

ARTICLE 6

Animal Regulations

Sec. 7-6-10. Definitions.

For purposes of this Chapter, the following terms and phrases shall have the meaning indicated, unless otherwise provided:

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

Current, as used in connection with rabies inoculation, means an inoculation administered according to the requirements set forth in Subsection 7-6-20(b) below.

Injure means to do harm to or to hurt, damage, impair or wound.

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

Leash control means firmly attached to a secured tether or leash which is being held and controlled by a person.

Owner means any person, firm, corporation or organization owning, possessing, harboring, keeping, having a financial or property interest in or having control or custody of a dog. If a dog has more than one (1) owner, each shall be considered an owner and shall be subject to the provisions of this Article. (Prior code 4-2-1; Ord. 956 §1, 2014)

Sec. 7-6-20. Dog regulations.

(a) License:

(1) License required. It is unlawful for any person to own, keep, harbor or possess any dog over the age of three (3) months which has not been licensed by the Town. An application for a license shall be accompanied by a certificate from a duly licensed veterinarian establishing that the dog has been vaccinated against rabies consistent with the provisions of Subsection (b) below.

(2) License identification. The Town Clerk shall issue a license to any person keeping a dog upon payment, in advance, of the license fee, which license shall be numbered in the order of its 7-32 issue. The license fee shall be established by resolution of the Board of Trustees. A metal tag

shall be furnished as license identification with each license, bearing the number of the license and the year of the issue of the same, which metal tag the owner shall have attached to the collar to be worn by the animal so licensed.

(b) Inoculation: It is unlawful for any person to own, keep, harbor or possess any dog over the age of three (3) months which has not been vaccinated against rabies. The owner or keeper of any dog shall have the dog vaccinated by a duly licensed veterinarian by three (3) months of age and shall keep the vaccinations current. The vaccines used shall be of the type recommended by the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians and shall provide for duration of immunity of up to three (3) years. Upon vaccination of the dog, the licensed veterinarian shall execute and provide to the owner a certificate of rabies inoculation which shall include the following information:

(1) The name, physical address and telephone numbers (home and business) of the owner of the vaccinated dog.

(2) The name and address of the veterinarian administering the vaccine.

(3) The breed, age, color, name, sex and status as to spayed or neutered of the vaccinated animal.

(4) Date of vaccination and expiration thereof.

(5) Type of vaccine used, lot number and manufacturer.

(6) The rabies vaccination tag number.

(c) Rabies Inoculation Tag.

(1) Each rabies inoculation tag shall be inscribed with the words "Boulder County," the year for which the tag is issued and the tag number. Except as provided otherwise herein, every dog must wear a collar or harness to which the rabies tag shall be worn only by the dog for which it was issued.

(2) Tags of dogs participating in sanctioned dog shows or matches, of dogs aiding law

enforcement officers or of dogs within fenced grounds with the permission of the owners need not be attached to the collar or harness, but must be in possession of the owner or keeper. (Prior code 4-2-2; Ord. 956 §1, 2014)

Sec. 7-6-30. Cat inoculation required.

(a) It is unlawful for any person to own, keep, harbor or possess any cat over the age of three (3) months which has not been inoculated against rabies.

(b) All requirements concerning the inoculation of dogs as set forth in this Article shall apply to cats, except for the requirement of issuance and of wearing the metal tag. The inoculation certificate shall be maintained by the cat owner and shall be presented upon demand of proper authorities.

(Prior code 4-2-3; Ord. 956 §1, 2014) 7-33

Sec. 7-6-40. Impoundment.

(a) General Provisions: Dogs and cats impounded under the provisions of this Article shall be placed in a designated animal shelter. The Town may provide by contract with any public agency, private society or association or animal hospital which has as a stated purpose the humane care and treatment of animals, for the establishment, maintenance and operation of such animal shelter.

(b) Law enforcement is authorized to impound any animal as follows:

(1) In any case where a dog or cat is suspected to have bitten a person so as to have caused any abrasion and/or break of the skin and has no verification of a valid rabies vaccination, the dog or cat shall be impounded for observation for at least ten (10) days, or until released by law enforcement authorities, in order to determine whether the dog or cat has rabies. Inoculated animals may be quarantined at the owner's residence if, in the officer's discretion, the animal can be securely contained and the animal will be available for observation during and after the quarantine period. It is unlawful for any owner to allow a bite-quarantined animal to run loose during the quarantine period.

(2) Where there is reasonable cause to believe that an animal is being mistreated or neglected

and the owner or keeper is unavailable, a law enforcement officer may impound such animal for treatment. In the event an animal is removed from private property pursuant to this Article, the owner or keeper of such animal shall be notified by leaving written notification of where and by whom the animal was taken at the location from which the animal was removed.

(3) When any dog is found running at large.

(4) When any animal whose owner or keeper is incapacitated or otherwise not available to provide for the animal's welfare, or the owner's or keeper's absence is of sufficient duration to jeopardize the animal's well-being.

(5) When any animal is on the property of another or defecating upon, urinating upon, damaging or destroying the property of another.

(6) When any dog or cat required to be vaccinated against rabies is not vaccinated or when any dog is not wearing a current rabies inoculation tag and a dog license issued by the Town when required.

(7) Any vicious animal.

(c) Pursuit and Limitations: Any law enforcement officer or animal control officer designated by the Board of Trustees apprehending a dog at large may impound the dog, return the dog to the owner and issue a penalty assessment notice or a summons and complaint. The officer shall have the right to enter upon private property when it is necessary to apprehend any dog that has been running at large. Such entrance upon private property shall be only in reasonable pursuit of said dog but shall not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the owner. 7-34

(d) Inspection Powers: Whenever it is necessary to make an inspection to enforce any of the provisions of this Article or whenever law enforcement has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, is being mistreated or neglected or is unlicensed, law enforcement authorities may enter such building or premises at all

reasonable times to inspect the same or to perform any duty imposed upon law enforcement by this Article, provided that, if such building or premises are occupied, the law enforcement officer shall first present proper credentials and request entry. If such building or premises are unoccupied, he or she 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, law enforcement authorities shall have recourse to every remedy provided by law to secure entry. No owner, occupant or any other persons having charge, care or control of any animal shall fail or neglect to promptly permit entry therein by law enforcement authorities for the purpose of inspection and examination pursuant to a warrant regularly issued.

(e) Impoundment; Required Fees: It shall be the obligation of any person having charge, care, custody or control of any dog or cat being impounded under authority of this Article to pay for all impoundment fees and other charges assessed. It is unlawful for such person to refuse to pay the fees and charges, and the refusal of such person to retrieve the dog or cat shall not relieve that person of the duty to make such payment.

(f) Redemption: Within six (6) days after the impoundment of a dog or cat under the provisions set forth in this Article, the owner shall redeem the dog or cat on payment of the impoundment fees, except that, in impoundments for rabies observation, the owner shall pay impoundment fees and redeem the cat or dog within six (6) days after completion of the designated impoundment period.

(g) Disposition of Unclaimed Animals: Impounded animals not redeemed during the impound period prescribed herein may be destroyed in humane manner or may be adopted by any person paying the appropriate adoption fees. No vicious animal shall be made available for adoption. (Prior code 4-2-4; Ord. 956 §1, 2014)

Sec. 7-6-50. Running at large.

It shall be unlawful for the owner or keeper of any dog to fail to prevent the dog from running at large within the Town limits. A dog is presumed to be at large if injury, damage or trespass has

occurred even if said dog is under leash control at the time of injury, damage or trespass. Every owner or keeper of any dog of any age shall keep such dog exclusively upon his or her own premises unless the dog is:

(1) Under the effective control of a person by means of a substantial leash, cord, chain or other device.

(2) In a vehicle or is similarly physically confined and inaccessible to any passerby.

(3) Accompanied by its owner or keeper:

a. Within view and voice control of such person, and within the southernmost portion of Bohn Park, consisting of ten (10) acres, as designated by appropriate fencing and signage; or 7-35

b. Within view and voice control of such person, and in the area by the south side of the river just east of the Second Avenue bridge, as designated by appropriate fencing and signage.

As used in this Subsection, person is defined to mean someone of sufficient age and ability to adequately control the dog while off-leash.

(4) Voice control means control of the behavior of a dog which is not leashed or otherwise physically restrained by its owner or keeper sufficient that the dog does not, without regard to circumstances or distractions:

a. Charge, chase or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;

b. Charge, chase or otherwise display aggression toward any dog or other animal;

c. Chase, harass or disturb wildlife or livestock; or

d. Fail to come to and stay with the owner or keeper immediately upon command by such person.

Voice control does not exist unless the owner or keeper exercises this command authority at all times to keep the dog within the requirements of this definition.

(5) No dog shall be tied to any fence, post, pole or any other structure.

(6) No dog shall be allowed on the playground area or athletic fields located in Bohn Park, as posted. (Prior code 4-2-5; Ord. 956 §1, 2014)

Sec. 7-6-60. Damage to property.

It shall be unlawful for the owner or keeper of any dog to permit such dog to destroy or damage the real or personal property of one (1) or more other persons, or any real or personal property of the Town. Animals damaging such property and on the property of another may be trapped in a humane manner and held for law enforcement officers. (Prior code 4-2-5; Ord. 956 §1, 2014)

Sec. 7-6-70. Injury to wildlife.

It shall be unlawful for the owner or keeper of any dog to allow such dog to attack any species of wildlife. (Prior code 4-2-5; Ord. 956 §1, 2014)

Sec. 7-6-80. Removal of dog excrement.

It shall be unlawful for the owner or keeper of any dog to permit the dog to deposit or leave any fecal matter on any public property, on private property of another or in any waters. It shall be an affirmative defense to this Section that, in the event of the depositing of fecal matter by a domesticated animal, the animal is in the immediate control of a person and such person forthwith removes such material from said private or public place. (Prior code 4-2-5; Ord. 956 §1, 2014) 7-36

Sec. 7-6-90. Female dog in heat.

It shall be unlawful for the owner of a female dog in the pre-estrus or estrus state to fail to confine such dog either in a building or secure enclosure so as to prevent it from attracting male dogs by scent or contact, or creating a nuisance. (Prior code 4-2-5; Ord. 956 §1, 2014)

Sec. 7-6-100. Dangerous and vicious dogs.

(a) It shall be unlawful for the owner of a dangerous or vicious dog to fail to prevent said dog from going off of the premises of the owner unless said dog is under leash and control so as to prevent it from injuring any person or property.

(b) It shall be unlawful for the owner of a dangerous or vicious dog to allow such dog to chase or

attack any person or a domestic or wild animal.

(c) Provocation by a person, or attack (actual or threatened) by a domestic or wild animal, shall be an affirmative defense to such offense if the actions of any person or animal provoke the dog to such an extent that a dog of normal temperament would react viciously.

(d) Confinement.

(1) It shall be unlawful for the owner of a dangerous dog to fail to confine said dog on the owner's premises in a secure enclosure which meets the following requirements:

a. The enclosure must have secure sides and a secure base so as to effectively prevent the dog from escaping by digging, climbing or by any other means; and

b. The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(2) The provisions of this Subsection shall not apply to any dog which has been trained by qualified instructors for guard or police purposes.

(3) No provision of this Subsection shall relieve the owner of a dog from the obligation to comply with the provisions of this Code governing the humane care and treatment of animals, nor from the obligation to comply with any applicable regulation concerning building permits or fencing.

(e) Nothing herein shall be construed so as to limit the application of Section 18-9-204.5, C.R.S., regarding unlawful ownership of dangerous dogs. (Prior code 4-2-7; Ord. 956 §1, 2014)

Sec. 7-6-110. Hearing on destruction of vicious animal.

(a) Upon the filing of a motion for destruction of a vicious animal, the Municipal Court shall set a hearing as soon as practical. The Municipal Court or Town Prosecutor shall promptly serve the owner, if known or reasonably discoverable, with written notice of the hearing and a copy of the motion at least five (5) days before the hearing. Service shall be pursuant to C.M.C.R. 204(e) and 249(b) and C.R.C.P. 5(b). 7-37

(b) The hearing shall be for the purpose of deciding if the animal is a public nuisance. The Town shall bear the burden of proof at the hearing, by a preponderance of the evidence. If the owner, without good cause, fails to appear at the hearing, at arraignment or at trial, the dog shall be deemed abandoned and, upon proper proof of the public nuisance, may be destroyed or otherwise disposed of consistent with this Section.

(c) A continuance of the hearing on the motion for destruction, or a stay of the destruction order, may be granted only if the owner posts a bond sufficient to cover the total costs of the impoundment and destruction. (Prior code 4-2-7.5; Ord. 956 §1, 2014)

Sec. 7-6-120. Seizure and impoundment.

(a) Any Sheriff's officer or animal control officer may apprehend any dog found running at large, any dog required to be vaccinated against rabies which is not vaccinated and/or is not wearing a current rabies inoculation tag, any dangerous or vicious dog not properly confined, or any dog or animal being kept or maintained contrary to the provisions of this Article.

(b) When a dog has been apprehended by an officer, the officer may take any appropriate action, including returning the dog to its owner, impounding the dog and/or issuing a summons and complaint. (Prior code 4-2-7.7; Ord. 956 §1, 2014)

Sec. 7-6-130. Cruelty to animals.

(a) No person shall knowingly, recklessly or with criminal negligence:

(1) Overdrive, overload, drive when overloaded or overwork any animal;

(2) Cruelly beat, cruelly mutilate or torture any animal;

(3) Needlessly shoot at, wound, capture or in any other manner needlessly molest, injure or kill any animal;

(4) Carry transport or keep in a cruel manner any animal.

(b) It is a specific defense to a charge of violating this Section that the action was necessary to avoid injury to a person or that the animal was not a domesticated animal and the action was

necessary to avoid injury to a person or property.

(c) It is unlawful for any person to fail to provide any animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal.

(d) Where there is reasonable suspicion to believe that an animal is being mistreated or neglected, as described in Subsections (a) and (c) above, and the owner or keeper is unavailable, a peace officer or animal control officer may enter the premises, remove and impound the animal.

Premises, as used in this Section, is defined to include the land and the structures thereon, not to include the home.7-38

(e) Where an animal is located in a home and is not otherwise accessible, and a peace officer or animal control officer has probable cause to believe that the animal is being mistreated or neglected as described in Subsections (a) and (c) above, to the extent that the life of the animal is endangered, and the owner or keeper is unavailable, the peace officer or animal control officer may enter the home for the purpose of removing and impounding the animal upon the issuance of a warrant issued by an appropriate court for such purpose.

(f) The owner or keeper of the impounded animal shall be responsible for all charges incurred in impounding the animal.

(g) Upon impounding the animal, the law enforcement officer shall make all reasonable efforts to notify the owner or keeper of the impoundment. If attempts to notify the owner or keeper of the impoundment in person or by telephone are unsuccessful, notice may be made by posting written notification of the impoundment at the premises from which the animal was removed. (Prior code 4-2-16; Ord. 956 §1, 2014)

Sec. 7-6-140. Harassment of animals.

It shall be unlawful to knowingly tease, tantalize or provoke any animal in a manner which causes fear or anger. (Prior code 4-2-8; Ord. 956 §1, 2014)

Sec. 7-6-150. Prohibited keeping of animals.

(a) It shall be unlawful for any person to keep, harbor, care for or possess any animal within the Town limits that is not a pet animal Section 7-6-10 of this Article, unless otherwise exempted as provided by Subsection (b) below.

(b) The following animals shall be exempt from the prohibition contained in Subsection (a) above:

(1) Birds of prey in the possession of handlers licensed in accordance with federal or state law;

(2) Animals lawfully permitted to be kept on property located within an agricultural zone district; in accordance with the provisions of Chapter 16 of this Code; and

(c) Nothing in this Article shall be construed to permit any person to keep, harbor, care for or possess any animal within the Town limits where the keeping, harboring, care or possession of such animal would be contrary to, violate or be prohibited or restricted by the laws and regulations of the State or the United States. (Prior code 4-2-8; Ord. 956 §1, 2014)

Sec. 7-6-160. Offensive premises.

(a) The accumulation of animal feces compromises public health and constitutes a threat to public safety and welfare. It is unlawful for the owner or keeper of an animal to allow animal feces to accumulate so as to be a health hazard or so that the odor is noticeable on adjoining property.

(b) Any premises upon which any animal is kept shall be maintained in a sanitary condition and shall comply with all sanitary regulations adopted by the Town. Said premises shall at all reasonable7-39 hours be subject to inspection by representatives of the Town. It shall be unlawful for any person to refuse to permit such inspection. (Prior code 4-2-9; Ord. 956 §1, 2014)

Sec. 7-6-170. Fowl and rabbits restrained.

It shall be unlawful for any owner or keeper of any domestic fowl or rabbit to fail to keep such animal securely enclosed in a pen or building. (Prior code 4-2-6; Ord. 956 §1, 2014)

Sec. 7-6-180. Birds.

The entire area embraced within the Town limits is designated as a bird sanctuary. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest, in any manner, any bird or wild fowl, or to rob bird nests or wild fowl nests. However, if birds are found to be congregating in such numbers as to constitute a nuisance or menace to health or property, then such birds may be destroyed in such numbers as is deemed advisable, but only under the supervision of the Board of Trustees. (Prior code 4-2-10; Ord. 956 §1, 2014)

Sec. 7-6-190. Noise related to animals or fowl.

(a) No person shall keep or maintain, or permit the keeping or maintaining of, any animal or fowl on any premises owned, occupied or controlled by such person which, by frequent, persistent or habitual howling, barking, squawking, crowing or other noise, unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person.

(b) In any prosecution for violation of this Section, the fact that howling, barking, squawking, crowing or other noise from the same premises disturbed any two (2) or more persons in different households between the hours of 10:30 p.m. and 7:00 a.m. shall create a rebuttable presumption that the howling, barking, squawking, crowing or other noise was unlawful.

(c) Provocation of any animal or fowl by the complainant or other person shall be a defense to any prosecution of an offense under this Section.

(d) Any animal or fowl that has been found to persistently or chronically violate this Section, as demonstrated by the conviction of two (2) or more violations involving such animal or fowl and the receipt of additional and multiple complaints from more than one (1) household, is hereby declared to be a nuisance. Such animal or fowl declared to be a nuisance may be impounded and disposed of by, or at the direction of, the Town. Prior to impounding any animal or fowl, notice shall be provided by delivery to the owner, possessor or keeper of such animal or fowl or by posting such notice at the premises where such animal or fowl is kept or maintained. Such notice shall direct that the nuisance

be abated and the animal or fowl permanently removed from the premises no less than one hundred twenty (120) hours (five [5] days) from the delivery or posting of such notice. If such nuisance is not abated and removed from the premises, the animal or fowl shall be impounded.

(e) It shall be unlawful to fail to comply with a notice to abate such nuisance and to remove the animal or fowl as provided in Subsection (d) above. Upon conviction of a violation resulting from a failure to abate such nuisance, any costs incurred by the Town for impounding and/or disposing of such animal or fowl shall be assessed by the Municipal Court against the owner in addition to any other fine or penalty assessed for such violation. 7-40

(f) Nothing in this Section shall be construed to permit the keeping or maintaining of any animal or fowl which is otherwise unlawful within the Town. (Prior code 4-2-11; Ord. 956 §1, 2014)

Sec. 7-6-200. Dog kennels prohibited.

It shall be unlawful for any person to keep or maintain a kennel for the keeping or care of dogs within the corporate limits of the Town. As used herein, the word kennel shall mean:

(1) Within the A-1 and A-2 zone districts, the keeping, harboring, boarding, caring or maintaining of more than four (4) dogs over the age of three (3) months at any house, building, site, property, lot or premises; or

(2) For all other zone districts, the keeping, harboring, boarding, caring or maintaining of more than two (2) dogs over the age of three (3) months at any house, building, site, property, lot or premises. (Prior code 4-2-12; Ord. 956 §1, 2014)

Sec. 7-6-210. Civil action.

The Board of Trustees declares that the keeping of animals in the Town, other than those specifically permitted by this Article, is a public nuisance. The Municipal Court or any other court of competent jurisdiction, shall, upon proper complaint of the Town Attorney, enjoin or abate the unlawful keeping of any animal prohibited by this Article. Any person found to have violated the provisions hereof shall additionally be liable for impoundment and boarding costs and loss incurred,

direct and incidental, in the enforcement of this Article, if any, along with costs of action, including reasonable attorney fees incurred. (Prior code 4-2-14; Ord. 956 §1, 2014)

Sec. 7-6-220. Liability clause.

The Board of Trustees, any of its assistants or employees, or any other person authorized to enforce the provisions of this Article shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of this Article. (Prior code