

## Title 6

### ANIMALS

#### Chapters:

- 6.04 Definitions.**
- 6.08 Licenses.**
- 6.12 Rabies Control.**
- 6.16 Care and Treatment of Animals.**
- 6.20 Control.**
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#### 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\*\*\*