

City of Commerce City Revised Municipal Code

Chapter 4 - ANIMAL CODE

ARTICLE I. - GENERAL PROVISIONS

Sec. 4-1000. - Applicability.

- (a) Except as provided in subsection (b) of this section, this chapter shall apply to any and all persons who own, maintain or keep any animals within the city, and all such animals shall be owned, maintained or kept only in compliance with the provisions of this chapter.
- (b) This chapter shall not apply to:
 - (1) A bona fide publicly or privately owned zoological park;
 - (2) A bona fide research institution using animals for scientific research;
 - (3) A circus duly authorized to do business in the city; or
 - (4) When acting within the scope of their official duties and in compliance with applicable law, personnel of the city or of any police, fire or animal control agency, the Colorado Division of Wildlife, the Colorado Department of Health or any other local, state or federal agency when such persons are acting.

Sec. 4-1001. - Definitions.

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

Animal: A living organism other than plants or bacteria. Animal includes arthropods, amphibians, reptiles, birds and mammals other than humans.

Animal control agent: Any person authorized by this Code or by the city manager to enforce the provisions of this chapter.

At large: Off the premises of the owner's real property and not restrained by a competent person.

Cat: All domesticated or feral members of the genus *Felis*, male or female.

Commercial kennel: Any establishment or parcel of property upon which a person harbors, keeps or boards more than three (3) dogs or cats or any combination thereof, and where the dogs and cats, male or female, are maintained for boarding, training, breeding or similar purposes for fee or other compensation, or where the dogs and cats are offered for sale, adoption or exchange.

Competent person: A human being over the age of eleven (11) years who is capable of controlling and governing the dog or cat in question, and to whose command the dog is obedient.

Confine: A limitation of movement of an animal by a fence or other structure or by a chain, rope or other means of sufficient strength or construction to restrain the animal in question.

Days: For purposes of article III of this chapter, days shall mean only those days during which the place of impoundment is open to the public.

Dogs: All members of the canine family, male or female.

Game: Animals under pursuit or taken in hunting; wild animals hunted for sport or food.

Harbor: Keeping and caring for an animal or providing premises to which the animal returns for food, shelter or care.

Hobby breeder: Any person who, at a single address within the city, harbors more than three (3) dogs or cats or any combination thereof over the age of six (6) months that are used for breeding purposes occasionally but does not operate a commercial kennel.

Household pet or pet animal: Nonendangered species of dogs, cats, ferrets, nonpredatory birds bred in captivity, fish, hermit crabs, snails, tarantulas, captive-bred domestic rabbits, domestic guinea pigs, domestic rats, domestic mice, gerbils, hamsters, chinchillas, African pygmy hedgehogs, Vietnamese pot-bellied pigs and nonpoisonous snakes, amphibians and reptiles less than three (3) feet in length measured from the tip of the nose to the tip of the tail when fully grown and any other species of animal that is sold or retained as a household pet, but does not include goats, chickens, skunks, primates or any species of wild or exotic animals.

Impound: To physically confine an animal at a licensed boarding facility or licensed animal shelter at the direction of an animal control agent.

Initial registration of a pit bull: Registration of a pit bull with the city's police department by November 1, 2005.

Livestock: Any domestic animal generally used for food or in the production of food including, but not limited to, horses, cattle, sheep, goats, poultry, fowl, swine or llamas.

Mistreat: Every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

Muzzle: A restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout, mouth and/or head, prevents a dog from biting but allows a dog room to breathe and pant. While a muzzle must prevent a dog from biting another person or animal, it must not cause injury to a dog or interfere with its vision or respiration.

Neglect: Failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.

Owner: Any person owning, possessing, keeping or otherwise having the custody or control of any animal that is subject to regulation under this chapter and shall also mean and include any person of the age of eighteen (18) years or older in possession or control of premises upon which is kept any animal that is subject to regulation under this chapter.

Pit bull or pit bull terrier: Any dog that is an American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, any dog displaying the majority of physical traits of any one (1) or more of the above breeds or any dog exhibiting those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club (A.K.C.) or United Kennel Club (U.K.C.) for any of the above breeds. A bill of sale of veterinary record that identifies an animal as a pit bull terrier mix shall be sufficient to establish that the animal in question is a pit bull terrier or a pit bull terrier mix for purposes of this chapter.

Pit bull enclosure: An outside enclosure with a lockable, childproof latch of commercial quality surrounded by a fence at least five (5) feet in height with a secure top and a concrete base to a depth not less than six (6) inches below grade.

Rodent: A mouse, rat, prairie dog, gopher, mole or other animal commonly known as a rodent, but shall not include a hamster, guinea pig, gerbil, rabbit or squirrel.

Secure temporary enclosure: A secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.

Stray animal: Any animal for which there is no identifiable owner, keeper or possessor.

Vicious or dangerous animal: An animal that at any place within the city: (a) bites or makes an unprovoked attack upon a person or other animal; (b) repeatedly lunges or charges at a person or other

animal in a fierce, vicious or terrorizing manner, whether or not separated from that person or other animal by a fence; or (c) without provocation threatens to attack or terrorizes a person.

Wild or exotic animal: Any species of animal, including wolves and wolf hybrids, which normally exists in a natural unconfined state and is usually not domesticated.

Wolf hybrid: The progeny of a wolf (*Canis lupus*) bred with a domestic dog (*Canis familiaris*) or the offspring of such progeny bred with either a domestic dog (*Canis familiaris*) or a wolf (*Canis lupus*). A bill of sale or veterinary record that identifies an animal as a wolf hybrid shall be sufficient to establish that the animal in question is a wolf hybrid for purposes of this chapter.

(Ord. No. 1848, § 1, 1-10-2011)

Sec. 4-1002. - Violations and penalties.

Unless specified otherwise herein as "unlawful," a violation of any provision of this chapter shall constitute a civil infraction publishable as provided in chapter 1 of this Code.

(Ord. No. 1848, § 1, 1-10-2011)

Sec. 4-1003. - Animal control agent.

- (a) An animal control agent shall be an authorized inspector of the city for the purposes designated or required by the provisions of this chapter.
- (b) Whenever any federal or state law imposes upon the city a duty with respect to the care, custody, keeping, seizing, impoundment or control of any animal, such duty may be performed by the animal control agent.

Sec. 4-1004. - Interference with animal control agent.

- (a) It is unlawful for any person to take, seize or remove from the custody or possession of the city or its agents any animal that has been seized or impounded.
- (b) It is unlawful for any person to knowingly obstruct, hinder or impair any animal control agent in the performance of his or her duties, including investigation or inspection, by the use or threat of violence, force or physical interference, by knowingly providing false or misleading information or by failing to produce, for any reason, any animal the animal control agent is authorized under this code or municipal court order to inspect, investigate or impound.

(Ord. No. 1959, § 1, 7-1-2013)

Sec. 4-1005. - Duties of animal control agent.

- (a) In addition to any other duties that may be required or authorized by the city manager or by the ordinances of the city, an animal control agent is hereby authorized to undertake the following:
 - (1) Seize and impound any animal pursuant to the provisions of this chapter.
 - (2) Whenever probable cause exists to believe that a violation of the provisions of this chapter has been committed by any person, issue a summons to initiate proceedings in municipal court for the prosecution of such violation.
 - (3) Whenever there is reason to believe that any violation of this chapter has been committed or exists, notify the owner of the existence of such violation and demand the discontinuance or correction of such violation within the time stated within such notice.

- (4) Enter upon private property for the purpose of seizing an animal to be impounded if one (1) of the following conditions exists:
 - a. Where the animal control agent is in pursuit of such animal, and probable cause exists to believe that a violation of this chapter has occurred, and such animal has strayed to or taken refuge on the private property in the course of such pursuit.
 - b. Entry is necessary, in the judgment of the animal control agent, to remove a danger of imminent bodily harm to a person or animal.
 - c. An animal is being kept upon such private property in violation of this chapter and entry is allowed pursuant to an order of the municipal court or with the permission of the owner or tenant of the property.
- (5) Seize and impound any injured animal found at large in the city when the owner cannot be immediately located.
- (6) Destroy, without notice to the owner, any animal that is at large, or that is being kept, owned or possessed in violation of this chapter, if such animal presents a danger of imminent bodily harm to a person or animal, and such animal cannot be subdued or impounded in a manner that does not subject the animal control agent or any other person to imminent bodily harm.
- (7) Destroy any animal pursuant to an order of the municipal court.
- (b) The animal control agent shall have the authority to dispose of any dead household pet or pet animal found at large in the city. If such dead animal has a rabies tag attached, the animal control agent should make a reasonable effort to notify the owner.

ARTICLE II. - VIOLATIONS GENERALLY

Sec. 4-2000. - Mistreatment and neglect of animals generally.

- (a) It is unlawful for any person to knowingly, recklessly or negligently overdrive, overload, drive when overloaded, overwork, torture, beat cruelly, mutilate or needlessly kill any animal or to cause any of these acts or omissions to be done.
- (b) It is unlawful for any person to knowingly, recklessly or negligently carry, transport or confine in any vehicle, in a cruel and inhumane manner, any animal or to cause any such act to be done. For the purposes of this section, the term "cruel and inhumane manner" shall include, but not be limited to, the failure to provide proper food, drink or protection from the weather or to expose such animal to extreme heat or cold.
- (c) It is unlawful for any person to knowingly, recklessly or negligently capture, ensnare, net, trap or in any other manner molest or injure any animal, other than insects, mice, rats, bats or other wild rodents, or in any manner molest or injure the nest, eggs or young of any birds or fowl.
- (d) It is unlawful for any owner to knowingly, recklessly or negligently deprive of necessary sustenance any domesticated animal or to fail to provide it with proper food, drink, protection from the weather and necessary medical treatment to prevent undue suffering or to cause any of these acts or omissions to be done.
- (e) It is unlawful for any person to willfully abandon any domesticated animal, whether dead or alive, within the city.
- (f) It is a civil infraction for any person to slaughter or butcher any domesticated animal within the city except in areas zoned for such purpose.
- (g) It is a civil infraction for any person to slaughter or butcher any wild animal in view of the general public except to the extent necessary as part of a bona fide educational class, course, seminar or the like or to the extent such activity is protect under the First Amendment to the United States Constitution.

- (h) The commission on private property of the acts described in subsections (a) through (g) of this section shall not constitute a defense of a violation charged under this section.
- (i) Notwithstanding the provisions of this section, any animal causing damage, injury or destruction to private property may be trapped or restrained, by means of a snare or mechanical device designed not to injure or harm the animal, by the owner or occupant of such property, by such owner or occupant's agent or by an agent of the city, the State of Colorado or the United States when such person is acting within the scope of his or her official duties.

Sec. 4-2001. - Poisoning animals.

It is unlawful for any person to poison any animal or to distribute poison with the intent to poison any animal other than insects, mice, rats, bats or other wild rodents or to distribute such poison on public property. The distribution of any poison or poisoned food, other than that which is specifically labeled for insect, bat or wild rodent poisoning, shall be prima facie evidence of violation of this section.

Sec. 4-2002. - Cleanliness of animal enclosures; removal of excrement.

- (a) It is unlawful for any person to maintain or permit the maintenance of any animal enclosure or other place in the city to the extent such area emits an offensive odor, attracts insects or rodents or creates other unsanitary conditions.
- (b) It is unlawful for the owner or keeper of any animal to fail to immediately remove and dispose of in a sanitary manner any excrement deposited by such animal upon a common thoroughfare, street, sidewalk, play area, park, trail or any other public property or upon private property when permission of the owner or tenant of such property has not been obtained.
- (c) It is unlawful to place animal excrement in storm sewers or to dispose of excrement in any manner except by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid or in an otherwise lawful and sanitary manner.

Sec. 4-2003. - Maximum number of household pets.

Unless a hobby breeder license has been obtained pursuant to the provisions of this chapter, it is a civil infraction to own, keep, possess, harbor or maintain within the city on a single residential property or within a single residential unit more than four (4) household pets, excluding fish, over the age of six (6) months.

Sec. 4-2004. - Disturbance.

- (a) It is a civil infraction for the owner of any animal to allow such animal to disturb any person by barking, howling, yelping or making some other audible sound where such barking, howling, yelping or other audible sound is:
 - (1) Loud;
 - (2) Persistent, frequent or habitual; and
 - (3) Made without provocation.
- (b) Summons. No summons shall be issued and no person shall be convicted for a violation of this section unless at least two (2) witnesses from separate households testify to the loud and persistent, frequent or habitual nature of the noise. City agents who witness firsthand the violation may act as the second witness to the violation.
- (c) This section shall not apply to animal hospitals or clinics engaged in providing medical treatment to animals.

Sec. 4-2005. - Animals at large; damage to property.

- (a) It is a civil infraction for the owner of any animal to fail to keep such animal on the premises of the owner unless such animal is under the control of the owner under one (1) of the following conditions:
 - (1) The animal is on a leash, cord or chain no longer than ten (10) feet in length, held by a competent person who is:
 - a. Physically able to control the animal; and
 - b. Maintaining physical control of the animal.
 - (2) Within a vehicle, or similarly physically confined to ensure that the animal will not escape, and without access to passersby.
- (b) It unlawful for the owner of any animal to permit such animal, whether or not running at large, to destroy, damage or cause injury to any shrubbery, plants, flowers, grass, lawn, fence or other property whatsoever upon any public or private premises not owned or occupied by the owner of such animal.
- (c) This section shall not apply to dogs running off leash within the physical confines of an area designated by the city as an off-leash dog park site.

(Ord. No. 1848, § 1, 1-10-2011)

Sec. 4-2006. - Confinement during estrus.

It is a civil infraction for any person to own, keep, possess, harbor or maintain any unspayed female dog, cat or other animal that is in the state of estrus (heat) unless such animal is confined in a building or secure enclosure in such a manner that the animal cannot come into contact with other animals, except for planned breeding.

Sec. 4-2007. - Fighting prohibited.

- (a) It is unlawful for any person to cause, instigate or encourage any animal to fight with another animal or for any person to train or keep any animal for the purpose of fighting.
- (b) It is unlawful for any person to maintain a place where any animal is permitted to fight for exhibition, wager or sport.

Sec. 4-2008. - Prohibited and regulated animals.

- (a) With the exception of livestock or as otherwise expressly set forth in this code, it is unlawful for any person to own, possess, harbor, sell or in any manner traffic in any animal that is not a household pet or pet animal.
- (b) It is a civil infraction for any person to own, keep, possess, harbor or maintain any livestock within the city except in districts zoned in accordance with the city's land development code as "agriculture" or "public."
- (c) Vietnamese pot-bellied pigs may be kept within the city only as follows:
 - (1) At a farming operation zoned for agriculture purposes;
 - (2) At a veterinarian hospital;
 - (3) At an educational facility licensed by the State of Colorado;
 - (4) At a commercial enterprise licensed as a pet shop; or
 - (5) On any single parcel of property under the following conditions:
 - a. Not more than one (1) such animal shall be kept on any single parcel of property;
 - b. Such animal shall be domesticated;

- c. Such animal shall not exceed seventy (70) pounds in weight;
 - d. Such animal shall be spayed or neutered by six (6) months of age; and
- (5) The owner of such animal shall comply with the provisions of article IV of this Code.

(Ord. No. 1959, § 4, 7-1-2013)

Sec. 4-2009. - Guard dogs.

- (a) It is unlawful to place or maintain on any premises any dog or other animal that has been specifically trained to attack for the protection of persons or property unless the animal is under complete and absolute control of the owner, or under the following conditions:
 - (1) Such animal is physically confined to the premises;
 - (2) Adequate safeguards exist to prevent entry thereto by children or accidental or unintentional entry by any person;
 - (3) The premises is conspicuously posted with warning signs bearing letters not less than two (2) inches in height declaring the danger at every door, gate or entrance thereto and at intervals of every one hundred (100) feet of fenced enclosure.
- (b) No vicious or dangerous animal, as defined in this article, shall be used as a guard dog.
- (c) Any animal kept in violation of this section may be seized and impounded by an animal control agent.

Sec. 4-2010. - Vicious or dangerous animals.

- (a) It is unlawful for any person to own, keep, possess, harbor or maintain within the city any vicious or dangerous animal.
- (b) It is unlawful for any person to negligently or willfully cause, instigate, encourage or promote any animal to aggressively threaten, attack, attempt to bite or bite any person or other animal within the city; provided, however, that no violation of this subsection shall be deemed to have occurred where an animal is caused or encouraged to attack any person engaged in attacking another person.
- (c) The owner of any vicious or dangerous animal or any animal that has been reported to have bitten any person shall on demand of an animal control agent produce such animal for impoundment pending a hearing as described in this article.
- (d) Any vicious or dangerous animal allowed by a court of law to remain in the city shall be kept only under the following conditions:
 - (1) The animal is confined in a pen with a lockable latch surrounded by a fence at least six (6) feet in height with a secure top and a concrete base to a depth of not less than six (6) inches below grade; or
 - (2) The animal is muzzled and on a secure leash under control at all times by a person at least eighteen (18) years of age or older.
 - (3) If the animal has attacked a human being or domestic animal or if the animal escapes or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult, the owner shall notify the animal control agent in person or by telephone as soon as possible but in no event later than one (1) hour after the owner's knowledge of the occurrence of either of the foregoing events.
 - (4) If the animal has died or if the animal has been sold, given or otherwise transferred to the ownership or possession of another person, the owner shall notify the animal control agent in person or by telephone within twenty-four (24) hours of the occurrence of such event and shall

provide the name, address and telephone numbers of any new owner(s) and the effective date of the transfer.

- (e) Exceptions. No animal shall be found to be vicious or dangerous animal under this chapter by reason of having attacked, threatened or terrorized any person or attacked any animal under any of the following conditions:
 - (1) The animal is used by a police officer while engaged in the performance of his or her duties.
 - (2) At the time of a threat, behavior or attack against a domestic animal, such domestic animal was at large and entered upon the property of the owner and the threat, behavior or attack began on such property.
 - (3) At the time of a threat, behavior or attack against a domestic animal, such domestic animal was in the process of biting or attacking the alleged vicious or dangerous animal or its owner.
 - (4) At the time of a threat, behavior or attack against a person, the person was committing or attempting to commit a criminal offense against the animal's owner or upon such owner's property.
 - (5) At the time of the threat, behavior or attack against a person, the person tormented, provoked, abused or inflicted injury upon the animal in such a manner that resulted in the threat, behavior or attack.
 - (6) Except as provided in subsection (b) of this section, at the time of a threat, behavior or attack against a person a domestic animal, the person or domestic animal entered into or upon a fenced or enclosed portion of the premises upon which the animal was kept or upon any automobile or other vehicle parked or stored upon the premises.
 - (7) At the time of a threat, behavior or attack against a person, the person was attempting to capture the animal in the absence of the owner or attempting to stop an animal fight.
- (f) The exceptions set forth in subsection (e) herein shall not apply to any animal that has engaged in or been trained for animal fighting as described and prohibited by state statute.

Sec. 4-2011. - Pit bulls prohibited.

- (a) [Prohibited.] It is unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport (except as permitted in subsection (g)(3) below) or sell within the city any pit bull except as provided herein.
- (b) Registration.
 - (1) The owner of a pit bull shall be entitled to keep a pit bull only if such owner initially registered such pit bull with the city's police department by November 1, 2005.
 - (2) Initial registration is not transferable.
- (c) Annual renewal of registration. Upon expiration on December 31, 2006, of the initial registration period, the registration of a pit bull kept pursuant to the provisions of this chapter shall be renewed on an annual basis as follows:
 - (1) No earlier than the first day of December each year nor later than the 31st day of January the following year, the registration of a pit bull shall be renewed and an annual registration fee paid.
 - (2) Renewal shall be permitted only upon satisfaction of the conditions set forth in this section.
 - (3) Renewal shall be made only by the holder of the registration or such individual's immediate family and is otherwise not transferable.

Nothing in this section shall be construed to permit "renewal" of a pit bull registration for which initial registration was not previously completed.

(d) [Renewal compliance.] To renew the registration of a pit bull, the owner must comply with each of the following requirements:

- (1) The owner shall pay the applicable registration renewal fee.
- (2) The pit bull shall be current on all vaccinations required by this Code, documentary proof of which shall be presented to the police department.
- (3) The pit bull shall have an active and working, permanently inserted, identifying computer chip, documentary proof of which shall be presented to the police department.
- (4) The owner shall present proof to the police department that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) per dog registered, covering any damage or injury that might be caused by the pit bull. Such policy shall contain a provision requiring the insurance company to provide written notice to the police department not less than ten (10) days prior to any cancellation, termination or expiration of the policy.
- (5) At the time of each registration renewal, the owner shall present the pit bull for inspection.
- (6) The owner shall have on his/her property a pit bull enclosure.
- (7) The owner shall conspicuously affix a warning sign on or near the front door of the owner's residence that notifies a visitor to the residence that a pit bull is contained on the premises.
- (8) When a pit bull is on the property of the owner, the pit bull shall be kept under one (1) of the following conditions at all times:
 - a. Confined in a locked pit bull enclosure;
 - b. On a secure and nonextendable leash no greater than six (6) feet in length that is handled by and under the control of a person at least eighteen (18) years of age; or
 - c. Inside a residence or garage from which the pit bull cannot escape and that has all doors and windows closed and locked. For purposes of this subsection, an owner is permitted to keep a door or window open if the opening is obstructed by reinforced security bars that prevent the pit bull from exiting.
- (9) At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull muzzled and on a secure and nonextendable leash no greater than six (6) feet in length that is handled by an authorized person who is capable of controlling the pit bull and is at least eighteen (18) years of age or, alternatively, in a secure temporary enclosure.
- (10) The pit bull tag issued to the owner at the time of initial registration shall be attached at all times to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the registered pit bull. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee equal to the city's cost of replacement.
- (11) The owner shall notify the police department within twenty-four (24) hours in the event that the pit bull is lost, stolen or dies.
- (12) The owner shall notify the police department within ten (10) days of any change of the owner's address.

(e) Pit bull file.

- (1) The police department shall maintain a file containing the registration numbers, photographs and names of the pit bulls and the names and addresses of the owners.
- (2) Upon renewal of pit bull registration, the police department shall compare the new photograph of the pit bull with the most recent photograph in the file to ensure that the renewing pit bull is the same animal initially registered.

(f) Impoundment. Any unregistered pit bull found in the city may be immediately impounded pursuant to the provisions of this chapter.

(g) Exemptions. The following are exempt from the provisions of this section:

- (1) A duly authorized agent or employee of the city acting within the scope of his/her employment with the city;
- (2) Where a pit bull is transported from a point outside the city to a destination outside the city or from a point outside the city to a common carrier within the city which will transport the pit bull outside the city; or
- (3) Where a person temporarily transports into and holds within the city one (1) or more pit bulls for the purpose of showing such pit bull(s) in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest or show must receive written permission from the police department, must obtain any other permits or licenses required by city ordinance and must provide protective measures adequate to prevent such pit bull(s) from escaping or injuring the public. Any person who transports and holds such pit bull(s) for showing shall, at all times when a pit bull is being transported within the city, keep such pit bull(s) confined in a secure temporary enclosure as defined in this chapter.

ARTICLE III. - VACCINATIONS, TAGS AND LICENSES

Sec. 4-3000. - Vaccination and testing.

- (a) Rabies. It is a civil infraction for any person to keep or possess within the city any animal that has not been vaccinated against rabies or for which proof of such vaccination is not provided.
 - (1) Every owner of an animal six (6) months of age or older shall have such animal vaccinated against rabies. Such vaccination shall be re-administered prior to the manufacturer's listed expiration date for the vaccine use.
 - (2) Any person moving into the city shall comply with this section within thirty (30) days after having moved into the city. If the animal has inflicted a bite on any person causing an abrasion of the skin or on another animal within the last ten (10) days immediately preceding the date of moving into the city, the owner shall report such fact to a veterinarian and no rabies vaccine shall be administered until after the ten-day observation period.
 - (3) The owner shall cause to be attached to the collar or harness of the vaccinated animal a metal tag serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. The owner shall ensure that such tag is worn by the animal at all times.
- (b) Vietnamese pot-bellied pigs.
 - (1) It is a civil infraction for any person to keep or possess within the city a Vietnamese pot-bellied pig:
 - a. That has not been tested for pseudorabies and brucellosis;
 - b. That has tested positive for pseudorabies or brucellosis; or
 - c. For which proof of and results from such tests are not provided.
 - (2) Prior to being brought into the city, the owner of a Vietnamese pot-bellied pig shall have such animal tested for pseudorabies and brucellosis by a veterinarian properly licensed by the State of Colorado and shall maintain proof of such tests and the results thereof.
- (c) Distemper. It is a civil infraction for any person to keep or possess within the city any dog or cat six (6) months of age or older that has not been vaccinated against distemper.

- (1) The owner of a dog or cat shall have such animal vaccinated by six (6) months of age and revaccinated annually for the first five (5) years. After the first five (5) years, such routine vaccination shall be performed every other year.
- (2) Every person moving into the city shall comply with this section within thirty (30) days after having moved into the city.

Sec. 4-3001. - Misuse of vaccination tags.

It is unlawful for any person to create or use a counterfeit vaccination tag or use any vaccination tag for any animal other than the animal for which the tag was originally issued.

Sec. 4-3002. - Rabies reporting and examination.

- (a) Any veterinarian who diagnoses rabies or any person who suspects rabies in a dog, cat or other animal shall immediately report such diagnosis or suspicion to an animal control agent, the police department or the Tri-County Health Department, stating precisely where the animal may be found.
- (b) Any animal believed to have been exposed to an animal infected with rabies may be impounded by the city. If permitted by the animal control agent, the animal may be confined by its owner in accordance with the directions of the animal control agent in lieu of impoundment by the city.
- (c) Any animal that is known to have bitten or injured any person so as to cause an abrasion of the skin may be quarantined by the city and observed for a period of ten (10) days from the date of the bite or injury. If permitted by animal control agent, the animal may be confined by its owner in accordance with the directions of the animal control agent in lieu of quarantine by the city. For the purposes of this section, neither confinement by the owner nor placement of the animal at a licensed boarding facility or licensed animal shelter for the purpose of quarantine shall be deemed or constitute impoundment subject to the requirements of section 4-4002 of this Code.
- (d) Any wild animal other than a bird or reptile that has bitten a person shall be caught and submitted to a qualified laboratory for a rabies examination.

(Ord. No. 1848, § 1, 1-10-2011)

Sec. 4-3003. - Hobby breeder—License required.

- (a) Any hobby breeder within the city shall obtain an annual license from the city upon payment of a fee to be set by resolution of the city council.
- (b) Such license shall allow a hobby breeder to harbor, at the address identified on the license, not more than six (6) dogs or cats or combination thereof over the age of six (6) months.
- (c) In any prosecution for failure to obtain a hobby breeder license, it shall be prima facie evidence of such violation that the owner, on the date of a summons issued for the violation, harbored at a single address more than four (4) dogs or cats or combination thereof over the age of six (6) months.

Sec. 4-3004. - Commercial kennel—License required.

The operator of any commercial kennel within the city shall obtain an annual license from the city upon payment of a fee set by resolution of the city council. Such license shall be issued only upon providing the city proof that the address identified in the license is zoned, or a variance has been obtained, to allow for a commercial kennel at such address.

Sec. 4-3005. - Revocation or suspension of license.

- (a) Authority. The city manager may suspend or revoke any license issued pursuant to this article where the licensee or the licensee's operation is found to be in violation of any provision of this chapter, zoning law, health law or any other applicable ordinance or statute, or where the licensee or the

licensee's operation is maintained in a manner detrimental to the health, safety or welfare of persons residing in the immediate vicinity, or is maintained in a manner detrimental to the health, safety and welfare of animals being kept by the licensee.

(b) Notice.

- (1) A licensee shall be notified in writing of a suspension or revocation and the grounds therefor. Such notice shall include the nature of the adverse action and shall inform the licensee of the opportunity to appeal the action.
 - (2) Notice shall be accomplished by personal service, by certified mail or by posting the property subject to the adverse action. If the notice is mailed, it shall be mailed to the address shown on the license.
 - (3) Notice shall be deemed given on the date of personal service, the date of deposit in the mail or the date of posting the property.
- (c) Appeal. Unless a different procedure is required by applicable law, the licensee may appeal the decision to the city's administrative hearing officer as set forth in chapter 3 of this Code.

ARTICLE IV. - CITATIONS, HEARINGS, DISPOSITION AND IMPOUNDMENT

Sec. 4-4000. - Authority of municipal court.

- (a) Except as provided in section 4-3005, the city's municipal court is hereby authorized to conduct all hearings necessary for the proper enforcement of this chapter.
- (b) The municipal court is further authorized as follows:
 - (1) Subject to the provisions of this chapter, to order the disposition of any animal, including the destruction thereof, when such animal has been found by the municipal court to have been owned, kept, possessed, harbored or maintained in violation of this Code;
 - (2) To order the waiver or refund of any fee required by this chapter when it appears that such fee has been unlawfully imposed or collected;
 - (3) To extend any time period provided for in this chapter;
 - (4) To order confinement for rabies observation pursuant to the provisions of this chapter;
 - (5) To order the release of any animal impounded under the provisions of this chapter;
 - (6) To make and enforce such orders as the municipal court shall deem necessary or desirable to accomplish both the purposes and enforcement of this chapter or to correct or prevent injustice in the application of any provision of this chapter.
 - (7) To order an accelerated docket, in compliance with the Colorado Municipal Court Rules of Procedure, for any matter in which an animal has been impounded pursuant to the provisions of this chapter.
- (c) If a named defendant is not the owner of the animal involved, and if the name and address of the owner is known to the city or the municipal court, the owner shall be notified by certified mail, return receipt requested, of the date, time, place and purpose of the hearing not less than five (5) days prior to the date set for the hearing.
- (d) When an animal control agent submits a request for impoundment and affidavit of probable cause to the municipal court, the judge of the municipal court shall, on the first regular court date following such submittal, review the matter and either grant or deny the request. The request shall be granted if the affidavit of probable cause establishes prima facie any one (1) or more of the following:

- (1) The animal has bitten or made an unprovoked attack upon a person or other animal; repeatedly lunged or charged at a person or other animal in a fierce, vicious or terrorizing manner; or, without provocation, threatened to attack or terrorizes a person.
- (2) The animal exhibits the characteristics of a pit bull or pit bull terrier as herein defined.
- (3) The animal appeared to be distressed, in pain or suffering and the location from which the animal was retrieved lacked food, water or protection from the elements or contained animal waste or discharges to the extent that the animal(s) contained therein were unable to stand, sit or lie down without contact with the animal waste or discharges.

(Ord. No. 1959, § 2, 7-1-2013)

Sec. 4-4001. - Hearings.

- (a) In any instance where the owner of an animal has been found by the municipal court to have owned, kept, possessed, harbored or maintained such animal in violation of this Code, the municipal court may hold a hearing to determine the disposition of such animal.
- (b) The municipal court shall order an animal impounded if the city establishes a prima facie case such animal presents a danger to any person, property or other animal pending the disposition hearing.
- (c) At a disposition hearing, the Colorado Rules of Evidence shall not apply, and the municipal court shall assure that evidence is offered and questioning is conducted in an orderly manner according to basic rules of fairness.
- (d) At the disposition hearing, the municipal court shall consider the following:
 - (1) Any evidence presented at any trial involving the animal;
 - (2) The conduct of the animal during the incident charged;
 - (3) Any other evidence of danger or violent behavior or threats thereof;
 - (4) Any prior violations by the owner of this chapter or similar laws of any state or political subdivision thereof;
 - (5) Whether the conditions of the property where the animal will be kept would affect the potential for danger to persons, other animals or property;
 - (6) Evidence of any corrective actions taken by the owner that would affect the potential for danger to persons, other animals or property;
 - (7) Any other evidence relative to the issues to be determined by the municipal court.
- (e) If, at such hearing, the city establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the municipal court may order the animal destroyed in a humane manner.
- (f) If the municipal court determines that it is not appropriate to order the animal destroyed, the municipal court may order the animal returned to the owner to be kept under such conditions as will ensure the safety of persons, property and other animals.
- (g) In addition to any other penalty set forth herein, the municipal court may order a vicious or dangerous animal destroyed, upon exhaustion of the owner's right of appeal, in the event that the owner is convicted of, or enters into a deferred judgment for, a violation of this chapter that resulted in bodily injury to a person or the death of a domestic animal or that is a second or subsequent violation of this Code that involves the same animal.

Sec. 4-4002. - Impoundment and redemption.

- (a) Impoundment authorized. Animals owned, kept or possessed in violation of this Code or any law of the state may be taken into custody by an animal control agent and impounded only under any one (1) or more of the following circumstances:
 - (1) The animal control agent has probable cause to believe the animal is a vicious animal or a pit bull as herein defined;
 - (2) The animal is found at large; or
 - (3) The animal control agent has probable cause to believe the animal has been mistreated or neglected.
- (b) Injured animals. Any animal found injured on public property shall be given appropriate veterinary medical treatment and may be impounded pending notification of the owner. The owner of any animal treated and/or impounded pursuant to this subsection shall be liable for all expenses related to such treatment and/or impoundment.
- (c) Request for impoundment and affidavit of probable cause. An animal control agent who impounds an animal pursuant to subsection (a)(1) or (a)(3) of this section shall, within twenty-four (24) hours of impoundment, complete and submit to the municipal court a request for impoundment and affidavit of probable cause. If the request is denied, the animal shall be released to the owner, if known, within twenty-four (24) hours of such denial, and the city shall pay all costs of impoundment.
- (d) Notice of impoundment. As soon as practical after impoundment, notice of impoundment of any animal shall be posted in a conspicuous place at the place of impoundment for five (5) days. If the owner is known, he or she shall be notified of the time, date and place of the impoundment by mail or by telephone.
- (e) Right to impoundment hearing—pit bull, vicious or dangerous animal; additional notice.
 - (1) When any animal has been impounded upon suspicion of being a pit bull, or a vicious or dangerous animal, the owner of such animal or the owner's representative may, no later than seven (7) days after impoundment, file a written petition with the municipal court for an impoundment hearing to determine whether the animal is likely to be found at trial to be a pit bull, or a vicious or dangerous animal, as applicable. The petition shall include the name and address of the petitioner, the date the animal was first impounded and the date of the petition. The municipal court shall then issue a notice of hearing date, which shall be the next available court date. Where no written request for an impoundment hearing is received by the municipal court within seven (7) days after impoundment, the animal shall be considered abandoned and may be placed for adoption or humanely dispatched or disposed of in accordance with subsection (g) of this section.
 - (2) An impoundment hearing pursuant to this section shall be held before the municipal court and shall not constitute the owner's first appearance in court for purposes of the Colorado Municipal Court Rules of Procedure. The impoundment hearing shall be informal, and the rules of evidence shall be relaxed. Any relevant facts the owner wishes to be considered shall be submitted at the hearing. At the conclusion of the impoundment hearing, the municipal court shall make a determination, based on a preponderance of the evidence presented, as to whether the animal is likely to be found at trial to be a pit bull, or a vicious or dangerous animal, as applicable.
 - (3) If the municipal court determines that the animal is likely to be found at trial to be a pit bull, or vicious or dangerous, as applicable, the municipal court shall enter an order determining the disposition of the animal pending final disposition of the charges against the animal's owner or keeper and any further process as may be provided in this chapter. Such order may require, in the municipal court's reasonable discretion:
 - a. Continued impoundment;
 - b. Confinement upon the property of the owner subject to any safety measures ordered by the municipal court; or

- c. Such other arrangement for the keeping of the animal as determined by the municipal court.
- (4) If the municipal court finds that the city has not established by a preponderance of the evidence that the animal is likely to be found at trial to be a pit bull, or a vicious or dangerous animal, as applicable, the animal shall be immediately released to the owner pending disposition of the charges against the animal's owner or keeper, and the city shall pay all costs of impoundment.
- (5) In addition to the requirements for notice of impoundment provided in this section, when any animal has been impounded upon suspicion of being a pit bull or a vicious or dangerous animal, the notice of impoundment shall further inform the owner that failure to request an impoundment hearing as provided herein shall constitute abandonment, and the animal shall be subject to disposition as provided in this section.
- (f) Redemption. Any animal impounded for any reason other than suspicion of being a vicious animal or a pit bull may be redeemed by the owner or the owner's agent upon payment of the impoundment fee, care and feeding charges, rabies vaccination charges (if such animal was impounded without a valid rabies vaccination tag) and such other costs as may have been incurred by or on behalf of the city as a result of the impoundment.
- (g) Disposition of unredeemed animals.
 - (1) Unless a hearing has been requested in accordance with this section, if an impounded animal is not redeemed within five (5) days after notice of impoundment has been provided as set forth herein, the impounded animal shall be considered abandoned and may be placed for adoption or humanely dispatched or disposed of by the city or its delegate.
 - (2) The adoption of impounded animals shall be subject to payment of veterinary charges and, if such animal was impounded without a valid rabies vaccination tag, rabies vaccination charges incurred by or on behalf of the city as a result of the impoundment.
- (h) Impoundment costs.
 - (1) If the owner of an unredeemed animal is known, such owner shall be held responsible for any costs incurred by the city related to the impoundment, care and disposition of the animal regardless of whether the owner reclaims the animal.
 - (2) The care and feeding charges and impoundment fee assessed against an animal impounded pursuant to the provisions of this chapter shall be the cost chargeable by the city or its delegate per day or any portion thereof for the feeding and maintenance of the animal.
- (i) Failure to produce animal. The owner of any animal subject to impoundment under this section shall, upon demand of the animal control agent or other person authorized by this chapter, produce the animal for impoundment as prescribed in this section. It is unlawful for the owner of any such animal to fail or refuse to produce the animal on demand.

(Ord. No. 1959, § 3, 7-1-2013)