

TOWN OF COAL CREEK
COAL CREEK, COLORADO

ORDINANCE NO. 3 SERIES 2016
AN ORDINANCE ESTABLISHING ANIMAL CONTROL REGULATIONS FOR THE
TOWN OF COAL CREEK

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF COAL CREEK THAT ORDINANCE NO. 1 SERIES 2015 AND ANY RELATED RESOLUTIONS AND/OR AMENDMENTS PERTAINING TO ANIMALS ARE HEREBY REPEALED AND RE-ENACTED AS FOLLOWS:

Sections:

1. Definitions
2. Nuisances
3. Keeping of Exotic Animals
4. Keeping of Livestock
5. Keeping of Dogs and Cats
6. Multiple Dog License
7. Kennels
8. Caring for Animals
9. Sanitation
10. Rabies Control
11. Reporting Bites from Animals
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19. Licensing of Dogs
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Section 1 Definitions

When used in this Ordinance, the following words, terms and phrases, and their

derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, either domestic or wild, except humans. *Animal* includes livestock, fowl, fish and reptiles.

Animal Code Enforcement means an appointed employee or Town official, including an employee of the Fremont County Sheriff's Department, designated by the Town Board to administer and enforce the licensing, inspection and enforcement requirements contained within this Ordinance.

Animal Hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of animal diseases and injuries.

Animal Nuisance means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal, including but not limited to those itemized in Section 1. of this Ordinance.

Animal Shelter means any licensed facility operated by the Town or humane society for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the Town Board to impound, confine, detain, care for or destroy any animal.

At Heel means a dog is directly behind or next to a person and obedient to that person's voice command.

At Large means that an animal is off the premises of the owner and not under restraint, with or without the owner's knowledge.

Cruelty means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food and water. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination and animal training and hunting, cruelty shall mean a failure to employ the most humane method reasonably available.

Disposition means adoption, quarantine, voluntary or involuntary custodianship or placement or euthanasia humanely administered to an animal. *Disposition* includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

Domestic Animal includes dogs, cats, livestock and animals raised and/or maintained in confinement.

Exotic Animal means any live monkey, nonhuman primate, alligator, crocodile, caiman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat, including cat hybrids with ocelots or other animals, member of the canine species other than domestic dog, including dog hybrids with wolves, coyotes, jackals or other animals, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or for domestic farm animals.

Fee/Fine Schedule means the separate schedule of fees and fines for Town services and violations of ordinances adopted and amended from time to time by the Town Board.

Guard or Attack Dog means a dog trained to attack on command or to protect persons or property, and which will cease to attack upon command.

Impoundment means that taking into custody of an animal by the animal control officer, sheriff or any authorized representative thereof.

Kennel means any property or establishment where dogs or cats are bred, raised, trained, or boarded.

Livestock means domesticated cattle, swine, sheep, goats, alpacas, llamas, and such horses, mules, asses, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement and animals associated with or used in the rural, farm or ranch production of food, fiber or agricultural products.

Multiple Dog License –means a license for housing or keeping four or more dogs or cats combined with approval from the Town

Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Owner means any person having temporary or permanent custody of, sheltering, having charge of, harboring, exercising control over or having property rights to, any animal covered by this Ordinance. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

Public Nuisance Animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals or substantially interferes with the rights of citizens, other than the owners, to enjoyment of life or property. The term **public nuisance animal** shall include, but not be limited to:

- A. Any animal that is repeatedly found running at large.
- B. Any dog or cat in any section of a park or public recreation area, unless the dog or cat is controlled by a leash, except in designated areas, if any exist.
- C. Any animal that damages, soils, defiles or defecates on any property other

than that of its owner.

- D.** Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- E.** Any unneutered animal that is not confined so as to prevent unwanted mating and/or pregnancy.
- F.** Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right-of-way.
- G.** Any animal that chases motor vehicles in a public right-of-way.
- H.** Any animal that attacks domestic animals.
- I.** Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- J.** Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- K.** Any animal, including an animal restrained by a leash that disturbs the public's enjoyment of or participation in a public festival.
- L.** Any animal found inside an area barricaded or otherwise cordoned off for a public festival. For the purposes of this provision, a public festival is any event sponsored or supported by the Town and conducted at least in part on Town property.

Sanitary means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Shelter means a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor and/or a dry earthen floor. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

Town shall mean the Town of Coal Creek, State of Colorado.

Town Board shall mean the Board of Trustees of the Town of Coal Creek.

Under restraint means that an animal is secured by a leash or lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

Vicious or dangerous animal means an animal that attacks, bites, bites at any person, or physically injures human beings, domestic animals or livestock without adequate provocation or which, because of temperament or training, has a known propensity to attack, bite or physically injure human beings, domestic animals or livestock. Any wild animal or any animal that, without adequate provocation, has bitten or attacked a human

being or other animal shall be prima facie presumed vicious or dangerous.

Wild animal means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, bear or any other warm-blooded animal that can normally be found in the wild state. The term wild animal does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents and captive-breed species of common cage birds.

Section 2 Nuisances

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the Town when the keeping of such animal constitutes a public nuisance or menace to public health or safety and/or violation of any Nuisance Ordinance. Each separate animal not kept in conformity with the regulations prescribed by this Ordinance shall constitute a distinct and separate punishable offense under this Ordinance.

Section 3 Keeping of Exotic Animals

It shall be unlawful for anyone to own or harbor any exotic animal without the express written permission of the Town, which may be withheld in the Town's sole discretion. Every person desiring to own or harbor an exotic animal shall make written application therefore to the Town Clerk, stating the name of the applicant, the type of exotic animal the applicant wishes to own and a detailed description of the enclosure and location where the animal would be contained. Every such permission shall be given only if it is demonstrated to the satisfaction of the Town Board that the animal will be housed and cared for in a humane fashion and will not constitute a threat to neighboring property owners and the overall public health or safety.

Section 4 Keeping of Livestock

A. There shall be no keeping of livestock allowed in any downtown business zoning.

B. For alpacas, cows, horses, llamas, donkeys, sheep, goats, swine and all other livestock, there shall be no more than three (3) livestock combined per one quarter acre per residence excluding the land occupied by the residence and other non-agricultural buildings. The area shall be securely fenced to prevent the above mentioned animals from running at large. A minimum of one quarter acre of land shall be required for such large animals. All housing shall be subject to inspection by the animal control officer or any designated Town official.

C. The number of rabbits or fowl per residence shall not exceed twelve (12) unless such residence has more acreage than one-half acre, in which case twelve (12) rabbits or fowl are allowed per one-half acre.

D. The housing, keeping or sheltering of any animal or livestock, (excluding household pets) shall be in accordance with the Town of Coal Creek's Land Use Plan. Any exceptions to this Ordinance will require approval by the Town Board and the written consent of a majority of the persons of legal age residing within four hundred (400) feet

of the exterior boundaries of the premises where such exception are proposed.

Section 5 Keeping of Dogs and Cats

A. It shall be unlawful for any household to keep four (4) or more dogs (except where allowed pursuant to a multiple dog license as outlined in section 6) and/or four (4) or more cats; except that a litter of pups or kittens may be kept for a period of time not exceeding four (4) months from birth. This Section shall not apply to any establishment where animals are kept for breeding or sale, or to a kennel duly licensed under this Ordinance, or to a licensed boarding facility.

Section 6 Multiple Dog License.

A. A multiple dog license shall be required for any household owning four (4) or more dogs. It shall be unlawful for any person to keep and maintain multiple dogs within the Town limits without first having obtained a license thereof from the Town Clerk's Office.

A separate offense shall be deemed to have been committed for each day upon which such multiple are kept and maintained without a license therefore as herein provided. A new resident to the Town keeping four or more dogs must obtain a multiple dog license within 30 days of moving to Town. The limit of dogs shall be at the Town Board's discretion.

B. There are three classes of multiple dog licenses.

Class I – All dogs in this class are 25 pounds or less.

Class II – There are no more than 2 dogs more than 25 pounds.

Class III – All dogs are more than 25 pounds.

Class I - The dogs are considered indoor dogs in which they spend a majority of their time indoors. They are let outside for recreational exercise and for defecation/urination.

Class II – The large dogs are considered outdoor dogs and as such require adequate shelter. The premises shall be kept sanitary.

Class III – These dogs are considered outdoor dogs and as such require adequate shelter. The premises shall be kept sanitary.

C. Anyone seeking a multiple dog licensed is required to have a secured fenced area for the dogs.

D. Multiple Dog License Application. The application for license shall be obtained at the Town Hall. The license application shall state the name of the applicant, location of the property housing the multiple dogs, and number of dogs, age, breed and size of each dog to be kept therein. A Class III application shall also be accompanied by the written consent of a majority of the persons of legal age residing within four hundred (400) feet of the exterior boundaries of the premises of the proposed multiple dog license. All applicants shall be subject to periodic inspections by any animal control officer or town official at any time and/or for any additional requirements of the Town Ordinances.

E. Multiple Dog License Fee-A multiple dog license fee is listed on the fee schedule. Yearly renewal license must be purchased by January 31st each year.

F. Multiple Dog License Issuance. The Town Clerk's Office shall issue a Multiple Dog license upon compliance with the following requirements:

- (1) Payment of the license fee as herein provided;
- (2) Current, original rabies certificate shall be provided for each dog over 6 months of age.
- (3) Approval of the Authorized Town Official upon inspection of premises where dogs are to be housed;
- (4) Compliance with all applicable zoning laws and all provisions of this Ordinance relating to the keeping of animals generally; and
- (5) Compliance with all other properly promulgated rules and regulations of the Town relating to other care and keeping of animals.

G. Sanitary requirements. Multiple Dog Licensee in the Town must comply with the following requirements:

- (1) All fecal waste shall be removed as necessary from the premises and placed in closed fly-tight containers. The contents of such containers shall be removed from the Town as necessary to prevent such contents from becoming a nuisance.
- (2) The premises upon which animals are kept shall be maintained in a clean and sanitary condition and will be subject to inspection at all reasonable hours by the Town Ordinance Enforcement Officer or designee who shall be charged with enforcement of this Ordinance.

Section 7 Kennels

A. It shall be unlawful for any person to keep and maintain a kennel within the Town limits without first having obtained a license thereof from the Town Clerk's Office. A separate offense shall be deemed to have been committed for each day upon which such kennel is kept and maintained without a license therefore as herein provided. A new resident to the Town maintaining a kennel must obtain a kennel license within 30 days of moving to Town. The kennel license may limit the number of dogs/cats shall be at the Town Board's discretion.

B. *Kennel License Application.* Every person required to or desiring to keep or maintain a kennel in an area that is zoned for such shall make application for licensing therefore. When the kennel is in the Town limits, the written application shall be made therefore to the Town Clerk, stating the name of the applicant and the proposed location and size of the kennel. The license application shall state the name of the applicant, location of kennel, and number of dogs, cats or small animals to be kept therein. Such application shall also be accompanied by the written consent of a majority of the persons of legal age residing within four hundred (400) feet of the exterior boundaries of the premises of the proposed kennel to keep and maintain such kennel at the place stated, and shall be subject to periodic inspections by any animal control officer for any additional requirements of the Town Ordinances. If the kennel is to be used for the specific purpose of breeding and raising puppies or kittens for sale, State of Colorado license requirements and Breeder

Facility Regulations are to be met, and a copy of the State license shall be required when applying for the Town of Coal Creek kennel license.

C. Kennel License Fee. A Kennel license fee is listed on the fee schedule. Yearly renewal license must be purchased by January 31st each year.

D. Kennel License Issuance. The Town Clerk's Office shall issue a kennel license upon compliance with the following requirements:

- (1) Payment of the license fee as herein provided;
- (2) Current, original rabies certificate shall be provided for each animal over 6 months of age.
- (3) Approval of the Authorized Town Official upon inspection of premises where animals are to be housed;
- (4) Compliance with all applicable zoning laws and all provisions of this Ordinance relating to the keeping of animals generally; and
- (5) Compliance with all other properly promulgated rules and regulations of the Town relating to other care and keeping of animals.

E. Sanitary requirements. Kennels in the Town must comply with the following requirements:

- (1) All fecal waste shall be removed as necessary from the premises and placed in closed fly-tight containers. The contents of such containers shall be removed from the Town as necessary to prevent such contents from becoming a nuisance.
- (2) The premises upon which animals are kept shall be maintained in a clean and sanitary condition and all will be subject to inspection at all reasonable hours by the Town Ordinance Enforcement Officer or designee who shall be charged with enforcement of this Ordinance.
- (3) The premises upon which any animal is kept shall be fenced or the animal tied so that the animal while unattended is securely contained thereon and is not a danger to persons or property. The enclosure(s) in which any animal is kept shall be set back at least 25 feet from all residences.

F. Business Kennels require State licensing. In the event the State of Colorado requires licenses for business kennels, such person shall be responsible for obtaining such license from the State. Failure to obtain and/or maintain a required license from the State shall result in revocation or non-issuance of a license from the Town.

G. Violation. Any person who violates any provision of this Section shall be guilty of a misdemeanor and shall be punished by fine(s) according to the fee schedule as well as reasonable attorneys' fees, court costs and any other costs incurred by the Town. Each day a violation continues shall be a separate offense.

Section 8 Caring for Animals

A. It shall be unlawful for the owner of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care

when needed to prevent suffering, humane care and treatment, including preventative veterinary care (i.e. vaccinations), or unnecessarily expose any such animal to hot, stormy, cold or inclement weather, without access to adequate shelter. Failure to do so shall be considered cruelty to the animal and a violation of Section 11 of this Ordinance.

B. No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

Section 9 Sanitation

A. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners' association, or upon private property other than that of the owner unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

(1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and

(2) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

B. No person owning, harboring or keeping an animal within the Town shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

C. No person owning, harboring keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

Section 10 Rabies Control

A. *Vaccinations.* Every owner of a dog six (6) months of age or older shall have such animal vaccinated against rabies. All dogs vaccinated at six (6) months of age shall be revaccinated one (1) year from the initial date of vaccination and every two to three (2-3) years thereafter, as specified on the rabies vaccination certificate.

B. *Certificate of Vaccination.* Each owner of a dog six (6) months of age or older shall have for each dog an original current rabies vaccination certificate which shall contain the following:

(1) The name, address and telephone number of the owner of the vaccinated dog.

(2) The date of vaccination and the expiration date of vaccination (which shall in all cases comply with the requirements contained in this Ordinance);

(3) The year and number of the rabies tag; and

(4) The breed, age, color, gender and whether the vaccinated dog has been

sterilized.

(5) The name, address, and phone number of vet administering the vaccinations.

C. Rabies Tag. Concurrent with the issuance and delivery of the certificate of vaccination referred to in Subsection B. above, the owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the jurisdiction and State. Such tag shall be worn by the dog to which it was issued at all times.

D. Duplicate Tags. In the event of loss or destruction of the original tag provided in Subsection C. above, the owner of the dog shall obtain a duplicate tag for a fee as stated in the fee schedule.

E. Proof. It shall be unlawful for any person who owns or harbors a dog to refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person designated to enforce this Section.

F. Harboring Unvaccinated Animals. It shall be unlawful for any person to harbor any dog which has not been vaccinated against rabies as provided herein or which cannot be identified as having a current vaccination certificate, or to allow a dog harbored by such person not to wear a rabies tag as required by Subsection (C) above.

Section 11 Reporting Bites from Animals Susceptible to Rabies; Related Procedures

A. Duty to Report. Any person having knowledge that an animal has bitten a human and has broken the skin shall immediately report the incident to the Fremont County Sheriff's Department and the Office of the Town Clerk. Every physician or other medical practitioner who treats a person for such bites shall, within twelve (12) hours, report such treatment to the County Health Officer or to the Colorado Department of Public Health and Environment, giving the name, age, sex and precise location of the bitten person and such other information as the officer or agency may require.

B. Exclusions. Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting of this Section.

C. Suspected rabies. Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the County Health Department or to the Colorado Department of Public Health and Environment, and to the Town Clerk, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

D. Confinement of Dogs and Cats. Any dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment in a designated animal shelter. Such confinement shall be at the expense of

the owner. Stray dogs or cats whose owners cannot be located shall be confined in a designated animal shelter. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment, as prescribed in this Section. Refusal to produce said dog or cat constitutes a violation of this Section, and each day of such refusal shall constitute a separate and individual violation.

E. *Removal of Dogs and Cats from Confinement.* It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the impounding agency or a veterinary release after the ten-day quarantine period.

F. *Procedures for other animal bites.* Procedures concerning bites from other animals shall be discussed with the County Health Department.

Section 12 Cruelty to Animals

A. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

B. No person, except a licensed veterinarian or certified technician acting under the supervision of a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or leave any poisonous substance of any kind or ground glass in any place, in such a manner as to injure any animal, or with reckless disregard for the well-being of animals who might have access to such poisonous substances. The provisions of this Section are not applicable to licensed exterminators using poison as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

C. Leaving an animal tethered for twenty-four (24) continuous hours and/or depriving said animal from water or nourishment shall constitute prima facie evidence of cruelty to animals.

D. Violation of Section 11 will result in a fine as detailed in the fee schedule, as well as reasonable attorneys' fees, court costs and any other costs incurred by the Town, and removal of the animal.

Section 13 Restraint and Confinement Generally

A. It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the Town.

B. Any dog, while on a street, sidewalk, public way, in any park, Public Square or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog.

C. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

D. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with any male animal except for planned breeding.

E. Violation of Section 12 shall result in a fine as outlined in the fee schedule. (as outlined in Section 25 of this Ordinance)

Section 14 Restraint of Guard Dogs

A. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in heights and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.

B. All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees or more than ninety (90) degrees when measured from the perpendicular.

C. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape-proof.

D. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

Section 15 Restraint of Vicious or Dangerous Animals.

Every vicious animal shall be confined by its owner or the authorized agent of its owner, within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than six (6) feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that any person or child does not have access to such animal. It is unlawful to harbor a vicious or dangerous animal and fail to confine said animal in compliance with the terms of this Section.

Section 16 Impoundment by Property Owners

Any person finding an animal at large upon his or her property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his or her own possession and, as soon as possible, notify the Town Clerk. The property owner shall provide a description of the animal and the name of the owner if known.

Section 17 Return of Animal to Owner

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Town Clerk will make arrangements to return the

animal to the residential address of the owner.

Section 18 Disposition of Livestock

Any Town Designee on call who removes livestock or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the Town to accept such animals. The disposition of any animal removed to a facility, other than an animal hospital or shelter, shall be handled in the same manner as though the animal were confined in any animal hospital or shelter. The owner of said animal shall bear full responsibility for all costs for the animal's disposition.

Section 19 Licensing of Dogs

A. License Required. No person shall own, keep or harbor any dog over the age of six (6) months within the Town unless such dog is licensed as provided in this Ordinance. Within thirty (30) days after acquiring any dog over six (6) months of age or within thirty (30) days after a dog becomes six (6) months of age; provided that any owner moving to the Town for the purpose of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until thirty (30) days after moving or annexation to obtain such a license. The cost for duplicate license due to loss shall be according to fee schedule.

B. Proof of Rabies Vaccination Required. Any owner applying for a license must show original vaccination documentation to the satisfaction of the licensing authority that the animal for which the license is being obtained has been inoculated against rabies in compliance with this Section.

C. Proof of Sterilization. Any owner claiming that his or her dog has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed.

D. Payment of License Fee. A license fee shall be paid at the time of making application.

E. Exemption from License Fee, Including Visiting Dogs. License fees shall not be required for seeing eye dogs, government police dogs or dogs belonging to a nonresident this includes visiting dogs of the Town and kept within the boundaries of the Town for not longer than thirty (30) days; provided that all dogs of nonresidents shall, at the time of entry in the Town, be properly vaccinated against rabies and, while kept within the Town, meet all other requirements of this Ordinance. Any owner claiming any of these exemptions has the burden of providing to the satisfaction of the licensing authority that the dog in question is entitled to such exemption.

F. Penalties. Any owner of a dog over the age of six (6) months who fails to obtain a license within the time period specified in this Ordinance shall be subject to a fine, including reasonable attorneys' fees, court costs and any other costs incurred by the Town. Each day the violation continues shall be a separate offense. Fines and costs, as

well as the applicable tag fees, shall be paid within thirty (30) days of the entry of a judgment against the owner. See fee schedule

Section 20 License Tags; Identification

A. Upon payment and acceptance of the license fee, the licensing authority shall issue a durable license tag, stamped with the year of issuance and an identification number for the animal for which the license has been obtained. Any license issued for the keeping of a dog shall take effect on the date of issuance and shall be valid (for a period 12 months) for the remainder of the calendar year ending December 31 of the same year. Every dog for which the owner is required to obtain a license must wear a valid license tag at all times when the animal is off the premises of its owner. Licenses must be purchased January 1st through January 31st of each year or owner will be in violation of this ordinance.

B. Violation. Failure to purchase an animal license tag by January 31 of each year may be subject to a fine on February 1st of that same year to be paid in thirty days. Further action will be taken if fine is not paid in specified time frame as stated in section 25-A-1.

C. No person may use a license for any animal other than the animal for which the license was issued. It shall also be unlawful for any person to remove from the neck of any dog the license tag (or collar) issued pursuant to this Section or to alter such tag in any manner.

Section 21 Impoundment

In addition to any other remedies provided in this Ordinance, the Town Clerk or designated representative or a Sheriff's officer may seize, impound and humanely confine to a licensed animal shelter or hospital any of the following animals:

- A.** Any dog without a valid license tag
- B.** Any animal at large
- C.** Any animal constituting a public nuisance or considered a danger to the public
- D.** Any animal that is in violation of any quarantine or confinement order of the Town
- E.** Any unattended animal that is ill, injured or otherwise in need of care
- F.** Any animal that is reasonably believed to have been abused or neglected
- G.** Any animal that is reasonably suspected of having rabies
- H.** Any animal that is charged with being potentially dangerous or dangerous where an animal control officer or the Town Mayor determines that there is a threat to public health and safety
- I.** Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
and
- J.** Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence.

Section 22 Notice to Owner and Redemption

- A. Upon impoundment of an animal, the Town shall immediately attempt to notify the owner in person or by telephone.

- B. An owner reclaiming any impounded animal shall pay a fee. See fee schedule.

- C. Any animal not reclaimed by its owner within ten (10) days of impoundment shall become the property of the shelter and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the local licensed humane society.

Section 23 Sanctions and remedies

As part of any order issued pursuant to this Ordinance, the Municipal Judge shall have the authority to order the following sanctions and remedies in addition to the penalties described in this Ordinance.

- A. Obedience training for the animal in question
- B. Muzzling of an animal while off the property of the owner
- C. Confinement of an animal indoors
- D. Confinement of an animal in a secure enclosure
- E. Reduction of the number of animals kept at any one (1) location
- F. Removal of any animal from the custody of the animal's owner or custodian in case of neglect or cruelty
- G. The sterilization of an animal
- H. A ban on maintaining other animals in the Town; and
- I. Any other measure or sanction designed to eliminate a violation, prevent future violations or protect the health and safety of the public.

Section 24 Enforcement

The Town Clerk or other designees of the Town shall be the enforcement officials for this Ordinance. These officials, as well as with the sheriff's officers, shall have the authority to act on behalf of the Town in investigating complaints, impounding and destroying animals, issuing citations and taking other lawful actions as required to enforce the provisions of this Article. It shall be a violation of this Ordinance to interfere with any Town Enforcement Official in the performance of his or her duties.

Section 25 Violations and penalties

- A. It shall be a violation of this Ordinance to:
 - (1) Fail to comply with any provision of this Ordinance
 - (2) Fail to comply with any lawful order of a Town Enforcement Official or sheriff officer unless such order is lawfully stayed or reversed.
- B. Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions set forth in Section 25. If a violation continues, each day's violation shall be deemed a separate offense. The Town Board may adopt by resolution recommended fine schedules for

violations under this Ordinance.

Section 26 Penalty for Violation

A. The owner of any dog or cat which is not properly confined or is found running at large or found off or away from the premises of the owner, possessor or keeper thereof, and is not under the control of such owner, possessor, or keeper, or its agent, servant or member of his immediate family, by leash, cord, or chain of not more than ten feet in length, shall be guilty of a misdemeanor and shall be fined in accordance with the fee schedule.

B. Any person who violates any provision of this Ordinance and such violation involves bodily injury to any person, commits a Class 2 misdemeanor and shall be punished, upon conviction, by a fine according to the fee schedule.

C. In the case of any person incurring a third subsequent conviction of a Class 2 misdemeanor offense under this Ordinance, may be subject to a sentence of imprisonment within the minimum and maximum terms may be and may not be subject to suspension, nor may be such person be eligible for probation or parole for any part of such period. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

D. Any person or persons, firm or corporation whose dog has not been properly licensed as provided in Section 18, shall be fined in accordance with the fee schedule.

E. Any person or persons, firm or corporation who owns, keeps, harbors or possesses any noisy, destructive, or vicious dog in violation of Section 15 shall be fined according to the fee schedule.

F. Any fine or penalty provided for in this section shall be in addition to any shelter fees as provided for in Section 21 for impounding the dog or cat.

G. Any person or persons, or entity violating Section 12 commits a Class 1 misdemeanor and may be penalized in accordance with Colorado State Statutes for cruelty to animals in addition to fines as detailed in the fee schedule.

H. The Town Clerk, or any designated representative and any other arresting law enforcement officer is hereby authorized to use the penalty assessment procedure provided in C.R.S. Section 16-2-201 for any violation of this Ordinance not involving bodily injury to any person.

Section 27 Court and Legal Costs, Legal Fees, and Incurred Town Cost.

A. The Court will assess a minimum court cost as per the fee schedule for each court appearance. In addition, the defendant will be required to pay reasonable Attorney Fees, Jury Fees, Legal Fees and any other costs incurred by the Town of Coal Creek to be paid by the defendant if the Court finds the defendant guilty of any charge. If all fines, Legal Fees and Court Costs, Attorney Fees and all other cost incurred by the Town are not paid in full within thirty days (**30**) of the date judgment is entered against the defendant, the

Town shall seek all post-judgment remedies available under Colorado law, which may include a motion for contempt or other sanctions.

B. Any person may pay the fine, thus avoiding a court appearance and costs, if paid 3 business days prior to the court date.

Section 28 Safety Clause

The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

Introduced as a bill and passed on its first reading and ordered published in the Canon City Daily Record by title only this 3 day of May, 2016.

Published in the Canon City Daily Record by title only this 21th day of June, 2016.

Passed on its second reading;
ADOPTED THIS 5th day of July, 2016.

John Bechtelheimer, Mayor

ATTEST:

Connie Gjelsness, Clerk