

### ARTICLE III. DOGS AND CATS\*

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\*State law reference(s)—Animal fighting, C.R.S. § 18-9-204; dangerous dogs, C.R.S. § 18-9-204.5; dog injuring livestock, C.R.S. § 35-43-126.  
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#### **Sec. 6-56. Intent.**

The City Council intends by adopting this article to declare as a matter of public policy that the keeping of dogs in the City constitutes a potential threat to the health, safety, and welfare of the citizens of the City; that dog owners or keepers must therefore assume full responsibility for the actions and condition of their animals and dogs; that dogs at large, barking dogs, rabid dogs, vicious dogs, and similar type animals constitute a public nuisance; that the regulation of dogs and similar type animals and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of the City and their property; and that the provisions of this article should be liberally construed and are intended to implement the maximum control of rabid animals under the home rule powers of this city and the statutes of the state.

(Code 1965, § 6-27; Ord. No. 2576, § 1, 5-20-92)

#### **Sec. 6-57. Definitions.**

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

*Abandon* means the leaving of an animal without adequate provision for the animal's care by its owner, the person assuming responsibility for the animal's care and custody, or any other person having custody or control of such animal.

*Animal* means any living vertebrate creature, domestic or wild, including dogs but excluding estrays as defined in C.R.S. § 35-44-101(1).

*Animal control center* means the solely authorized facility or facilities designated by the City Council or the City Manager for the purposes of impounding, caring for, or disposing of animals held under the authority of this article or state law.

*Animal control director* means the administrative director of operations of the county animal control program; also referred to as the “director.”

*Animal control officer* means any person designated by the City, the animal control director or the City police department. Animal control officers shall act under and in accordance with the authority of C.R.S. § 30-15-105.

*Animal control sergeant* means a supervisor of animal control for the county, as designated

by the director; also referred to as the “sergeant.”

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*At large* means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash or other mechanism of control. This requirement does not apply to any dog while actually working livestock, locating or retrieving wild game in a lawful season for a licensed hunter, assisting law enforcement officers, participating in obedience training, dog show or an obedience trial, or while being trained for any of these pursuits. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed to be at large if the owner or custodian of such dog is not immediately present.

This general definition of “at large” shall be superseded by the following if the animal is within the following geographic areas:

- (1) Downtown Grand Junction: Defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue.
- (2) The North Avenue corridor: One-half block north and south of North Avenue from First Street on the west to 29 Road on the east.

In these areas, “at large” is defined as an animal off the premises of the owner or custodian and not under direct physical control by means of a leash.

*Bodily injury* means any physical pain, illness, impairment of physical or mental condition, or physical injury wherein the skin is broken, bleeding occurs, bruising occurs, or bone, tissue, or muscle damage is suffered or emergency medical treatment becomes reasonably necessary for a person or animal.

*Cruelty* means the act or omission to act of a person who knowingly or with criminal negligence overdrives, overloads, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, fails to provide proper food, drink or protection from the weather or abandons it.

*Dog* means any member of the canine species, including dogs of wild extraction.

*Dogs of wild extraction* means a dog that is, or may credibly be alleged to be, in any hereditary part related to wild canines, including but not limited to the wolf family (*canis lupis*) and the coyote family (*canis latrans*).

*Harboring* means the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three consecutive days.

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*Health department* means the county or state health department.

*Health officer* means the county health officer, or any health department employee or other person authorized by the health officer.

*Leash* means a chain, cord, or tether not more than ten feet in length which is securely attached to and capable of restraining the animal.

*Mistreatment* means every act or omission to act which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

*Neglect* means 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* means any person, or person acting as custodian, partnership, corporation, or an agent of the foregoing, who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an animal; or the person named as owner in current county licensing records or on the dog identification license or rabies tag; or any parent, guardian or legal custodian of any unemancipated child under 18 years of age, which child owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal.

*Premises* means property owned, leased, or expressly permitted to be used by an owner; or any confined area or locality such as a residence, business, room, shop, building, or motor vehicle in which the animal's presence is authorized by the owner of the premises. The term "premises" includes the open bed of a motor vehicle.

Provocation means harassment, teasing, threatening, striking, or attacking an animal or its owner in the animal's presence, by either a person or another animal. "Provocation" shall not include the lawful presence of an individual or animal in close proximity to but not within or upon property of another, or where a dog is tied, kept, kenneled or harbored.

*Public nuisance* means and includes any dog whose owner, keeper or custodian has been charged with three or more violations of this article concerning the same dog within a two-year period.

*Serious bodily injury* means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

*Vaccination* means the vaccination of an animal with an antirabies vaccine approved by the state department of health and administered by a veterinarian licensed by the state.

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*Vicious dog* means a dog which:

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- (1) Causes serious bodily injury to a person;
- (2) Causes bodily injury to a person or animal on two or more occasions;
- (3) Is infected with rabies;
- (4) Is of wild extraction and that on any occasion causes bodily injury to a person or animal by biting, whether or not provoked, or is known to be infected with rabies;
- (5) Causes bodily injury to a person or animal and the bodily injury occurs off the dog owner's premises;
- (6) Is at large and exhibits repeated or continuous aggressive behavior;
- (7) Has engaged in a dogfighting contest with the owner's knowledge; or
- (8) Has been specifically found to be vicious by any court or jury;

provided, however, that a dog which attacks, terrorizes, or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be vicious if the dog owner establishes such facts as an affirmative defense to a charge for violation of section 6-60 or to the satisfaction of the investigating animal control officer. Any dog which is found to be vicious as defined by subsections (1), (2), (3) or (4) hereof may be destroyed in accordance with section 6-64(c)(1).

(Code 1965, § 6-28; Ord. No. 2576, § 2, 5-20-92)

**Cross reference(s)**--Definitions generally, § 1-2.

### **Sec. 6-58. Licensing and vaccination.**

(a) *Vaccination Required.* No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older, including for purposes of this Section shall comply with this article within thirty days afterward. If any dog or cat has bitten any person or animal within the last ten days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the animal control facility, and no rabies vaccine

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shall be administered to that dog or cat until after the ten-day observation period.

(b) *Certificate of vaccination and license.* After vaccinating a cat for rabies, the veterinarian shall give the owner written certification of such vaccination. After vaccinating a dog

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for rabies, the veterinarian shall take the dog owner's payment for a county license and give the dog owner a county license certificate and dog tag. A dog owner may choose to buy a county dog license certificate and tag from the animal control center rather than a veterinarian. If so, the veterinarian shall give the owner written certification of the dog's current vaccination, which the owner shall show to an animal control officer when purchasing a county license and tag. Fees for licenses shall be as established by resolution of the City Council and on file in the City Clerk's office. Certificates of license shall contain the following information:

- (1) The name, street address, and telephone number of the owner of the vaccinated dog;
- (2) The veterinarian's name, rabies tag number and expiration date;
- (3) The breed, age, color and sex of the dog; and
- (4) The county license number, license year, date of issue, license fee, and licensing agent.

Vaccination of dogs of wild extraction is required, as is the above information required for licensure of a dog of wild extraction.

(c) *License tags.* Concurrent with the issuance and delivery of the license referred to in subsection (b) of this section, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered and bearing the year of issuance, the name of Mesa County, and the telephone number of the animal control center. This license tag is distinct from a metal rabies tag, which the department of health may separately require to be issued to an owner and worn by the dog. No dog owner shall fail to place upon his dog the collar or harness to which the tag is attached, and no dog owner shall fail to ensure that the dog at all times wears the collar or harness displaying the license tag, unless the dog is participating in a sanctioned dog show; is securely confined within the owner's premises; is aiding law enforcement officers in the performance of lawful duties; is hunting or retrieving or is training to hunt or retrieve game; or in circumstances where attachment of a license tag would constitute a clear danger to the dog.

(d) *Duplicate tags.* In the event of loss or destruction of the original license tag provided for in this section, the dog owner shall obtain within 30 days a duplicate from the animal control center for a fee as established by resolution of the City Council and on file in the City Clerk's office and comply with the requirements set forth in this section.

(e) *Proof of licensing.* No person shall own or harbor any dog and fail or refuse to exhibit a license certificate or license tag within a reasonable time upon demand by any animal control officer.

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(f) *Harboring unvaccinated dogs or cats.* No person shall own or harbor any dog or cat which has not been vaccinated against rabies within the last year as provided in this article. This subsection shall apply to dogs of wild extraction.

(g) *False and stolen license documents.* No person shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.

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(h) *Transferability.* Dog license certificates and license tags are not transferable. No person shall attach or cause to be attached any license tag to any dog other than the dog for which the tag was originally issued.

(i) *Records.* The animal control center and any veterinarian practicing in the City shall create a record of the contents and date of issuance of each certificate of dog or cat vaccination, dog license certificate and dog license tag. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of this article. Such records and the absence of entries in such records shall constitute prima facie evidence of dog or cat ownership and compliance or noncompliance with the licensing and vaccination provisions of this article.

(Code 1965, §§ 6-40--6-48; Ord. No. 2576, § 3, 5-20-92, Ord. No. 3248, 5-17-00)

### **Sec. 6-59. Dogs running at large.**

(a) *Confinement required.* No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to prevent the dog from being or running at large. Any dog off its owner's premises shall be under leash control by its owner.

(b) *Dogs in common and public areas.* No dog owner, or any person who harbors a dog, shall fail to prevent his dog 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 or county parks or fairgrounds, unless permission is posted by public authorities allowing dogs at large.

(c) *Confinement during estrus.* Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the dog to a boarding kennel, veterinary hospital or the animal control center or be served with a penalty assessment notice. 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 article and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

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(d) *Evidence of running at large.* It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's, harborer's or keeper's sight, or if the dog goes upon public or private property without the property owner's, manager's or tenant's consent.

(Code 1965, §§ 6-60--6-64; Ord. No. 2576, § 4, 5-20-92)

**Editor's note**--Dogs running at large during certain months is also prohibited by People's Ordinance Number 30 adopted by referendum on April 17, 1956, which ordinance provides for impoundment.

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**Cross reference(s)**--Parks and recreation, ch. 26; streets, sidewalks and other public places, ch. 32.

### **Sec. 6-60. Vicious dogs.**

(a) *Prohibited.* No person shall own or harbor a vicious dog within the City, except as provided in this article. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in section 6-63, and may be subject to disposition as provided by section 6-64(c).

(b) *Control of dogs.* No owner of a dog shall fail to prevent it from causing bodily injury to, or biting without provocation, any person or animal, including pets, domestic livestock, fowl, or wildlife.

(c) *Guard dogs.* The owner of any dog which has been specifically trained to attack people shall:

- (1) Keep the dog confined to an area from which it cannot escape;
- (2) Keep the dog under complete control of the handler at all times; and
- (3) Post warning signs bearing letters not less than ten inches high conspicuously about the area of confinement indicating the presence of a guard dog.

(Code 1965, §§ 6-75--6-77; Ord. No. 2576, § 5, 5-20-92)

### **Sec. 6-61. Barking dogs.**

(a) *Prohibition.* No owner of a dog 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, or whining, whether the dog is on or off the owner's premises.

(b) *Provocation defense.* Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

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(c) *Complainant's rights and responsibilities.*

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign

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an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a). Other reliable evidence, includes but is not limited to, videotape and digital video recordings.

(Code 1965, §§ 6-86--6-91; Ord. No. 2576, § 6, 5-20-92; Ord. No. 3589, 12-3-03)

**Cross reference(s)**--Noise, § 16-106 et seq.

### **Sec. 6-62. Cruelty to animals or neglect of animals.**

(a) *Violation.* A person commits the offense of cruelty to animals if he knowingly or with criminal negligence engages in conduct defined as “cruelty” in this article.

(b) *Warning not required.* A warning process substantially similar to that set forth in section 6-61(d) may be, in the sound discretion of the animal control officer, utilized prior to charging a violation of this section.

(Code 1965, §§ 6-101, 6-102; Ord. No. 2576, § 7, 5-20-92)

### **Sec. 6-63. Seizure and impoundment.**

(a) *Impoundment of dogs authorized.*

(1) An animal control officer may, in his discretion, seize and impound any dog which is:

a. At large;

b. Off the owner's premises and not wearing a current license tag; or

c. An unconfined, unspayed female dog in estrus.

(2) An animal control officer may, in his discretion, seize and impound any animal which:

a. Is required to be observed for rabies symptoms;

b. Is, or appears to be, abandoned, abused or neglected;

c. Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or

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- d. Is being kept or maintained contrary to the provisions of this article.

If a dog found running at large is properly licensed, the animal control officer shall return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

(b) *Impoundment of vicious dogs.* An animal control officer shall forthwith investigate any credible complaint that a dog is vicious. If the officer reasonably believes the dog is vicious, it shall be immediately seized and impounded. If impoundment of a vicious dog cannot be made with safety to the animal control officer or other persons, the vicious dog may be summarily destroyed without notice to its owner, and the animal control officer shall not be held liable for such action.

(c) *Notice of impoundment and disposition alternatives.* When any animal has been impounded, animal control personnel shall as soon as practicable give notice in person, by letter, telephone, or service of a citation upon the owner, of the animal's impoundment and disposition alternatives. If the animal's owner is unknown at the time of impoundment, animal control personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, animal control personnel may proceed with any disposition authorized by this article. Animal control personnel shall maintain records of the times, dates and manner of any notification or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

- (d) *Length of impoundment.*

(1) Minimum period. Any animal impounded at Animal Control which is not reclaimed by the owner shall be held by Animal Control for a minimum of five (5) days after acquisition by Animal Control, before it may become available for adoption or otherwise disposed of at the discretion of Animal Control. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under Section 6-64.

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- (2) Sick or injured animal. An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner is subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia, if (a) in the opinion of a veterinarian the animal is experiencing extreme pain or suffering; and (b) Animal Control has exhausted reasonable efforts to contact the owner for up to 24 hours.
- (3) Vicious dog. A vicious dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of section 6-60(a). If no such action has been or will be commenced, such dog shall be disposed of pursuant to section 6-64.
- (4) Observation period. Notwithstanding any other provision of this section to the contrary, any dog or cat which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies

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infection until ten days after the date of the bite and for such further time as deemed necessary by the director. During the observation period, the dog or cat shall not have any physical contact with any other person or animal outside the immediate family, nor shall it be removed from the location of quarantine unless authorized by animal control personnel. Additionally, the dog or cat shall not be vaccinated against rabies, have ownership transferred, or be destroyed or euthanized unless authorized by animal control personnel.

- (5) Dogs of wild extraction. Any dog of wild extraction which is known or credibly alleged to have bitten any person shall be immediately impounded. Unless otherwise ordered, dogs of wild extraction shall, at the discretion of the sergeant or director, be quarantined according to the direction of the state health department or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by state law.
- (6) Release from quarantine; failure to comply with quarantine order or conditions. Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an animal control officer to quarantine such animal shall release such animal only to the animal control officer according to the quarantine. The animal control officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or veterinary facility approved by the animal control center. The animal control officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the ten-day quarantine period to the satisfaction of animal control. No person or owner shall fail to meet the conditions established pursuant to subsection (d)(4) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by animal control and shall be a violation of this article.

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(e) *Liability for seizure and impoundment expenses.* An owner or keeper shall be obligated to reimburse the animal control center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner or keeper of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the animal control center at no cost to the owner.

(f) *Removal of impounded animals.* No person shall remove any impounded animal from the animal control center or from the official custody of an animal control officer without the consent of the director, sergeant or officer.

(g) *Impoundment alternatives.* Nothing in this section shall be construed to prevent an animal control officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

(Code 1965, §§ 6-111--6-117; Ord. No. 2576, § 8, 5-20-92; Ord. No. 3248, 5-17-00; Ord. No. 3262, 6-21-00)

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### **Sec. 6-64. Redemption from impoundment and disposition.**

(a) *Redemption fees authorized.* Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the animal control center only upon timely demand at the animal control center by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by animal control personnel or as provided in section 6-66, concerning animal control center charges and fees.

(b) *Disposition of impounded animals.* Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City. The animal may then be disposed of by animal control personnel by sale, donation, adoption to a suitable owner, or by humane euthanasia. No animal shall be released from the animal control center for the purpose of medical research or experimentation.

(c) *Disposition of vicious dogs*

- (1) A dog found to be vicious by any court, as defined by subsections 6-57(1), (2), (3) or (4) of this article, shall be finally disposed of by humane euthanasia.
- (2) The owner of a dog which is found to be vicious as defined by subsections 6-57(5), (6), (7) or (8) of this article shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or

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conditions deemed necessary to protect the public or to abate a public nuisance. Such orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.

- (3) In the event of noncompliance with the conditions imposed pursuant to subsection (c)(2) of this section, the dog may be summarily impounded by animal control personnel and disposed of at their discretion, or in accordance with court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for noncompliance with any sentencing orders or with administrative conditions for release of a vicious dog.
- (4) A dog found or declared not to be vicious shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

(d) *Adoption of dogs and cats.* No person may adopt a dog or cat from the animal control center until such has guaranteed sterilization of the dog or cat. A deposit shall be required to ensure the sterilization of the animal. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this article and shall be punishable as an offense under this article. Additionally, animal

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control personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of animal control personnel and subject to reasonably prescribed conditions.

(Code 1965, §§ 6-126--6-128; Ord. No. 2576, § 9, 5-20-92; Ord. No. 3248, 5-17-00)

### **Sec. 6-65. Enforcement.**

(a) *Responsibility.* The provisions of this article shall be enforced within the City by the Director of Animal Control, animal control officers, and any other person however administratively assigned or titled, as authorized by the Grand Junction City Council. Enforcement by the City employees shall be limited to city limits and such additional areas as the council may designate by contract or resolution pursuant to C.R.S. 30-15-101 (2). Animal control officers shall be deemed “peace officers” without regard to certification requirements, as authorized by C.R.S. 30-15-105. The City Attorney shall prosecute at his discretion any violation of this article.

(b) *Procedure.* Whenever an animal control officer has personal knowledge or probable cause to believe that a violation of this article has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to C.R.S. § 16-2-201 et seq., or issue a summons and complaint pursuant to C.R.S. § 16-2-101 et seq.

(c) *Penalty assessment procedure.*

(1) *Penalty assessment.* The penalty assessment procedure consists of personal service of

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written notice upon a person charged with violating this article. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, may choose to appear before a judge in a court of competent jurisdiction if conditions for release are not met. Conditions for release shall include payment of the applicable fine.

(2) *Summons and complaint.* The summons and complaint procedure consists of personal service, or waiver by the recipient, of a summons and complaint. The summons requires the recipient to appear before the municipal court judge at a specified time and place to answer to charges of violating this article, as set forth in the complaint.

(3) *Mandatory court.* A summons and complaint shall be issued to anyone who is:

- a. Charged under section 6-60 involving a vicious dog;
- b. Charged under section 6-62 involving cruelty to an animal;
- c. Charged under section 6-64 involving failure to comply with impound/quarantine requirements;

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- d. Known to have been issued three or more penalty assessment notices for violation of this article within the last two years; or
  - e. Charged with a violation of this article involving serious bodily injury to or death of any person or animal.
- (4) *Optional court.* Except for the mandatory requirement for court set forth in subsection (c)(3) of this section, an animal control officer may, at his discretion, issue either a penalty assessment notice or a summons and complaint.
- (5) *Content.* A penalty assessment notice as well as a summons and complaint shall contain the following:
- a. Document sworn to by the arresting officer;
  - b. Verification by the complaining party, if any;
  - c. Name of the alleged offender;
  - d. Specific offense;
  - e. Applicable fine;
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- f. The amount of pending fines for prior offenses;
  - g. Identity of any victims; and
  - h. A brief summary of the circumstances of the offense, including the alleged offender's attitude.

(d) *Interference with animal regulation officers.* No person shall interfere with, molest, hinder, or prevent the director, sergeant or any other animal control officer from discharging their duties as prescribed by this article or other law.

(e) *Compliance with impoundment requests.* No person shall refuse to immediately deliver up or release any animal to an animal control officer upon lawful demand by the officer to seize and impound the animal.

(f) *Search and seizure of dogs.* An animal control officer shall have the right to enter upon private property when necessary to seize a vicious dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance as defined in this article, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an animal control officer. Noncompliance with such order shall be

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grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance dog or abandoned, abused, or neglected animals in order to preserve evidence or to protect the public safety and welfare. An animal control officer seizing a public nuisance dog may impound the dog, release the dog in lieu of impoundment, and/or issue a penalty assessment notice or a summons and complaint to the dog owner, unless otherwise required by court order or this article.

(Code 1965, §§ 6-141--6-144; Ord. No. 2576, § 10, 5-20-92; Ord. No. 3248, 5-17-00)

**Cross reference(s)**--Municipal court, ch. 22.

### **Sec. 6-66. Animal control center charges and fees.**

(a) *Charges and fees authorized and required.* Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care and adoption of an animal shall be cumulatively assessed to any animal owner according to the schedules adopted by resolution of the City Council. Payment of all applicable fees shall be a condition of release, redemption or adoption of any animal. Such fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing and euthanizing animals. The deposits authorized under subsection (b) of this section are to ensure vaccination and spaying or neutering of adopted animals in an effort to help control the pet overpopulation.

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(b) *Deposits.* A spay/neuter deposit and rabies vaccination deposit as established by resolution of the City Council and on file in the City Clerk's office shall be required for adoption of an animal. A rabies vaccination deposit shall be required for redemption of an unvaccinated animal. Deposits shall be returned upon proof of spay/neuter and vaccination, as applicable. If proof is not provided to animal control by the date prescribed on the sterilization or vaccination contract the deposit shall be forfeited.

(c) *Veterinary care.* Actual, reasonable costs of necessary veterinarian treatment shall be charged to the owners of any animals impounded under this article, as applicable.

(Code 1965, §§ 6-156, 6-157; Ord. No. 2576, § 11, 5-20-92)

### **Sec. 6-67. Violation unlawful; penalty.**

No person shall violate any provision of this article, as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as set forth in this article.

(Code 1965, § 6-166; Ord. No. 2576, § 12(12.1), 5-20-92)

### **Sec. 6-68. Penalty assessment; fine schedule.**

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

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First offense (up to) . . . .	\$ 50.00
Second offense (up to) . . . .	\$100.00
Third offense (up to) . . . .	\$250.00
Fourth and subsequent offenses (up to) . . . .	\$500.00

(Code 1965, § 6-169; Ord. No. 2576, § 12(12.4), 5-20-92; Ord. 3589, 12-3-03)

**Sec. 6-69. Additional remedies for violation of article; suspension of penalties.**

(a) In addition to payment of any fine or other punishment, any person violating this article shall be required as a condition of probation or sentencing to pay to the animal control center all applicable fees and charges pursuant to section 6-66, and costs of prosecution as may be required by the court.

(b) Suspension of any penalty or punishment for violation of this article may

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be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in section 6-64(c).

(Code 1965, § 6-170; Ord. No. 2576, § 12(12.5), 5-20-92)

**Sec. 6-70. Indemnity clause.**

The City Council, the health officer, director, animal control officers, or any other employees, persons or agents authorized to enforce the provisions of this article shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this article.

(Ord. No. 2576, § 14, 5-20-92)

**Sec. 6-71. Violations not involving bodily injury.**

Any violation of Sections 6-58, 6-59, 6-60, 6-61, 6-63 (f), 6-64 (d), 6-65 (d), 6-65 (e), or 6-65 (f), of this article and any subsections thereof where a summons and complaint are issued which do not involve bodily injury to any person or animal, shall be punishable upon conviction by a fine of not more than five-hundred dollars (\$500.00). If the dog owner has been convicted of three or more violations of any Section of this article not involving bodily injury within a two year period, the court may impose a sentence of imprisonment in the county jail for not more than ninety (90) days in addition to any fine and may order the destruction of the animal.

(Ord. No. 3248, 5-17-00; Ord. No. 3262, 6-21-00)

**Sec. 6-72. Violations involving bodily injury.**

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Any violation of Sections 6-58, 6-59, 6-60, 6-61, 6-63 (f), 6-64 (d), 6-65 (d), 6-65 (e), or 6-65 (f) of this article and any subsections thereof where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than two-hundred fifty dollars (\$250.00) nor more than one-thousand dollars (\$1,000.00), or by imprisonment of not less than three (3) months nor more than twelve (12) months, or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

(Ord. No. 3248, 5-17-00; Ord. No. 3262, 6-21-00)

### **Sec. 6-73. Severability Clause.**

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Chapter

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which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Resolution are declared to be severable.

(Ord. No. 3248, 5-17-00; Ord. No. 3262, 6-21-00)

**Secs. 6-74—6-75.** Repealed.

(Ord. No. 3248, 5-17-00; Ord. No. 3262, 6-21-00)

**Sec.s. 6-76 through 6-90. Reserved.**

## ARTICLE IV. RABIES CONTROL\*

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\***State law reference(s)**--Rabies control, C.R.S. § 25-4-601 et seq.

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### **Sec. 6-91. Vaccination of animals.**

All animals lawfully kept as pets which are capable of transmitting rabies and which are harbored, possessed or maintained within the City shall be inoculated against rabies by a licensed veterinarian and such vaccination shall be repeated annually thereafter. The owner acquiring such animal shall have the animal inoculated within 30 days after its acquisition, or before the animal reaches four months of age, whichever occurs last.

(Code 1965, § 6-16)

### **Sec. 6-92. Biting animals; quarantine.**

(a) *Notification; confinement and observation.* The owner of any dog or other animal that is capable of transmitting rabies which has bitten any person shall immediately notify the animal control officer or a police officer of such.

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- (1) It shall be unlawful for the owner of any dog or other covered animal that has bitten any person or that has been exposed to another animal that is believed to have rabies to destroy such animal before it can be properly confined and observed under the supervision of the county health department and/or the animal control officer.
- (2) Any dog or other covered animal that has bitten any person or has been exposed to another animal that is believed to have rabies shall be immediately confined and observed for a period of no fewer than ten days from the date of the bite or exposure.
  - a. Such confinement may be, at the discretion of the animal control officer or police officer, on the premises of the owner if deemed appropriate with  
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sufficient safeguard. If not on the owner's premises, the confinement shall be at the animal control center or at any licensed veterinary hospital of the owner's choice. Such confinement shall be at the sole expense of the owner.
  - b. When any dog or other covered animal is confined on the owner's premises, the animal control officer shall make frequent checks to determine the condition of the confined animal.
- (3) Failure to produce animal; penalty. The owner of any dog or other covered animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer or a police officer, produce the animal for examination and quarantine. It shall be unlawful for the owner of any such animal to fail or refuse to produce the animal on demand, and any such failure or refusal shall subject the owner to immediate arrest if there shall exist probable cause to believe that the animal in question has inflicted a bite upon a person and that the owner is harboring or keeping the animal and willfully refuses to produce the animal upon such demand. Upon arrest, the owner shall be taken by an officer of the police department before a judge of the municipal court, who may order the immediate production of the animal. Each day of such willful refusal to produce the animal shall constitute a separate violation and offense.
- (4) Diagnosis by veterinarian:
  - a. When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the county health department and advise it of any reports of human contact with such rabid animal. The county health department shall, pursuant to its rules and procedures, humanely destroy such rabid animal.
  - b. If any animal under quarantine dies while under observation and before a diagnosis has been made, the animal control officer shall immediately notify the county health department, which will take action to obtain a pathological and inoculation examination of the animal.

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- c. If after the ten-day or longer confinement and observation period provided for in this section, the dog or other covered animal has not been diagnosed by a licensed veterinarian as having rabies, the quarantined animal shall be released from confinement by the animal control officer upon payment of all impoundment and other quarantine fees as applicable and vaccination for rabies.

(b) *Removal from quarantine for rabies.* It shall be unlawful for any person to remove from any place of quarantine any animal which has been quarantined pursuant to subsection (a) of this section without the expressed consent of the animal control officer.

(Code 1965, § 6-17)

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### **Sec. 6-93. Exception to article provisions.**

Except where specific reference is made in this article to dogs, the provisions of this article shall not apply to dogs, which are treated in article III of this chapter.

(Code 1965, § 6-18)