on the licensing records of any animal as the owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this title even if the animal was in the possession of or under the control of a keeper at the time of the offense.
- Q. "Performing animal exhibition" means any spectacle, display, act or event, including circuses, in which animals are featured for entertainment.
- R. "Person" means an individual or entity.
- S. "Pet" means any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- T. "Police officer" means any member of the Police Department of the city.
- U. "Restraint" shall mean: (1) secured by a leash or lead under the physical control of a competent person, (2) tethered to a stationary object not within reach of a street, sidewalk, alley, trail or other public access or (3) within a fence or other enclosure which limits the animal to a particular premises.
- V. "Shelter" means a structure or environment, adequate to the species of pet animal, which provides protection from adverse weather conditions.
- W. "Show animals" means livestock, domestic fowl, or rabbits kept primarily for purposes of display and exhibition at fairs and like events and not for commercial purposes.
- X. "Trap" means any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal. (Ord. 4229 § I (part), 1996)

## **Chapter 6.08**

### **LICENSES**

#### **Sections**

- 6.08.010      License required.**
- 6.08.020      Application and term of license.**
- 6.08.030      License and identification tags.**
- 6.08.040      Designation of agents.**
- 6.08.050      License fees.**
- 6.08.060      Impoundment.**

#### **6.08.010      License required.**

- A. The owner or keeper of any dog or cat kept within the city shall secure from the city, within fourteen days of acquiring possession of said dog or cat, a license to keep the animal, which shall at all times be kept current by the owner or keeper. It is a defense to a charge of violating this section that:
  1. The owner or keeper of the dog or cat had not yet lived in the city for thirty (30) days; or
  2. The dog or cat was four months of age or less.
- B. No person who owns or keeps a dog or cat within the city shall fail to obtain the license required by this section. (Ord. 4229 § 1 (part), 1996)

#### **6.08.020      Application and term of license.**

- A. The applicant for an initial or renewal license under this chapter shall apply on forms acceptable to the city, pay the fee prescribed by Section 6.08.050, provide satisfactory evidence that the dog or cat has been vaccinated against rabies as required by Section 6.12.010. The applicant shall apply for a renewal license each year.
- B. The initial license and any renewal license issued under this chapter shall be valid for a period of one year from the date of issuance.
- C. If ownership or custody of a dog or cat licensed under this chapter changes, the new owner or keeper shall obtain a new license pursuant to the terms of this chapter and license issued to the prior owner or keeper shall not be valid. (Ord. 4229 § 1 (part), 1996)

#### **6.08.030      License and identification tags.**

- A. No person who owns or keeps a dog or cat within the city shall fail to ensure that such dog or cat at all times wears a collar or harness made of a durable material to which is attached the appropriate license tag or identification tag required by this chapter.
- B. No person shall use any license or tag issued pursuant to the terms of this chapter for any dog or cat other than the dog or cat for which the license or tag was issued.
- C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag upon payment of a replacement fee. (Ord. 4229 § 1 (part), 1996)

#### **6.08.040      Designation of agents.**

The city manager may designate agents for the purpose of the administration of this chapter. The compensation and fees to be paid to such agents shall be determined by the city manager. (Ord. 4229 § 1 (part), 1996)

#### **6.08.050      License fees.**

- A. A license shall be issued upon compliance with the application requirements of Section 6.08.020 and payment of the applicable license fees as established by resolution of city council.
- B. The license fee shall be waived under the following circumstances:

1. The applicant is the owner or keeper of an authorized police dog; or
2. The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog as defined in Section 24-34-801, Colorado Revised Statutes, or other canine trained for the purpose of aiding such person.

**6.08.060      Impoundment.**

Any dog or cat found within the city away from its principal premises which does not have affixed to it by means of a collar a valid and current license or identification tag as required by this chapter shall be impounded according to the provisions of Section 6.24.010. The owner or keeper of such dog or cat shall be responsible for payment of impound fees as set forth at Section 6.24.040 of this title. (Ord. 4229 §1 (part), 1996)

## **Chapter 6.12**

### **RABIES CONTROL**

#### **Sections:**

- 6.12.010      Rabies vaccination required.**
- 6.12.020      Reporting bites required.**
- 6.12.030      Confinement required.**
- 6.12.040      Reporting of rabies cases and bites required.**
- 6.12.050      Killing rabid or suspect animals authorized.**
- 6.12.060      Body removal; approval required.**
- 6.12.070      Destruction of rabid animals.**

#### **6.12.010      Rabies vaccination required.**

- A. No owner or keeper of a dog or cat over four months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four months of age and again within twelve months of the date of such initial vaccination. Thereafter, no such person shall fail to have the dog or cat vaccinated at intervals designated by the Colorado Department of Health. If any dog or cat is found in the city without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog or cat shall be presumed to have violated this section.
- B. No owner or keeper of any animal other than a dog or cat for which rabies vaccinations are recommended by the National Association of State Public Health Veterinarians shall fail to have such animal vaccinated against rabies in accordance with and at the intervals suggested by the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.
- C. Every person moving into the city from a location outside the city shall comply with this section within thirty (30) days after having moved to the city.
- D. Every person who owns or keeps a dog, cat or other animal for which a rabies vaccination is required under this chapter shall ensure that the animal wears a collar or harness to which its rabies tag shall be attached.
- E. No person shall affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing inoculation for any other dog or cat.
- F. No person charged with violating subsection (a) of this section shall be convicted if the person produces in court a rabies vaccination certificate which was valid at the time of the alleged violation. (Ord. 4229 § 1 (part), 1996)

#### **6.12.020      Reporting bites required.**

Any person having knowledge, or having had reported to him or her, that an animal other than a rodent, bird or reptile has bitten a human being so as to cause an abrasion of the skin shall immediately report the occurrence to an animal control officer and shall provide further information requested by the animal control officer. For the purposes of this section, rodents, birds and reptiles are not included under the definition of animals since they are not considered to be transmitters of the rabies virus. Bites inflicted by these animals need not be reported to the animal control officer. (Ord. 4229 § 1 (part), 1996)

#### **6.12.030      Confinement required.**

- A. If any animal is suspected of having rabies or if any animal has bitten a human being, it shall be confined for a period of not less than ten (10) days from the date of the bite. The animal may be confined on the owner's premises, if deemed appropriate in the discretion of the animal control officer. In the event the owner refuses to or is unable to confine the animal, the animal shall be confined at the animal shelter or a veterinary hospital. Such confinement shall be at the expense

- of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.
- B. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this section. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and the owner is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of municipal court, who may order the immediate production of the animal. Each day of refusal to produce the animal shall constitute a separate and individual violation of this chapter.
  - C. No person shall remove from the city any animal that has been reported as having inflicted a bite on a person or destroy such animal before it can be properly confined by the animal control officer.
  - D. For purposes of this section, "confined on the owner's premises" means that the animal is kept inside a secure building where no contact with animals or persons outside the owner's family can occur for a ten-day period. During such period of confinement, the animal shall not be let out to relieve itself without being on a leash and handled by a person capable of physically restraining the animal. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary hospital at the expense of the owner for the remainder of the confinement period. (Ord. 4229 § 1 (part), 1996)

**6.12.040 Reporting of rabies cases and bites required.**

- A. Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.
- B. Every physician and other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the animal control officer, giving the names and addresses of such persons. (Ord. 4229 § 1 (part), 1996)

**6.12.050 Killing rabid or suspect animals authorized.**

No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

**6.12.060 Body removal; approval required.**

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

**6.12.070 Destruction of rabid animals.**

If rabies has been suspected in any animal, such animal shall be summarily destroyed and its brain tested for positive verification of rabies at the owner's expense, or the animal or its body may be disposed of according to the law, regulation or order of the Department of Health. (Ord. 4229 § 1 (part), 1996)

## Chapter 6.16

### CARE AND TREATMENT OF ANIMALS

#### Sections:

- 6.16.010      Cruelty to animals.**
- 6.16.020      Animal fights.**
- 6.16.030      Abandonment.**
- 6.16.040      Trapping.**
- 6.16.050      Failure to provide humane treatment unlawful.**
- 6.16.060      Confining in vehicle unlawful; impoundment.**
- 6.16.070      Taking animal without permission.**
- 6.16.080      Releasing from restraint without permission; exception.**
- 6.16.090      Leaving on or near public way unlawful.**
- 6.16.100      Motor vehicle strike or injury; duties of driver.**
- 6.16.110      Harassment of animals.**
- 6.16.120      Injuring or meddling with police dogs.**
- 6.16.130      Artificially treated animals prohibited.**
- 6.16.140      Poisoning of animals.**
- 6.16.150      Maltreatment of performing animals prohibited.**
- 6.16.160      Disposal of dead animals.**
- 6.16.170      Tethering of Animals.**

#### **6.16.010      Cruelty to animals.**

- A. No person shall knowingly commit or cause to be committed any act of mistreatment or harassment or mutilation to any animal; or commit or to cause to be committed any act which would harm, injure or kill any animal; or omit any act the omission of which would result in the mutilation, harm, injury or death of any animal.
- B. Upon receiving information from any source that an animal is being cruelly treated or appears to be neglected or abandoned, a police officer or animal control officer shall make prompt investigation of the animal involved and inquire into the facts of the case to determine whether the circumstances are likely to continue and if so, whether the animal being cruelly treated, neglected or abandoned is in such serious condition that allowing it to remain in such circumstances will seriously endanger the life or health of the animal. The police officer or animal control officer may at any time provide such food and water as may be necessary and shall not be liable for any action for entry upon the property, other than the interior of a building, of the person owning or having charge, care, custody or control of the animal.
- C. If the police officer or animal control officer determines that such emergency situation exists and that caring for and feeding the animal at that location will not adequately protect the animal and that removal of the animal to another location for proper protection and care is advisable, the police officer or animal control officer may take such steps as are necessary for the removal of the animal in accordance with this title. All costs of removing, treating and maintaining the animal shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

#### **6.16.020      Animal fights.**

No person shall cause, instigate or encourage any animal to fight or to enter into combat in any manner. No person shall train or keep any animal for the purpose of fighting. No person shall maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport. (Ord. 4229 § 1 (part), 1996)

#### **6.16.030      Abandonment.**

No owner of an animal shall abandon such animal. (Ord. 4229 § 1 (part), 1996)

**6.16.040 Trapping.**

- A. No person shall set or cause to be set any trap within the municipality which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.
- B. Humane traps approved by the humane society may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to the owner or keeper of the animal, an animal control officer or the humane society. No person shall retain any animal captured in humane traps.
- C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of persons. (Ord. 5947 § 1, 2015; Ord. 4229 § 1 (part), 1996)

**6.16.050 Failure to provide humane treatment unlawful.**

No person shall fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary care, when necessary, and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal. (Ord. 4229 § 1 (part), 1996)

**6.16.060 Confining in vehicle unlawful; impoundment.**

- A. No person shall confine any animal within a parked, closed vehicle without allowing sufficient cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Notwithstanding the foregoing, no person shall confine any animal within a parked, enclosed vehicle if the external ambient temperature is 80 degrees Fahrenheit or greater.
- B. In the event any animal has been confined in a parked, closed vehicle in violation of this section, a police officer may enter the vehicle by the least intrusive means reasonably necessary, leaving written notice in the vehicle of entry, and shall impound such animal to protect its well-being. If the vehicle cannot be secured following entry, the police officer shall remove all items of value from the vehicle, maintain an inventory of said items and impound the vehicle in a safe and secure location until the owner can be located. All fees for the impoundment of the animal or the vehicle shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

**6.16.070 Taking animal without permission.**

Unless otherwise authorized by this title, no person shall take an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless said person has first received permission from the owner of such animal, and permission from the owner or person in possession of the premises, lot or building. (Ord. 4229 § 1 (part), 1996)

**6.16.080 Releasing from restraint without permission; exception.**

No person shall release any animal from restraint without consent of the owner, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so, or in the alternative, shall immediately return the animal to the custody of its owner. (Ord. 4229 § 1 (part), 1996)

**6.16.090 Leaving on or near public way unlawful.**

No person shall tie or otherwise physically fasten an animal to any object on a public way or so near to a public way that the animal may go upon the public way and leave the animal unattended. (Ord. 4229 § 1 (part), 1996)

**6.16.100 Motor vehicle strike or injury; duties of driver.**

Any person who, while driving a motor vehicle, strikes or injures any animal shall:

- A. Stop and immediately report the accident to the owner of the animal or to the custodian of the animal if the custodian of the animal is of responsible age; or
- B. If, after a reasonable search, the driver cannot locate the owner, immediately report the accident to the animal control officer or the police. (Ord. 4229 § 1 (part), 1996)

**6.16.110 Harassment of animals.**

No person shall tease, tantalize or provoke any animal in a manner which causes the animal to bark excessively, to attempt to escape from its enclosure or to act in an aggressive manner. (Ord. 4229 § 1 (part), 1996)

**6.16.120 Injuring or meddling with police dogs.**

No person shall tease, harass, interfere or meddle with any dog or horse used by a law enforcement agency while the animal is being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members. (Ord. 4229 § 1 (part), 1996)

**6.16. 130 Artificially treated animals prohibited.**

No person shall possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animals as pets, playthings, novelties or gifts. (Ord. 4229 § 1 (part), 1996)

**6.16. 140 Poisoning of animals.**

No person shall poison any animal or distribute poison in any manner whatsoever with the intent to poison, or for the purpose of poisoning any animal except that rats, mice or any rodents other than hamsters, guinea pigs, prairie dogs and squirrels may be poisoned by the use of a poisonous substance approved for such use by the United States Environmental Agency. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the state of Colorado. The distribution of any poison or poisoned food (other than that for insect control or rat or mouse poisoning) shall be *prima facie* evidence of a violation of this section. (Ord. 4229 § 1 (part), 1996)

**6.16.150 Maltreatment of performing animals prohibited.**

No person shall put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal. (Ord. 4229 § 1 (part), 1996)

**6.16.160 Disposal of dead animals.**

- A. If any animal dies in the possession of any person in the city, it shall be the duty of such person to cause the animal to be at once removed from the city and buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this section.

- B. In the event the owner or keeper of any such animal shall neglect or refuse to remove the same within twenty-four hours after its death, the city may cause the animal to be removed at the expense of such owner or keeper. (Ord. 4229 § 1 (part), 1996)

**6.16.170 Tethering of Animals.**

- A. No person shall cause or permit an animal to be improperly tethered. For purposes of this Section, "improperly tethered" shall mean use of a fixed point tether in a manner that is likely to cause bodily injury to the animal or endanger the health or safety of other animals or people. As used in this Section, "tether" shall have the same meaning as "leash" or "lead" as these words are defined in Code Section 6.04.010M. An animal control officer is empowered to make a *prima facie* determination as to whether an animal is improperly tethered, which determination may be based upon, but is not limited to, the consideration of the following factors:
1. using a tether made of rope, twine, cord or any other material that is insufficient to restrain the animal;
  2. using a tether that:
    - a. is less than ten (10) feet in length;
    - b. does not have swivels on both ends;
    - c. is not attached to the animal by means of a properly fitting harness or collar of at least one (1) inch in width; and/or
    - d. is wrapped around the animal's neck;
  3. using a tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely;
  4. allowing an animal to be tethered in such a manner that the animal is not confined to the owner's property or so that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; or
  5. using a chain as a primary collar rather than a collar made of nylon, cotton, leather or similar material. (Ord. 5591 § 1, 2011)

## Chapter 6.20

### CONTROL

#### Sections:

- 6.20.010      Animal at large.**
- 6.20.020      Disturbance of peace and quiet.**
- 6.20.030      Vicious animal.**
- 6.20.040      Public nuisance.**
- 6.20.050      Animal waste removal.**

#### **6.20.010      Animal at large.**

- A. No owner of any animal, or any person who harbors, keeps or is in charge of an animal shall permit such animal to be at large in the city. Any animal off its owner's or keeper's premises shall be on a leash or tether controlled by its owner or keeper, except where such animal and its owner or keeper are located within a fenced park specifically designated by a public authority for off-leash or untethered dogs. (Ord. 5339 § 2, 2008)
- B. No animal owner, or any person who harbors an animal shall fail to prevent the animal from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public parks, trails or fairgrounds, unless permission is posted by public authorities allowing animals at large.
- C. Any unspayed female animal in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other animal of the same species may gain access to the confined animal, except for planned breeding. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the animal to a boarding facility, veterinary hospital or the animal control center or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an animal control officer shall be a violation of this section and any unspayed female animal in estrus may be summarily impounded in the event of noncompliance with such a removal order.
- D. It shall be *prima facie* evidence that an animal is running at large if the animal is at large in the city without its owner's or keeper's knowledge.
- E. An animal injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such an animal shall be responsible for all veterinary expenses and impoundment fees.
- F. If any animal dies while at large on public property, the owner shall be responsible for disposal fees in addition to penalties for violation of this section. (Ord. 4229 § 1 (part), 1996)
- G. It shall be unlawful for any keeper or owner who uses a fence to enclose an animal to fail to ensure that the fence is properly and adequately constructed for the purpose of securing the animal within the fenced enclosure and that the fence is kept in good repair to so secure the animal. (Ord. 5591 § 2, 2011)

#### **6.20.020      Disturbance of peace and quiet.**

- A. No owner, keeper or person in charge of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.
- B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

- C. No owner or keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (a) of this section unless the owner or keeper or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding twelve months.
- D. The warning process to be employed prior to a charge being instituted for a violation of subsection (a) of this section shall be substantially as follows:
  - 1. The warning must relate to an incident separate from the charged violation.
  - 2. A police officer or animal control officer may issue a warning after receiving a complaint of a disturbance.
  - 3. The complainant must clearly identify himself or herself by stating his or her name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.
  - 4. A record or incident report shall be kept of any such complaint and investigation.
  - 5. The warning shall state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace or another individual. The warning shall advise the animal owner of the possible penalties for a violation of this section and advise the owner that the next complaint may result in a summons being issued against the owner. The warning shall be identified as being issued by any police or animal control officer empowered by the city to enforce the provisions of this title.
- E. An owner or keeper shall be deemed to have received a warning under subsection (c) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner or keeper of the animal according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.
- F. The identity of a complainant shall be kept confidential until a violation of this section is charged. If a violation of this section is charged, the complainant shall sign an affidavit attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner. (Ord. 4229 § 1 (part), 1996)

#### **6.20.030 Vicious animals.**

- A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person; bites another animal; or approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.
- B. It is a defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:
  - 1. Other than in self-defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;
  - 2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
  - 3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;
  - 4. Attempting to assault another person;
  - 5. Attempting to stop a fight between the animal and any other animal;
  - 6. Attempting to aid the animal when it was injured; or
  - 7. Attempting to capture the animal in the absence of the owner or keeper.
- C. For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

- D. If a complaint has been filed in municipal court of the city against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge. The municipal judge shall, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order said animal to be destroyed in an humane manner by a veterinarian of the owner's choice, licensed in the state of Colorado, at the animal shelter. (Ord. 4229 § 1 (part), 1996)

**6.20.040      Public nuisance.**

- A. It shall be unlawful for any owner or keeper of an animal to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this section, a public nuisance includes an animal which is a safety or health hazard, injures a person or another animal in any manner, damages or destroys public property or the property of another, or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home.
- B. In the prosecution of any charge under this section, it shall not be necessary to prove notice or knowledge on the part of the animal owner or keeper that such animal was violating any section of this title at the time and place charged, it being the intent of this section to impose strict liability upon the animal owner or keeper for the actions, conduct and condition of such animal. (Ord. 4229 § 1 (part), 1996)

**6.20.050      Animal waste removal.**

- A. It shall be unlawful for the owner or keeper of any animal to fail to remove any feces deposited by such animal on streets, sidewalks, parks and recreation areas, and private property, or in any water immediately after the animal has deposited the fecal matter.
- B. It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter deposited by an animal in an appropriate trash container.
- C. Any person who is blind, as the term is defined in 26-2-103, C.R.S., and uses a guide dog, or any person using a certified service dog shall be exempt from the provisions of this section. (Ord. 4229 § 1 (part), 1996)

## **Chapter 6.24**

### **IMPOUNDMENT AND RECLAMATION**

#### **Sections:**

- 6.24.010      Impoundment.**
- 6.24.020      Notice of impoundment.**
- 6.24.030      Minimum time for impoundment.**
- 6.24.040      Impoundment fees.**
- 6.24.050      Euthanization or adoption.**
- 6.24.060      Sterilization of adopted animals required.**

#### **6.24.010      Impoundment.**

- A. Animal control officers and police officers are hereby authorized to take or capture animals deemed by them to be included in the following categories and impound them at the animal shelter or other appropriate location where the animals will be confined in a humane manner:
  1. Animals at large, vicious animals, animals creating a disturbance, maltreated animals, abandoned and nuisance animals;
  2. Animals which are not licensed or have not been vaccinated against rabies;
  3. Wild or exotic animals kept in violation of Section 6.28.040;
  4. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal;
  5. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.
- B. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or destroy such animal if necessary to avoid physical harm to human beings. (Ord. 4229 § 1 (part), 1996)

#### **6.24.020      Notice of impoundment.**

If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, an animal control officer or other animal shelter representative shall attempt to notify the owner of the animal of such impoundment by telephone or mail. (Ord. 4229 § 1 (part), 1996)

#### **6.24.030      Minimum time for impoundment.**

Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel. (Ord. 4229 §1 (part), 1996)

#### **6.24.040      Impoundment fees.**

- A. The person owning, or having charge, care, custody or control of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. The city or any independent contractor with whom the city has agreed to provide impoundment facilities shall not release any animal impounded until all fees incurred are paid. An impoundment fee shall be collected from any person who voluntarily surrenders an animal to the city for euthanization or adoption.
- B. An owner or keeper reclaiming an impounded animal which is not validly licensed as required under this chapter shall license the animal and present evidence thereof to the animal shelter

prior to reclaiming the animal. If the animal does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide a current rabies vaccination certificate or license, the owner may place a cash deposit of fifty dollars (\$50.00) with the animal shelter to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and license is not presented within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter unless a licensed veterinarian recommends that the owner be allowed a greater time to obtain a vaccination due to the condition of the animal.

- C. Failure to reclaim an animal prior to the determination that it has become the property of the city as set forth in Section 6.24.050 shall not relieve the person owning or having charge, care, custody or control of the subject animal of the responsibility for all fees and costs incurred prior to said determination. (Ord. 4229 § 1 (part), 1996)

**6.24.050      Euthanization or adoption. Any animal not reclaimed by its owner.**

Any animal not reclaimed by its owner within five (5) days after notice of impoundment is delivered to its owner or keeper shall become the property of the humane society and shall be placed for adoption or humanely euthanized. In the event the owner cannot be found within five days after impoundment, then the animal shall become the property of the humane society and shall be placed for adoption or humanely euthanized. Any animal may be euthanized at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal. (Ord. 4229 § 1 (part), 1996)

**6.24.060      Sterilization of adopted animals required.**

No unclaimed dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter, guaranteeing that such animal be sterilized. (Ord. 4229 § 1 (part), 1996)

## Chapter 6.28

### KEEPING OF ANIMALS

#### Sections:

- 6.28.010**      **Limitations on the number of household pets.**
- 6.28.020**      **Limitations on livestock.**
- 6.28.030**      **Livestock at large.**
- 6.28.040**      **Exotic animals.**
- 6.28.045**      **Limitations on knowingly feeding wild animals.**
- 6.28.050**      **Exceptions to keeping and transporting certain animals.**

#### **6.28.010      Limitations on the number of household pets.**

No person shall keep, house or maintain in or upon the premises of any residential dwelling unit more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owner or keeper, to the pets, or to any others or more pet animals than can be properly maintained without constituting a nuisance to the occupants of neighboring properties.

(Ord. 4229 § 1 (part), 1996; Ord. 5568 § 1, 2011)

#### **6.28.020      Limitations on livestock.**

No person shall keep, pasture, house, or maintain on any parcel of land in the city any livestock, except horses, provided that at least one-half acre of pasture land is provided for each horse. Pets or show animals, chickens, ducks, geese and other domesticated fowl are permitted subject to the numerical limitations in Section 6.28.010. The keeping of livestock and domestic fowl except as provided in this section is declared to be a nuisance. (Ord. 4229 § 1 (part), 1996)

#### **6.28.030      Livestock at large.**

No person shall permit any livestock to be running at large within the city, except that horses being ridden or being led by the reins shall not be deemed to be running at large. (Ord. 4229 § 1 (part), 1996)

#### **6.28.040      Exotic Animals.**

- A. Except as provided in subsection (b), no person shall own or keep within the city any animal which is not commonly domesticated or which is not common to North America or which, irrespective of geographic origin, is of a wild or predatory nature.
- B. The provisions of subsection (a) shall not apply to the owning or keeping of bird, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for pets, nor shall such provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.
- C. No person shall own, possess, harbor, transport, sell, or in any other manner traffic in the following species of animals:
  1. Poisonous snakes and poisonous reptiles; and all nonpoisonous snakes with a length greater than six (6) feet;
  2. Gorillas, chimpanzees, orangutans, and any other primates;
  3. Any species of felines not falling within the categories of ordinary domesticated house cats;
  4. Bears of any species;
  5. Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets or minks;
  6. Any wolf, coyote, fox or other species of canine other than the ordinary domesticated dog.

- D. The provisions of subsection (c) shall not be applicable to any bona fide zoo or any circus or carnival licensed by the city or any bona fide research institute using wild, exotic animals for scientific research. (Ord. 4229 § 1 (part), 1996)

**6.28.045 Limitations on knowingly feeding wild animals.**

No person shall knowingly provide edible or drinkable material, including, without limitation, bones, salt licks, and water, within the city to any of the following animals:

- A. bears of any species;
- B. deer of any species;
- C. raccoons, skunks, badgers, porcupines, and other similar species, except ferrets and minks;
- D. any species of feline other than the ordinary domesticated house cat;
- E. any wolf, coyote, fox, and other species of canine other than the ordinary domesticated dog; and
- F. any other wild animal to the extent that such feeding constitutes a nuisance to the occupants of neighboring properties. For the purposes of this Section, nuisance shall mean a material threat to health or safety, material property damage, offensive odors, or any other condition that materially interferes with or disrupts another person in the conduct of lawful activities on such person's property. (Ord. 4804 § 6, 2003)
- G. It shall be a defense to a charge of violating this section that a person is feeding only squirrels and birds other than wild ducks or geese. (Ord. 6120 § 1, 2017)

**6.28.050 Exceptions to keeping and transporting certain animals.**

The prohibitions of this chapter shall not be deemed applicable to any circus, rodeo, zoo, livestock show or menagerie licensed by the city, to persons authorized by the city manager to keep live wild or dangerous animals for purposes of scientific research, or to licensed veterinarians at their usual places of business, provided that such premises are properly zoned for that purpose. (Ord 4229 § 1 (part), 1996)

## **Chapter 6.32**

### **ENFORCEMENT AND PENALTIES**

#### **Sections:**

- 6.32.010      Enforcement.**
- 6.32.020      Interference with animal control officer.**
- 6.32.030      Inspection powers.**
- 6.32.040      Humane Society personnel designated peace officers.**
- 6.32.050      Penalties.**

#### **6.32.010      Enforcement.**

Police officers, animal control officers and wildlife conservation officers are authorized to enforce the provisions of this title. (Ord. 4229 § 1 (part), 1996)

#### **6.32.020      Interference with animal control officer.**

No person shall interfere with, hinder, or prevent a peace officer, a wildlife conservation officer, an animal control officer or such officer's authorized representative in the discharge of the officer's duties as prescribed in this title. No person shall fail to obey a lawful order of any such officer. (Ord. 4229 § 1 (part), 1996)

#### **6.32.030      Inspection powers.**

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a police officer or animal control officer or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, the police officer, animal control officer or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the officer by this title; provided, that if such building or premises is occupied, the police officer, animal control officer or authorized representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police officer, animal control officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police officer, animal control officer or authorized representative shall secure entry pursuant to a warrant regularly issued. (Ord. 4229 § 1 (part), 1996)

#### **6.32.040      Humane Society personnel designated peace officers.**

Animal control personnel, officers, agents and employees of the Humane Society of Larimer County, Inc. are hereby authorized to enforce the provisions of this title to the extent provided in the current contract, then in force, between the City and the Humane Society. Under such circumstances, the officers, agents and employees of the Humane Society are peace officers within the Colorado Municipal Court Rules of Procedures, for purposes of issuing summonses and complaints relating to the enforcement of this title. Nothing in this title shall be construed to, and in no way does, limit the authority of police officers to enforce this title. (Ord. 4229 § 1 (part), 1996)

#### **6.32.050      Penalties.**

- A. It is unlawful for any person to violate any of the provisions stated in this title.
- B. Every person found guilty of violating any provision of this title, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as provided in Section 1.12.010 of this code. (Ord. 4229 § 1 (part), 1996)

\*\*\*End Title 6\*\*\*

## **TITLE 6 ANIMALS**

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### **Contents:**

- Chapter 6.04 GENERAL PROVISIONS**
- Chapter 6.08 LICENSES**
- Chapter 6.12 RABIES CONTROL**
- Chapter 6.16 CARE AND TREATMENT OF ANIMALS**
- Chapter 6.20 CONTROL**
- Chapter 6.24 IMPOUNDMENT AND RECLAMATION**
- Chapter 6.28 KEEPING OF ANIMALS**
- Chapter 6.32 ENFORCEMENT AND PENALTIES**

## **CHAPTER 6.04 GENERAL PROVISIONS**

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### **Contents:**

- 6.04.010 Definitions.**

### **6.04.010 Definitions.**

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For the purpose of this title the following words and phrases shall be defined as set out below:

**Abandon** means to relinquish or give up an animal with the intent of never again exercising one's right of ownership or control or leaving of an animal by its owner or other person having charge, care, custody or control without making effective provisions for its proper care.

**Animal** means any live, vertebrate creature, domesticated or wild, excluding fish.

**Animal control officer** shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the city pertaining to animals.

**Animal shelter** shall mean any facility operated by a humane society or the city for the purpose of impounding or caring for animals held under the authority of the laws, regulations or ordinances of the state, county or city.

**At large** shall mean outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail or other public access are deemed to be "at large."

**Competent person** means an individual who has the present ability to physically restrain an animal or to whose voice the animal is trained to respond and in fact does respond.

**Dwarf goats** shall mean goats only of the breeds of Nigerian Dwarf or African Pygmy.

**Dwelling unit** shall mean one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family or individual for living and cooking purposes.

**Estray** means any bovine animal, horse, mule or ass found running at large upon public or private lands whose owner is either known or unknown in the section where found or which outside the limits of its usual range or pasture.

**Estrus** means a period of sexual activity in the female dog initiated by swelling of the vulva, sanguineous discharge, and heightened estrogen secretions and terminated by a period of quiescence of the reproductive organs, with a fall in circulating hormonal levels and an absence of sexual behavior all of which causes the female dog to be capable of conception and attractive to the male dog for the purpose of mating.

**Humane society** means the Humane Society for Larimer County, Inc., or other agency with which the City has contracted to provide animal control services.

**Humane trap** means a device designed to capture or contain an animal without causing injury.

**Keeper** means a competent person who has custodial or supervisory authority or control over an animal.

**Leash or lead** means a thong, cord, rope, chain or similar device which holds an animal in restraint.

**Livestock** means horses, cattle, mules, asses, goats, sheep, swine, buffalo, ~~cattalo~~, chickens, ducks, geese and other domesticated fowl.

**Neighborhood** means an area within one thousand feet of the property line of the property wherein the animal is kept or maintained.

**Owner** means any competent person having control or purporting to have control over any animal, the person named on the licensing records of any animal as the owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this title even if the animal was in the possession of or under the control of a keeper at the time of the offense.

**Performing animal exhibition** means any spectacle, display, act or event, including circuses, in which animals are featured for entertainment.

**Person** means an individual or entity.

**Pet Animal** means any animal not otherwise prohibited by this chapter that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter. Pet animal may include, but is not limited to small domestic mammals, rabbits, birds, reptiles, cats and dogs.

**Police officer** means any member of the Police Department of the city.

**Restraint** shall mean: (1) secured by a leash or lead under the physical control of a competent person, (2) tethered to a stationary object not within reach of a street, sidewalk, alley, trail or other public access or (3) within a fence or other enclosure which limits the animal to a particular premises.

**Shelter** means a structure or environment, adequate to the species of pet animal, which provides protection from adverse weather conditions.

**Trap** means any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal. (Ord. 4229 § 1 (part), 1996)

## **CHAPTER 6.08 LICENSES**

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### **Contents:**

- 6.08.010 License required.**
- 6.08.020 Application and term of license.**
- 6.08.030 License and identification tags.**
- 6.08.040 Designation of agents.**
- 6.08.050 License fees.**
- 6.08.060 Impoundment.**

### **6.08.010 License required.**

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- A. The owner or keeper of any dog, cat, pot-bellied pig or dwarf goat kept within the city shall secure from the city, within fourteen days of acquiring possession of said dog, cat, pot-bellied pig or dwarf goat, a license to keep the animal, which shall at all times be kept current by the owner or keeper. It is a defense to a charge of violating this section that:
  1. The owner or keeper of the dog, cat, pot-bellied pig or dwarf goat had not yet lived in the city for thirty (30) days; or
  2. The dog, cat, pot-bellied pig or dwarf goat was four months of age or less.

- B. No person who owns or keeps a dog, cat, pot-bellied pig or dwarf goat within the city shall fail to obtain the license required by this section. (Ord. 4229 § 1 (part), 1996)

## **6.08.020 Application and term of license.**

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- A. The applicant for an initial or renewal license under this chapter shall apply on forms acceptable to the city, pay the fee prescribed by Section [6.08.050](#), provide satisfactory evidence that the dog, cat, pot-bellied pig or dwarf goat has been vaccinated against rabies as required by Section [6.12.010](#). The applicant shall apply for a renewal license each year.
- B. The initial license and any renewal license issued under this chapter shall be valid for a period of one year from the date of issuance.
- C. If ownership or custody of a dog, cat, pot-bellied pig or dwarf goat licensed under this chapter changes, the new owner or keeper shall obtain a new license pursuant to the terms of this chapter and license issued to the prior owner or keeper shall not be valid. (Ord. 4229 § 1 (part), 1996)

## **6.08.030 License and identification tags.**

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- A. No person who owns or keeps a dog, cat, pot-bellied pig or dwarf goat within the city shall fail to ensure that such dog, cat, pot-bellied pig or dwarf goat at all times wears a collar or harness made of a durable material to which is attached the appropriate license tag or identification tag required by this chapter.
- B. No person shall use any license or tag issued pursuant to the terms of this chapter for any dog, cat, pot-bellied pig or dwarf goat other than the dog, cat, pot-bellied pig or dwarf goat for which the license or tag was issued.
- C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag upon payment of a replacement fee. (Ord. 4229 § 1 (part), 1996)

## **6.08.040 Designation of agents.**

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The city manager may designate agents for the purpose of the administration of this chapter. The compensation and fees to be paid to such agents shall be determined by the city manager. (Ord. 4229 § 1 (part), 1996)

## **6.08.050 License fees.**

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- A. A license shall be issued upon compliance with the application requirements of Section [6.08.020](#) and payment of the applicable license fees as established by resolution of city council.
- B. The license fee shall be waived under the following circumstances:
  1. The applicant is the owner or keeper of an authorized police dog; or
  2. The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog as defined in Section 24-34-801, Colorado Revised Statutes, or other canine trained for the purpose of aiding such person.

## **6.08.060 Impoundment.**

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Any dog, cat, pot-bellied pig or dwarf goat found within the city away from its principal premises which does not have affixed to it by means of a collar a valid and current license or identification tag as required by this chapter shall be impounded according to the provisions of Section [6.24.010](#). The owner or keeper of such dog, cat, pot-bellied pig or goat shall be responsible for payment of impound fees as set forth at Section [6.24.040](#) of this title. (Ord. 4229 §1 (part), 1996)

# **CHAPTER 6.12 RABIES CONTROL**

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## **Contents:**

[6.12.010 Rabies vaccination required.](#)

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**6.12.030 Confinement required.**

**6.12.040 Reporting of rabies cases and bites required.**

**6.12.050 Killing rabid or suspect animals authorized.**

**6.12.060 Body removal; approval required.**

**6.12.070 Destruction of rabid animals.**

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**6.12.010 Rabies vaccination required.**

- A. No owner or keeper of a dog or cat over four months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four months of age and again within twelve months of the date of such initial vaccination. Thereafter, no such person shall fail to have the dog or cat vaccinated at intervals designated by the Colorado Department of Health. If any dog or cat is found in the city without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog or cat shall be presumed to have violated this section.
- B. No owner or keeper of any animal for which rabies vaccinations are recommended by the National Association of State Public Health Veterinarians shall fail to have such animal vaccinated against rabies in accordance with and at the intervals suggested by the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.
- C. Every person moving into the city from a location outside the city shall comply with this section within thirty (30) days after having moved to the city.
- D. Every person who owns or keeps an animal for which a rabies vaccination is required under this chapter shall ensure that the animal wears a collar or harness to which its rabies tag shall be attached.
- E. No person shall affix to the collar or harness of any animal, or permit to remain affixed, a tag evidencing inoculation for any other animal.
- F. No person charged with violating subsection (a) of this section shall be convicted if the person produces in court a rabies vaccination certificate which was valid at the time of the alleged violation. (Ord. 4229 § 1 (part), 1996)

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**6.12.020 Reporting bites required.**

Any person having knowledge, or having had reported to him or her, that an animal other than a rodent, bird or reptile has bitten a human being so as to cause an abrasion of the skin shall immediately report the occurrence to an animal control officer and shall provide further information requested by the animal control officer. For the purposes of this section, rodents, birds and reptiles are not included under the definition of animals since they are not considered to be transmitters of the rabies virus. Bites inflicted by these animals need not be reported to the animal control officer. (Ord. 4229 § 1 (part), 1996)

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**6.12.030 Confinement required.**

- A. If any animal is suspected of having rabies or if any animal has bitten a human being, it shall be confined for a period of not less than ten (10) days from the date of the bite. The animal may be confined on the owner's premises, if deemed appropriate in the discretion of the animal control officer. In the event the owner refuses to or is unable to confine the animal, the animal shall be confined at the animal shelter or a veterinary hospital. Such confinement shall be at the expense of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.
- B. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this section. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and the owner is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of municipal court, who may order the immediate production of the animal. Each day of refusal to produce the animal shall constitute a separate and individual violation of this chapter.

- C. No person shall remove from the city any animal that has been reported as having inflicted a bite on a person or destroy such animal before it can be properly confined by the animal control officer.
- D. For purposes of this section, "confined on the owner's premises" means that the animal is kept inside a secure building where no contact with animals or persons outside the owner's family can occur for a ten-day period. During such period of confinement, the animal shall not be let out to relieve itself without being on a leash and handled by a person capable of physically restraining the animal. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary hospital at the expense of the owner for the remainder of the confinement period. (Ord. 4229 § 1 (part), 1996)

### **6.12.040 Reporting of rabies cases and bites required.**

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- A. Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.
- B. Every physician and other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the animal control officer, giving the names and addresses of such persons. (Ord. 4229 § 1 (part), 1996)

### **6.12.050 Killing rabid or suspect animals authorized.**

---

No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

### **6.12.060 Body removal; approval required.**

---

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

### **6.12.070 Destruction of rabid animals.**

---

If rabies has been suspected in any animal, such animal shall be summarily destroyed and its brain tested for positive verification of rabies at the owner's expense, or the animal or its body may be disposed of according to the law, regulation or order of the Department of Health. (Ord. 4229 § 1 (part), 1996)

## **CHAPTER 6.16 CARE AND TREATMENT OF ANIMALS**

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### **Contents:**

- 6.16.010 Cruelty to animals.**
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- 6.16.030 Abandonment.**
- 6.16.040 Trapping.**
- 6.16.050 Failure to provide humane treatment unlawful.**
- 6.16.060 Confining in vehicle unlawful; impoundment.**
- 6.16.070 Taking animal without permission.**
- 6.16.080 Releasing from restraint without permission; exception.**
- 6.16.090 Leaving on or near public way unlawful.**
- 6.16.100 Motor vehicle strike or injury; duties of driver.**
- 6.16.110 Harassment of animals.**
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**6.16.130 Artificially treated animals prohibited.**

**6.16.140 Poisoning of animals.**

**6.16.150 Maltreatment of performing animals prohibited.**

**6.16.160 Disposal of dead animals.**

**6.16.170 Tethering of Animals.**

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### **6.16.010 Cruelty to animals.**

- A. No person shall knowingly commit or cause to be committed any act of mistreatment or harassment or mutilation to any animal; or commit or to cause to be committed any act which would harm, injure or kill any animal; or omit any act the omission of which would result in the mutilation, harm, injury or death of any animal.
- B. Upon receiving information from any source that an animal is being cruelly treated or appears to be neglected or abandoned, a police officer or animal control officer shall make prompt investigation of the animal involved and inquire into the facts of the case to determine whether the circumstances are likely to continue and if so, whether the animal being cruelly treated, neglected or abandoned is in such serious condition that allowing it to remain in such circumstances will seriously endanger the life or health of the animal. The police officer or animal control officer may at any time provide such food and water as may be necessary and shall not be liable for any action for entry upon the property, other than the interior of a building, of the person owning or having charge, care, custody or control of the animal.
- C. If the police officer or animal control officer determines that such emergency situation exists and that caring for and feeding the animal at that location will not adequately protect the animal and that removal of the animal to another location for proper protection and care is advisable, the police officer or animal control officer may take such steps as are necessary for the removal of the animal in accordance with this title. All costs of removing, treating and maintaining the animal shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

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### **6.16.020 Animal fights.**

No person shall cause, instigate or encourage any animal to fight or to enter into combat in any manner. No person shall train or keep any animal for the purpose of fighting. No person shall maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport. (Ord. 4229 § 1 (part), 1996)

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### **6.16.030 Abandonment.**

No owner of an animal shall abandon such animal. (Ord. 4229 § 1 (part), 1996)

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### **6.16.040 Trapping.**

- A. No person shall set or cause to be set any trap within the municipality which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.
- B. Humane traps approved by the humane society may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to the owner or keeper of the animal, an animal control officer or the humane society. No person shall retain any animal captured in humane traps.
- C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of persons. (Ord. 5947 § 1, 2015; Ord. 4229 § 1 (part), 1996)

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### **6.16.050 Failure to provide humane treatment unlawful.**

No person shall fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary care, when necessary, and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal. (Ord. 4229 § 1 (part), 1996)

### **6.16.060 Confining in vehicle unlawful; impoundment.**

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- A. No person shall confine any animal within a parked, closed vehicle without allowing sufficient cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Notwithstanding the foregoing, no person shall confine any animal within a parked, enclosed vehicle if the external ambient temperature is 80 degrees Fahrenheit or greater.
- B. In the event any animal has been confined in a parked, closed vehicle in violation of this section, a police officer may enter the vehicle by the least intrusive means reasonably necessary, leaving written notice in the vehicle of entry, and shall impound such animal to protect its well-being. If the vehicle cannot be secured following entry, the police officer shall remove all items of value from the vehicle, maintain an inventory of said items and impound the vehicle in a safe and secure location until the owner can be located. All fees for the impoundment of the animal or the vehicle shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

### **6.16.070 Taking animal without permission.**

---

Unless otherwise authorized by this title, no person shall take an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless said person has first received permission from the owner of such animal, and permission from the owner or person in possession of the premises, lot or building. (Ord. 4229 § 1 (part), 1996)

### **6.16.080 Releasing from restraint without permission; exception.**

---

No person shall release any animal from restraint without consent of the owner, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so, or in the alternative, shall immediately return the animal to the custody of its owner. (Ord. 4229 § 1 (part), 1996)

### **6.16.090 Leaving on or near public way unlawful.**

---

No person shall tie or otherwise physically fasten an animal to any object on a public way or so near to a public way that the animal may go upon the public way and leave the animal unattended. (Ord. 4229 § 1 (part), 1996)

### **6.16.100 Motor vehicle strike or injury; duties of driver.**

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Any person who, while driving a motor vehicle, strikes or injures any animal shall:

- A. Stop and immediately report the accident to the owner of the animal or to the custodian of the animal if the custodian of the animal is of responsible age; or
- B. If, after a reasonable search, the driver cannot locate the owner, immediately report the accident to the animal control officer or the police. (Ord. 4229 § 1 (part), 1996)

### **6.16.110 Harassment of animals.**

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No person shall tease, tantalize or provoke any animal in a manner which causes the animal to bark excessively, to attempt to escape from its enclosure or to act in an aggressive manner. (Ord. 4229 § 1 (part), 1996)

### **6.16.120 Injuring or meddling with police dogs.**

---

No person shall tease, harass, interfere or meddle with any dog or horse used by a law enforcement agency while the animal is being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members. (Ord. 4229 § 1 (part), 1996)

### **6.16.130 Artificially treated animals prohibited.**

---

No person shall possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animals as pets, playthings, novelties or gifts. (Ord. 4229 §1 (part), 1996)

### **6.16.140 Poisoning of animals.**

---

No person shall poison any animal or distribute poison in any manner whatsoever with the intent to poison, or for the purpose of poisoning any animal except that rats, mice or any rodents other than hamsters, guinea pigs, prairie dogs and squirrels may be poisoned by the use of a poisonous substance approved for such use by the United States Environmental Agency. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the state of Colorado. The distribution of any poison or poisoned food (other than that for insect control or rat or mouse poisoning) shall be *prima facie* evidence of a violation of this section. (Ord. 4229 § 1 (part), 1996)

### **6.16.150 Maltreatment of performing animals prohibited.**

---

No person shall put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal. (Ord. 4229 § 1 (part), 1996)

### **6.16.160 Disposal of dead animals.**

---

- A. If any animal dies in the possession of any person in the city, it shall be the duty of such person to cause the animal to be at once removed from the city and buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this section.
- B. In the event the owner or keeper of any such animal shall neglect or refuse to remove the same within twenty-four hours after its death, the city may cause the animal to be removed at the expense of such owner or keeper. (Ord. 4229 § 1 (part), 1996)

### **6.16.170 Tethering of Animals.**

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- A. No person shall cause or permit an animal to be improperly tethered. For purposes of this Section, "improperly tethered" shall mean use of a fixed point tether in a manner that is likely to cause bodily injury to the animal or endanger the health or safety of other animals or people. As used in this Section, "tether" shall have the same meaning as "leash" or "lead" as these words are defined in Code Section [6.04.010M](#). An animal control officer is empowered to make a *prima facie* determination as to whether an animal is improperly tethered, which determination may be based upon, but is not limited to, the consideration of the following factors:
  1. using a tether made of rope, twine, cord or any other material that is insufficient to restrain the animal;
  2. using a tether that:
    - a. is less than ten (10) feet in length;
    - b. does not have swivels on both ends;
    - c. is not attached to the animal by means of a properly fitting harness or collar of at least one (1) inch in width; and/or
    - d. is wrapped around the animal's neck;

3. using a tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely;
4. allowing an animal to be tethered in such a manner that the animal is not confined to the owner's property or so that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; or
5. using a chain as a primary collar rather than a collar made of nylon, cotton, leather or similar material. (Ord. 5591 § 1, 2011)

## **CHAPTER 6.20 CONTROL**

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### **Contents:**

- 6.20.010 Animal at large.**
- 6.20.020 Disturbance of peace and quiet.**
- 6.20.030 Vicious animals.**
- 6.20.040 Public nuisance.**
- 6.20.050 Animal waste removal.**

### **6.20.010 Animal at large.**

---

- A. No owner of any animal, or any person who harbors, keeps or is in charge of an animal shall permit such animal to be at large in the city. Any animal off its owner's or keeper's premises shall be on a leash or tether controlled by its owner or keeper, except where such animal and its owner or keeper are located within a fenced park specifically designated by a public authority for off-leash or untethered dogs. (Ord. 5339 § 2, 2008)
- B. No animal owner, or any person who harbors an animal shall fail to prevent the animal from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public parks, trails or fairgrounds, unless permission is posted by public authorities allowing animals at large.
- C. Any unspayed female animal in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other animal of the same species may gain access to the confined animal, except for planned breeding. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the animal to a boarding facility, veterinary hospital or the animal control center or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an animal control officer shall be a violation of this section and any unspayed female animal in estrus may be summarily impounded in the event of noncompliance with such a removal order.
- D. It shall be *prima facie* evidence that an animal is running at large if the animal is at large in the city without its owner's or keeper's knowledge.
- E. An animal injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such an animal shall be responsible for all veterinary expenses and impoundment fees.
- F. If any animal dies while at large on public property, the owner shall be responsible for disposal fees in addition to penalties for violation of this section. (Ord. 4229 § 1 (part), 1996)
- G. It shall be unlawful for any keeper or owner who uses a fence to enclose an animal to fail to ensure that the fence is properly and adequately constructed for the purpose of securing the animal within the fenced enclosure and that the fence is kept in good repair to so secure the animal. (Ord. 5591 § 2, 2011)

### **6.20.020 Disturbance of peace and quiet.**

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- A. No owner, keeper or person in charge of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other

- noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.
- B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.
  - C. No owner or keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (a) of this section unless the owner or keeper or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding twelve months.
  - D. The warning process to be employed prior to a charge being instituted for a violation of subsection (a) of this section shall be substantially as follows:
    1. The warning must relate to an incident separate from the charged violation.
    2. A police officer or animal control officer may issue a warning after receiving a complaint of a disturbance.
    3. The complainant must clearly identify himself or herself by stating his or her name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.
    4. A record or incident report shall be kept of any such complaint and investigation.
    5. The warning shall state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace or another individual. The warning shall advise the animal owner of the possible penalties for a violation of this section and advise the owner that the next complaint may result in a summons being issued against the owner. The warning shall be identified as being issued by any police or animal control officer empowered by the city to enforce the provisions of this title.
  - E. An owner or keeper shall be deemed to have received a warning under subsection (c) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner or keeper of the animal according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.
  - F. The identity of a complainant shall be kept confidential until a violation of this section is charged. If a violation of this section is charged, the complainant shall sign an affidavit attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner. (Ord. 4229 § 1 (part), 1996)

## **6.20.030 Vicious animals.**

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- A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person; bites another animal; or approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.
- B. It is a defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:
  1. Other than in self-defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;
  2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
  3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;
  4. Attempting to assault another person;
  5. Attempting to stop a fight between the animal and any other animal;
  6. Attempting to aid the animal when it was injured; or
  7. Attempting to capture the animal in the absence of the owner or keeper.
- C. For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner

of such premises or the owner's agent.

- D. If a complaint has been filed in municipal court of the city against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge. The municipal judge shall, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order said animal to be destroyed in an humane manner by a veterinarian of the owner's choice, licensed in the state of Colorado, at the animal shelter. (Ord. 4229 § 1 (part), 1996)

## **6.20.040 Public nuisance.**

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- A. It shall be unlawful for any owner or keeper of an animal to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this section, a public nuisance includes an animal which is a safety or health hazard, injures a person or another animal in any manner, damages or destroys public property or the property of another, or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home.
- B. In the prosecution of any charge under this section, it shall not be necessary to prove notice or knowledge on the part of the animal owner or keeper that such animal was violating any section of this title at the time and place charged, it being the intent of this section to impose strict liability upon the animal owner or keeper for the actions, conduct and condition of such animal. (Ord. 4229 § 1 (part), 1996)

## **6.20.050 Animal waste removal.**

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- A. It shall be unlawful for the owner or keeper of any animal to fail to remove any feces deposited by such animal on streets, sidewalks, parks and recreation areas, and private property, or in any water immediately after the animal has deposited the fecal matter.
- B. It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter deposited by an animal in an appropriate trash container.
- C. Any person who is blind, as the term is defined in 26-2-103, C.R.S., and uses a guide dog, or any person using a certified service dog shall be exempt from the provisions of this section. (Ord. 4229 § 1 (part), 1996)

# **CHAPTER 6.24 IMPOUNDMENT AND RECLAMATION**

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### **Contents:**

- 6.24.010 Impoundment.**
- 6.24.020 Notice of impoundment.**
- 6.24.030 Minimum time for impoundment.**
- 6.24.040 Impoundment fees.**
- 6.24.050 Euthanization or adoption. Any animal not reclaimed by its owner.**
- 6.24.060 Sterilization of adopted animals required.**

## **6.24.010 Impoundment.**

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- A. Animal control officers and police officers are hereby authorized to take or capture animals deemed by them to be included in the following categories and impound them at the animal shelter or other appropriate location where the animals will be confined in a humane manner:
  1. Animals at large, vicious animals, animals creating a disturbance, maltreated animals, abandoned and nuisance animals;
  2. Animals which are not licensed or have not been vaccinated against rabies;
  3. Wild or exotic animals kept in violation of Section [6.28.040](#);
  4. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible

- person present to take possession of the animal;
5. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.
  - B. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or destroy such animal if necessary to avoid physical harm to human beings. (Ord. 4229 § 1 (part), 1996)

## **6.24.020 Notice of impoundment.**

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If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, an animal control officer or other animal shelter representative shall attempt to notify the owner of the animal of such impoundment by telephone or mail. (Ord. 4229 § 1 (part), 1996)

## **6.24.030 Minimum time for impoundment.**

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Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel. (Ord. 4229 §1 (part), 1996)

## **6.24.040 Impoundment fees.**

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- A. The person owning, or having charge, care, custody or control of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. The city or any independent contractor with whom the city has agreed to provide impoundment facilities shall not release any animal impounded until all fees incurred are paid. An impoundment fee shall be collected from any person who voluntarily surrenders an animal to the city for euthanization or adoption.
- B. An owner or keeper reclaiming an impounded animal which is not validly licensed as required under this chapter shall license the animal and present evidence thereof to the animal shelter prior to reclaiming the animal. If the animal does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide a current rabies vaccination certificate or license, the owner may place a cash deposit of fifty dollars (\$50.00) with the animal shelter to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and license is not presented within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter unless a licensed veterinarian recommends that the owner be allowed a greater time to obtain a vaccination due to the condition of the animal.
- C. Failure to reclaim an animal prior to the determination that it has become the property of the city as set forth in Section 6.24.050 shall not relieve the person owning or having charge, care, custody or control of the subject animal of the responsibility for all fees and costs incurred prior to said determination. (Ord. 4229 § 1 (part), 1996)

## **6.24.050 Euthanization or adoption. Any animal not reclaimed by its owner.**

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Any animal not reclaimed by its owner within five (5) days after notice of impoundment is delivered to its owner or keeper shall become the property of the humane society and shall be placed for adoption or humanely euthanized. In the event the owner cannot be found within five days after impoundment, then the animal shall become the property of the humane society and shall be placed for adoption or humanely euthanized. Any animal may be euthanized at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal. (Ord. 4229 § 1 (part), 1996)

## **6.24.060 Sterilization of adopted animals required.**

---

No unclaimed dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter, guaranteeing that such animal be sterilized. (Ord. 4229 § 1 (part), 1996)

## **CHAPTER 6.28 KEEPING OF ANIMALS**

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### **Contents:**

- 6.28.010 Limitations on the number of household pets.**
- 6.28.020 Limitations on livestock.**
- 6.28.030 Livestock at large.**
- 6.28.040 Exotic Animals.**
- 6.28.045 Limitations on knowingly feeding wild animals.**
- 6.28.050 Exceptions to keeping and transporting certain animals.**

### **6.28.010 Limitations on the number of household pets.**

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No person shall keep, house or maintain in or upon the premises of any residential dwelling unit more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owner or keeper, to the pets, or to any others or more pet animals than can be properly maintained without constituting a nuisance to the occupants of neighboring properties.

(Ord. 4229 § 1 (part), 1996; Ord. 5568 § 1, 2011)

### **6.28.020 Limitations on livestock.**

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No person shall keep, pasture, house, or maintain on any parcel of land in the city any livestock, except:

1. Horses, provided that at least one-half acre of pasture land is provided for each horse.
2. Chickens, ducks, geese and other domesticated fowl are permitted subject to the numerical limitations in Section [6.28.010](#).
3. Dwarf goats provided the following requirements are met:
  - a. Two dwarf goats, plus any number of their offspring younger than twelve weeks, may be kept on any lot in the City. The keeping of just one dwarf goat is prohibited. Only female or neutered male dwarf goats shall be permitted.
  - b. Any person keeping dwarf goats pursuant to this provision must first have been issued a permit by the Humane Society at the time, and must also have received such information or training pertaining to the keeping of goats as the Humane Society deems appropriate. Prior to the issuance of the permit, the Humane Society shall conduct a site inspection to verify compliance with the requirements of this section.
  - c. The dwarf goats must be maintained in the rear fifty percent of the lot.

The dwarf goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Shelters shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.

e. During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced to protect them from predators, which shall be at least three hundred square feet in size. The enclosure shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.

- f. The dwarf goats must be closed in the shelter from dusk to dawn.
- g. Any person who owns or keeps dwarf goats over twelve weeks of age shall have the dwarf goats

vaccinated against rabies when the dwarf goats become twelve weeks of age, and shall continue to have the dwarf goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

4. Pot-bellied pigs, provided that the owner or keeper shall keep proof of the following:
  - a. A Colorado Certificate of Veterinary Inspection issued by a veterinarian who is licensed and accredited by the State of Colorado.
  - b. Documentation of spay or neuter.
5. Livestock may not be killed by or at the direction of the owner or keeper of the livestock except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.
6. The keeping of livestock except as provided in this section is declared to be a nuisance. (Ord. 4229 § 1 (part), 1996)

## **6.28.030 Livestock at large.**

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No person shall permit any livestock to be running at large within the city, except that horses being ridden or being led by the reins shall not be deemed to be running at large. (Ord. 4229 § 1 (part), 1996)

## **6.28.040 Exotic Animals.**

---

- A. Except as provided in subsection (b), no person shall own or keep within the city any animal which is not commonly domesticated or which is not common to North America or which, irrespective of geographic origin, is of a wild or predatory nature.
- B. The provisions of subsection (a) shall not apply to the owning or keeping of bird, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for pets, nor shall such provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.
- C. No person shall own, possess, harbor, transport, sell, or in any other manner traffic in the following species of animals:
  1. Poisonous snakes and poisonous reptiles; and all nonpoisonous snakes with a length greater than six (6) feet;
  2. Gorillas, chimpanzees, orangutans, and any other primates;
  3. Any species of felines not falling within the categories of ordinary domesticated house cats;
  4. Bears of any species;
  5. Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets or minks;
  6. Any wolf, coyote, fox or other species of canine other than the ordinary domesticated dog.
- D. The provisions of subsection (c) shall not be applicable to any bona fide zoo or any circus or carnival licensed by the city or any bona fide research institute using wild, exotic animals for scientific research. (Ord. 4229 § 1 (part), 1996)

## **6.28.045 Limitations on knowingly feeding wild animals.**

---

No person shall knowingly provide edible or drinkable material, including, without limitation, bones, salt licks, and water, within the city to any of the following animals:

- A. bears of any species;
- B. deer of any species;
- C. raccoons, skunks, badgers, porcupines, and other similar species, except ferrets and minks;
- D. any species of feline other than the ordinary domesticated house cat;
- E. any wolf, coyote, fox, and other species of canine other than the ordinary domesticated dog; and

- F. any other wild animal to the extent that such feeding constitutes a nuisance to the occupants of neighboring properties. For the purposes of this Section, nuisance shall mean a material threat to health or safety, material property damage, offensive odors, or any other condition that materially interferes with or disrupts another person in the conduct of lawful activities on such person's property. (Ord. 4804 § 6, 2003)
- G. It shall be a defense to a charge of violating this section that a person is feeding only squirrels and birds other than wild ducks or geese. (Ord. 6120 § 1, 2017)

## **6.28.050 Exceptions to keeping and transporting certain animals.**

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The prohibitions of this chapter shall not be deemed applicable to any circus, rodeo, zoo, livestock show or menagerie licensed by the city, to persons authorized by the city manager to keep live wild or dangerous animals for purposes of scientific research, or to licensed veterinarians at their usual places of business, provided that such premises are properly zoned for that purpose. (Ord 4229 § 1 (part), 1996)

# **CHAPTER 6.32 ENFORCEMENT AND PENALTIES**

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## **Contents:**

- 6.32.010 Enforcement.**
- 6.32.020 Interference with animal control officer.**
- 6.32.030 Inspection powers.**
- 6.32.040 Humane Society personnel designated peace officers.**
- 6.32.050 Penalties.**

### **6.32.010 Enforcement.**

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Police officers, animal control officers and wildlife conservation officers are authorized to enforce the provisions of this title. (Ord. 4229 § 1 (part), 1996)

### **6.32.020 Interference with animal control officer.**

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No person shall interfere with, hinder, or prevent a peace officer, a wildlife conservation officer, an animal control officer or such officer's authorized representative in the discharge of the officer's duties as prescribed in this title. No person shall fail to obey a lawful order of any such officer. (Ord. 4229 § 1 (part), 1996)

### **6.32.030 Inspection powers.**

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Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a police officer or animal control officer or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, the police officer, animal control officer or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the officer by this title; provided, that if such building or premises is occupied, the police officer, animal control officer or authorized representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police officer, animal control officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police officer, animal control officer or authorized representative shall secure entry pursuant to a warrant regularly issued. (Ord. 4229 § 1 (part), 1996)

### **6.32.040 Humane Society personnel designated peace officers.**

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Animal control personnel, officers, agents and employees of the Humane Society of Larimer County, Inc. are hereby

authorized to enforce the provisions of this title to the extent provided in the current contract, then in force, between the City and the Humane Society. Under such circumstances, the officers, agents and employees of the Humane Society are peace officers within the Colorado Municipal Court Rules of Procedures, for purposes of issuing summonses and complaints relating to the enforcement of this title. Nothing in this title shall be construed to, and in no way does, limit the authority of police officers to enforce this title. (Ord. 4229 § 1 (part), 1996)

### **6.32.050 Penalties.**

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- A. It is unlawful for any person to violate any of the provisions stated in this title.
- B. Every person found guilty of violating any provision of this title, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as provided in Section [1.12.010](#) of this code. (Ord. 4229 § 1 (part), 1996)

\*\*\*End Title 6\*\*\*



City of Loveland

# ANIMAL HUSBANDRY

EMILY TARANTINI,  
DEVELOPMENT SERVICES,  
CURRENT PLANNING

10/14/2019





**FALL 2018**

City Council decides on a rule of four as a result of citizen complaints and violations issued by the Humane Society.

**JANUARY 3, 2019**

Meeting with Larimer Humane Society staff.

**MARCH 11, 2019**

Planning Commission presentation.

**APRIL 9, 2019**

City Council study session presentation.

**AUGUST 26, 2019**

Planning staff presents an update and summary of proposed amendments.

**AUGUST 1, 2019**

Planning staff receives Dr. Ragan Adams's recommended regulations on the keeping of dwarf goats and pot-bellied pigs .

**MAY 9, 2019**

Consultation with CSU Veterinary Extension Specialist.

## THE FOCUS

“



DWARF GOATS

“



POT-BELLIED PIGS

## CONCERNS RAISED

### Limitations on livestock and enforcement



#### *Livestock*

City Code prohibits any livestock to be housed or maintained within the City limits with the exception of horses (1/2 acre per horse), pets, show animals, chickens, ducks, geese and other domesticated fowl.

#### *Show Animal*

City Code does not specify what parameters a resident must meet to classify an animal as a Show Animal and does not provide shelter or nuisance-preventing standards for these animals.

"Show animals" means livestock, domestic fowl, or rabbits kept primarily for purposes of display and exhibition at fairs and like events and not for commercial purposes.

#### *Pet*

City Code defines "Pet" as "any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter".

## CONCERNs RAISED

### Nuisances and environment



#### *Noise and odor*

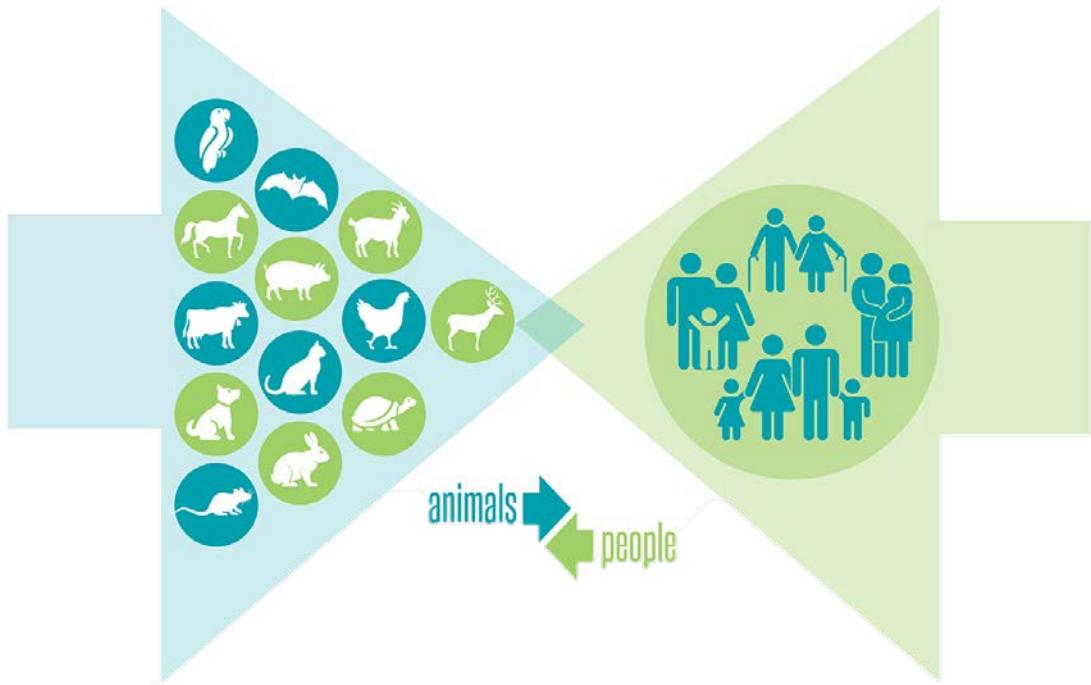
The allowances of dwarf goats and pot-bellied pigs within urban and other residential lots poses a concern related to the noise, odor and proper animal waste disposal to minimize the attraction of insects.

#### *Escape artists*

These animals, especially dwarf goats, can be known to cause damages to adjacent properties if the proper shelter and enclosure is not provided and can create a nuisance problem within a neighborhood.

## CONCERNs RAISED

### Public health



#### *Zoonotic diseases*

Those that spread between animals and people can occur. Although animals can provide many benefits to people, these infectious diseases can cause sickness or sometimes death in people.

## CONCERNs RAISED

### Animal welfare

# Healthy Living with Goats

An overview of  
health issues for the  
backyard farmer

By Ragan Adams, MA, DVM  
and David Van Metre, DVM, DACVIM



### *Education and care*

These concerns include the lack of education for the care of the animals, as citizens may not possess the husbandry skills and knowledge needed to properly raise, care for and provide a high quality of life for the animal. In addition, this topic includes animal housing and health.

## PROPOSED AMENDMENTS

Title 6 Chapter	Current Code Challenges	Proposed Solutions
<b>6.04.010 Definitions</b>	Absence of a dwarf goat definition may leave breed types open for interpretation.	Provide a definition for dwarf goats that allow only Nigerian Dwarf or African Pygmy.
<b>6.04.010 Definitions "Humane Society"</b>	The Humane Society definition does not allow for other contracts with agencies the City may use to enforce animal control services at any time.	Include within this definition any other agency the City may have a contract with.
<b>6.04.010 Definitions "Livestock"</b>	Chickens, ducks geese or other domesticated fowl are not defined as <i>Livestock</i> or anywhere else in the code leaving these <i>livestock</i> birds undefined.	Include chickens, ducks, geese or other domesticated fowl within the <i>livestock</i> definition.
<b>6.04.010 Definitions "Pet"</b>	The definition of <i>Pet</i> is open for interpretation allowing almost any animal to become a pet without offering standards for the keeping of such pet.	Further specify as <i>Pet Animal</i> and state that pet animals do not include animals that are otherwise prohibited within Title 6.
<b>6.04.010 Definitions "Show Animal"</b>	The <i>Show Animal</i> concept create confusion in the code as to whether an animal is considered livestock, a show animal or a pet. The <i>Show Animal</i> concept does not further clarify the parameters for keeping a show animal within residential property.	Eliminate the definition and concept of <i>Show Animal</i> in the Code.

## PROPOSED AMENDMENTS

Title 6 Chapter	Current Code Challenges	Proposed Solutions
<b>6.08.010 License required</b>	Licensing requirements only apply to cats and dogs and does not include pot-bellied pigs or dwarf goats.	Include the pot-bellied pig and dwarf goat within the licensing requirements.
<b>6.08.020 Application and term of license</b>	Licensing terms and renewals exclude pot-bellied pigs and dwarf goats.	Include the pot-bellied pig and dwarf goat within the licensing terms and renewal requirements.
<b>6.08.030 License and identification tags</b>	This section currently excluded pot-bellied pigs and dwarf goats from having to wear a collar or harness on which to attach the license tag or ID tag.	Include the pot-bellied pig and dwarf goat within the license and ID tag requirements.
<b>6.08.060 Impoundment</b>	The impoundment section only applied to cats and dogs and excluded pot-bellied pigs and dwarf goats.	Include the pot-bellied pig and dwarf goat within the impoundment section.
<b>6.12.010 Rabies Vaccination Required</b>	Current rabies vaccination requirements apply only to cats and dogs and does not include other animals, including dwarf goats and pot-bellied pigs. Although rabies vaccinations have not been designed for pot-bellied pigs, many veterinarians are recommending that pet pigs be vaccinated.	Eliminate the specificity of only vaccinating cats and dogs and instead revise to "any animal" which will include dwarf goats and pot-bellied pigs. This section also defers rabies vaccinations to the recommendation of the National Association of State Public Health Veterinarians which will be subject to the discretion of the veterinarian and subject to any updates related to Animal Rabies Control.

## PROPOSED AMENDMENTS

Title 6 Chapter	Current Code Challenges	Proposed Solutions
<b>6.28.020 Limitations of Livestock</b>	<p>The current definition prohibits any livestock (except for horses, show animals, pets, chickens, ducks, geese and other domesticated fowl) within City limits. This definition creates many opportunities for larger livestock such as a cow or a buffalo to be classified as a show animal or pet and permitted to live within a residential lot in the City.</p>	<p>Provide an exception within the livestock limitations specifically to dwarf goats, pot-bellied pigs, horses and fowl, along with requirements and standards for the keeping of these animals within the City limits.</p>

# PROPOSED AMENDMENTS



## Dwarf goat requirements

Dwarf goats provided the following requirements are met:

- a. Two dwarf goats, plus any number of their offspring younger than twelve weeks, may be kept on any lot in the City. The keeping of just one dwarf goat is prohibited. Only female or neutered male dwarf goats shall be permitted.
- b. Any person keeping dwarf goats pursuant to this provision must first have been issued a permit by the Humane Society at the time, and must also have received such information or training pertaining to the keeping of goats as the Humane Society deems appropriate. Prior to the issuance of said permit, the Humane Society shall conduct a site inspection to verify compliance with the requirements of this section.
- c. The dwarf goats must be maintained in the rear fifty percent of the lot. On any residential zoned corner lot, the rear fifty percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.
- d. The dwarf goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Shelters shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.
- e. During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced to protect them from predators, which shall be at least three hundred square feet in size. The enclosure shall be located a minimum of fifteen feet from any abutting property line. A lesser setback may be approved if there is written consent from the affected abutting property owner and written approval from the Humane Society.
- f. The dwarf goats must be closed in the shelter from one half hour before sunset and one half hour after sunrise.
- g. Any person who owns or keeps dwarf goats over twelve weeks of age shall have the dwarf goats vaccinated against rabies when the dwarf goats become twelve weeks of age, and shall continue to have the dwarf goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

## PROPOSED AMENDMENTS

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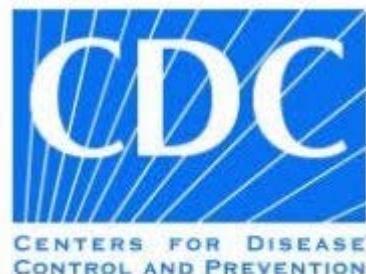
### Pot-bellied pigs requirements

Pot-bellied pigs, provided that the owner or keeper shall keep proof of the following:

- a. A Colorado Certificate of Veterinarian Inspection issued by a veterinarian who is licensed and accredited by the State of Colorado.
- b. Documentation of spay or neuter.

# RESEARCH

Animal codes from seven local jurisdictions were surveyed as to their overall animal regulations. These jurisdictions include Fort Collins, Windsor, Greeley, Longmont, Thornton, Brighton and Denver.



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DOI: 10.1177/1523683206269732  
<http://jph.sagepub.com/10.1177/1523683206269732>

The online version of this article can be found at:  
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# THANK YOU

## NEXT STEPS

Provide a recommendation to City Council