

TITLE 10

ANIMALS

Chapters:

10.01	General
10.02	Animal Control
10.03	Other Animals
10.04	Cruelty to Animals
10.05	Dead Animals

CHAPTER 10.01

General.

Sections:

10.01.010	Authority.
10.01.020	Penalties.
10.01.030	Strict Liability.

10.01.010 Authority. The Town of Parachute hereby adopts Title 10 relating to the regulation and control of animals in accordance with the powers granted it in Section 31-15-401, C.R.S.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

10.01.020 Penalties.

A. Any person who violates any provision of this Title shall be punished for such offense in accordance with the classification of such offense and the penalties set forth in Section 11.01.030 of the Parachute Municipal Code. Unless otherwise provided in a section describing the offense, all offenses contained in this Title shall be deemed offenses of "strict liability." If any offense contained in this Title is not classified as a Class A offense, Class B offense, or non-criminal municipal offense, and such offense does not involve serious injury to persons or property, said offense shall be deemed to be a non-criminal municipal offense upon the first complaint within eighteen (18) consecutive months. Upon a second or subsequent complaint concerning such violation within eighteen (18) consecutive months, such person shall be deemed to have committed a Class B municipal offense. Unless otherwise provided in this Title, any violation of any provisions of this Title which result in serious bodily injury to any person or animal caused by a pet animal shall constitute a Class A municipal offense.

B. The presiding Municipal Court Judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Title in accordance with the Colorado Municipal Court Rules of Procedure, except as otherwise provided herein. Penalty assessments shall not be issued for violations involving classified potentially dangerous or dangerous animal or a second or subsequent offense.

C. When a person is charged with a violation of this Title for which a penalty assessment exists pursuant to an order of the Parachute Municipal Court, the charging officer may either give the person a Penalty Assessment Notice, and release him upon its terms, or take him before a Judge of the Parachute Municipal Court. The choice of procedure shall be based upon the circumstances which reasonably persuade the officer that the alleged offender is likely or unlikely to comply with the terms of the Penalty Assessment Notice. Said circumstances may include the officer accompanying the offender to a post office or mail box and witnessing the deposit in the mail of the Notice with payment of the fine attached. Any penalty assessment issued pursuant to this Title shall constitute a Summons and Complaint containing the identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge at a specific time and place, and other matters reasonably adopted to effectuate the purposes of this Section. A duplicate copy shall be delivered to the Clerk of the Parachute Municipal Court by the officer or agency designated by the Board of Trustees. When a payment of the Penalty Assessment Notice has not been made within twenty (20) days of the date of issuance of said Notice such person shall be required to appear before the Municipal Court. If a person given a Penalty Assessment Notice chooses to acknowledge his guilt, he may pay the specified fine in person or by mail within twenty (20) days of issuance of the Notice. If the person elects not to pay the Penalty Assessment Notice, trial is held or a default judgment entered, and the alleged offender is found guilty, the fine imposed shall be that specified in the Notice for the offense of which he was found guilty, but customary Court costs may be assessed against him in addition to the fine.

D. For purposes of determining the proper sentence for violations of this Title which do not result in bodily injury to any person or animal, only those convictions occurring within eighteen (18) consecutive months of the date of the offense for which the penalty is now being imposed shall be considered.

E. Upon conviction of any violation involving injury to persons, other animals, or property, the Court may order restitution be paid to the injured party or owner of the animal or animals harmed.

F. Nothing contained herein shall be construed to prevent impoundment of any dog under Section 10.02.090 of the Parachute Municipal Code.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

10.01.030 Strict Liability. For the purpose of prosecution for violations of this Title, it shall not be necessary in order to obtain a conviction to prove notice, knowledge or intent on the part of the owner or keeper of a dog or other animal in question if such dog or other animal was violating any of the provisions of this Title at the time and place charged, unless otherwise provided herein. It

is the purpose and intent of this Title to impose strict liability upon the owner or keeper of any dog or other animal for the actions, conduct and condition of such dog or other animal.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

CHAPTER 10.02

Animal Control.

Sections:

- 10.02.010 Definitions.
- 10.02.020 Annual Vaccination and Licensing Required.
- 10.02.030 Certificates of Vaccination and Rabies Tags.
- 10.02.040 Dog Licenses and Tags.
- 10.02.050 Kennels Exceptions.
- 10.02.060 Failure to Control Pet Dog.
- 10.02.070 Leaving Animal Unattended.
- 10.02.080 Damage to Property.
- 10.02.090 Impoundment of Stray Animals.
- 10.02.100 Quarantine of Animals.
- 10.02.110 Release of Unclaimed Animals.
- 10.02.120 Destruction of Dangerous Animal.
- 10.02.130 Vicious Animals Unlawful.
- 10.02.132 Dangerous and Potentially Dangerous Conduct by Animals Prohibited.
- 10.02.140 Muzzling and Confinement.
- 10.02.150 Animal Disturbances.
- 10.02.160 Liability.
- 10.02.170 Affirmative Defenses.
- 10.02.180 Interfering with Peace Officer or Animal Control Officer.
- 10.02.190 Unlawful Taking or Release.
- 10.02.200 Hot Pursuit.
- 10.02.210 Classification of Dangerous and Potentially Dangerous Animals; Appeals; Restrictions Pending Appeals.
- 10.02.220 On-Premises Confinement for Potentially Dangerous Animals.
- 10.02.230 Off-Premises Restraint for Potentially Dangerous Animals.
- 10.02.240 Notification of Change of Status of Potentially Dangerous Animals.
- 10.02.250 Signs for Potentially Dangerous Animals.
- 10.02.260 Special License and Tag for Potentially Dangerous Animals.
- 10.02.270 Spay or Neuter Requirement for Potentially Dangerous Animals.
- 10.02.280 Destruction of Dangerous Animals.
- 10.02.290 Duty to Produce Biting Animal for Inspection or Quarantine.

10.02.010 Definitions. Words used in this Title shall have their natural meaning, their statutory meaning if applicable or the meaning set forth below, according to the context in which they appear. For the purpose of this Title, the following definitions shall apply:

A. "Abandon" means:

1. To fail to provide a pet animal necessary care for a period of twenty-four (24) hours or longer; or

2. To deposit, leave, drop off or otherwise dispose of any pet animal on public or private property without providing necessary care. For the purposes of this Title, any pet animal is presumed to be abandoned if, after the posting or personal service of written notice describing deficiencies of necessary care for a pet animal, the deficiencies are not corrected within twenty-four (24) hours of such notice by any person other than an animal control officer.

B. "Animal" means any living dumb creature.

C. "Animal control facility" means any facility licensed as such pursuant to the provisions of Part 1 of Article 80 of Title 35, C.R.S.

D. "Animal control officer" means any person empowered by the Town of Parachute to enforce the provisions of this Title.

E. "Animal shelter" means all facilities and premises authorized by the Board of Trustees to care for pet animals impounded pursuant to the provisions of this Title. Such facilities and premises shall also be considered public animal shelters for the purpose of impounding dangerous dogs pursuant to the provisions of Section 18-9-204.5, C.R.S.

F. "Attack" means aggressive behavior such as in biting, injuring or chasing a person or animal that may result in bodily injury, serious bodily injury, or the death of a person or animal.

G. "Bite" means the piercing, laceration, or breaking of the skin by the teeth or jaws of any animal.

H. "Cat" means any animal of the species *felis domesticus* or any hybrid thereof.

I. "Control" means supervision of, and influence over, any pet dog sufficient to prevent the violation of any of the provisions of this Title. Control shall be by physical control as defined herein. (Ord. 613 §1, 2010)

J. "Dangerous animal" means any pet animal or working dog that has inflicted serious physical injury to a human being without provocation on public or private property; or has, while off the premises of its owner or responsible person, killed a domestic animal without provocation; or has been previously classified as potentially dangerous and is found in violation of the provisions of this Title, or whose owner or relation to that animal, violated any provisions of this Title relating to potentially dangerous animals; or is a venomous animal or has caused the death of a person.

K. "Dog" means any animal of the canine species, including dogs of wild extraction and any animal related to the wolf, fox, coyote or jackal.

L. "Habitual offender" means any pet animal owner who has pled guilty to, or been found guilty of, violating any provision of this Title or ordinance of another municipality three (3) times within any eighteen (18) month period. For the purposes of this Title, after the effective date of this Ordinance any disposition of charges involving probation or deferred judgment and sentencing shall be considered to be convictions for purposes of determining an habitual offender.

M. "Immediate control" means control of a pet animal by the physical presence of the owner or responsible person within ten feet (10') of the animal and such person can exhibit voice control over the pet animal.

N. "Minor physical injury" means physical pain or minor impairment of physical condition.

O. "Mistreat" means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

P. "Necessary care" for a pet animal includes but is not limited to providing food, water, protection from the weather and removal of waste from the animal's enclosure.

Q. "Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for a pet animal's or working dog's health and well-being consistent with the species, breed, and type of animal.

R. "Owner" means a person or any parent, guardian, or legal custodian of any unemancipated child under 18 years of age who owns, co-owns, possesses, controls, maintains, keeps, or harbors a pet animal or knowingly permits, or intends to permit a pet animal to remain for seven (7) consecutive days on or about property or premises owned, controlled, or occupied by him or her; a kennel is not a pet animal owner within the purview of this definition.

S. "Pet animal" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, and includes any other animal specified in Section 35-80-102(10), C.R.S., as that subsection may be amended from time to time. As used herein, "livestock" includes cattle, horses, mules, burros, sheep, poultry, swine, llama, goats, and any other animal, when used for working purposes or raised for food or fiber production on a farm or ranch. "Pet animal" does not include an animal used for working purposes on a farm or ranch or a working dog.

T. "Physical control" means control of a pet dog by means of a tether or a leash, not longer than ten feet (10'), attached to the animal, and held by the owner or responsible person, or confinement within a vehicle or secure animal enclosure. A pet dog intruding upon the private property of any person other than the owner, without consent of the property owner, shall be deemed to not be under physical control. (Ord. 613 §2, 2010)

U. “Potentially dangerous animal” means any pet animal or working dog that without provocation, threatens to attack, or bites causing minor physical injury to, a human being or domestic animal; or without provocation, chases or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion; or has a known propensity, tendency, or disposition to attack without provocation, or cause physical injury or otherwise threatens the safety of human beings or domestic animals; or is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting. (Ord. 581, 2008)

V. “Premises” means property owned, leased, or expressly permitted to be used by an owner, including any confined area or locality such as a residence, business, room, shop, building, or motor vehicle, including the open space bed of a truck.

W. “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.

X. “Public custody” means the confinement of an animal in an animal shelter, or in the physical control of an animal control officer performing duties pursuant to the provisions of this Title.

Y. “Quarantine” means the confinement of a pet animal in public custody for observation to detect symptoms of disease.

Z. “Secure animal enclosure” means a structure which is suitable to prevent the escape of the animal and prevents the entry of young children, having a top, bottom, all sides, and is locked.

AA. “Serious physical injury” means such injury which, either at the time of the attack or at a later time, involves a substantial risk of injury that results in long term or permanent physical disability, impairment; or a disfigurement; or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures or burns of the second or third degree; or death.

BB. “Tether” means to securely tie, chain or leash a pet animal to an inanimate object.

CC. “Town” means the Town of Parachute, Colorado.

DD. “Trespass” means the entry by a pet animal upon any private property other than that of the animal’s owner, or upon public property which is posted as not permitting animals or such particular animals.

EE. “Vicious Animal” means any animal that commits an unprovoked bite or attack upon a person or other animal either on public or private property, other than the owner’s property, or that in a vicious or terrorizing manner attacks, threatens to attack or terrorizes a person or other animal on public property or in a public place, or on private property other than the owner’s property.

FF. "Working dog" means a dog which is actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, assisting in rescue efforts, or being trained for any of these purposes.

(Ord. 201§1, 1982; Amended Ord. 529 §1, 2005; Amended Ord. 613 §3, 2010)

10.02.020 Annual Vaccination and Licensing Required.

A. No dog or cat over the age of three (3) months shall be kept, harbored, or maintained within the Town of Parachute unless such animal's owner has the dog or cat inoculated by a licensed veterinarian, obtains a Vaccination Certificate from the veterinarian, and also obtains from the Town Clerk a license for each dog. Such vaccination and licensing shall be performed before January 1st of each year, and licenses shall be issued by the Town Clerk for the period of January 1st through December 31st of each year. Any person who acquires or harbors any dog or cat shall, within fourteen (14) days after acquiring such animal, have the same inoculated and, if required, licensed.

B. The provisions of this Section shall not be intended to apply to dogs and cats whose owners are non-residents temporarily within the Town, nor dogs and cats brought into the Town for the purpose of participating in any animal show, field trial or race, nor to "seeing-eye" dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. For purposes of this Section, a person shall be deemed a resident, if he remains in the Town of Parachute for a period of thirty-two (32) days.

C. All dogs or cats which are brought into the Town of Parachute by a resident shall be in compliance with the laws and rules and regulations of the State of Colorado regarding the handling of the animals, and shall have been vaccinated not less than thirty (30) days, nor more than twelve (12) months prior to importation. A metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and shall be evidence of compliance with this Section.

If the imported dog or cat has not had such vaccination when imported, such animal shall be vaccinated in accordance with the provisions of this Chapter within fourteen (14) days of its importation, subject to the exceptions provided for above. If an imported dog remains in the Town more than thirty (30) days, the dog shall also be licensed in accordance with the provisions of this Chapter.

D. All imported dogs shall also be licensed in accordance with the provisions of this Chapter within fourteen (14) days of importation, subject to the exceptions provided for above.

E. Any person who knowingly keeps any dog or cat within the Town of Parachute which has not been vaccinated against rabies, and licensed, as required in this Chapter, commits a non-criminal municipal offense.

(Ord. 529 §1, 2005)

10.02.030 Certificates of Vaccination and Rabies Tags.

A. Inoculation of dogs and cats under this Chapter may be performed by any licensed veterinarian of the State of Colorado. A Certificate of Vaccination shall contain the following information:

1. The name, address and telephone number of the owner of the dog or cat;
2. The date of vaccination;
3. The type of rabies vaccine used;
4. The year and number of the rabies tag;
5. The predominant breed, age, color, size and sex of the vaccinated dog or cat;
6. The name, license number and address of the veterinarian performing the vaccination; and
7. Sex alterations, if any.

Any person who owns a vaccinated dog or cat and knowingly fails or refuses to exhibit his copy of the Certificate of Vaccination upon demand to any person charged with the enforcement of this Chapter commits a Class B municipal offense.

B. A rabies tag shall be issued by the veterinarian to the owner of any dog vaccinated. The rabies tag shall be made of a durable material, shall be suitable for attaching to a dog collar or harness, and shall state the year of issuance, the name, address, phone number of the veterinarian administering the vaccine, and the rabies tag number. The tag shall be attached to the collar or harness of the vaccinated dog by the owner immediately upon issuance and such tag must be worn by the dog for which it was issued at all times. Any person who owns a vaccinated dog and knowingly fails or refuses to attach a rabies tag as herein required commits a Class B municipal offense.

(Ord. 529 §1, 2005)

10.20.040 Dog Licenses and Tags.

A. Upon being presented with a Certificate of Vaccination, as required in this Chapter, and upon payment of the Town license fee, the Town Clerk shall issue a dog license and tag, retaining a record thereof in his office. No license shall be issued for any dog without the production of a Certificate of Vaccination and payment of the license fee.

B. The annual license fee for dogs shall be \$5.00 per neutered male dog or spayed female dog and \$7.50 per unneutered male dog or unspayed female dog.

C. The license shall contain the following information:

1. The name and address of the owner or harborer of the licensed dog;
2. The date of inoculation and date of license;
3. The year and series number of the dog tag; and
4. The breed, age, color and sex of the inoculated dog.

D. The license tag issued with the license shall be made of a durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall be prepared and distributed by the Town Clerk.

E. Every owner or harborer of a dog shall attach the tag evidencing the licensing to the collar or harness of the inoculated and licensed dog and such collar or harness shall be worn by the dog at all times. The license shall be retained by the owner or harborer of the inoculated and licensed dog for inspection by any person charged with the enforcement of this Chapter.

F. Any person who owns or harbors a licensed dog and knowingly fails or refuses to exhibit his copy of the license, or to knowingly fail or refuse to attach the license tag to the collar or harness of the licensed dog commits a Class B municipal offense.

G. Licenses shall not be transferrable. Any person who knowingly possesses a license or to affixes a license tag to any dog other than the specific animal for which the license was issued commits a Class B municipal offense.

(Ord. 529 §1, 2005)

10.02.050 Kennels Exceptions. Dogs kept or maintained by a licensed kennel need not be licensed pursuant to the provisions of this Chapter when they are within the confines of the kennel premises.

(Ord. 529 §1, 2005)

10.02.060 Failure to Control a Pet Animal.

A. It shall be unlawful, and considered a failure by an owner to control a pet animal, when a pet dog is off the owner's premises in any area of the Town without the presence of a person having physical control as defined in subsection (T) of Section 10.02.010 of this Chapter. Said offense shall be one of strict liability. It shall be an affirmative defense to a prosecution for the violation of this Section that the pet animal was actually working livestock, locating or retrieving wild game in season for a licensed hunter, acting as a guide dog for a developmentally disabled person, or assisting law enforcement officers or while actually being trained for any one of these pursuits.

B. It shall be unlawful, and considered a failure by an owner to control a, pet animal, when a pet animal intrudes upon the private property of any person other than the owners without the property owner's consent. Said offense shall be one of strict liability.

C. A violation of this Section upon the first or second conviction within a one (1) year period is a non-criminal municipal offense. The minimum mandatory fine for a first offense within one (1) year shall be twenty-five dollars (\$25.00) and the minimum mandatory for a second offense within one (1) year shall be fifty dollars (\$50.00). A third or subsequent conviction within a one (1) year period is a Class A municipal offense.

D. Any pet animal found not to be under the physical control of a person as required by this Section more than three times in one (1) year may be impounded and destroyed as elsewhere provided in this Title.

(Ord. 201, 1982; Amended Ord. 269 §1, 1987; Amended Ord. 529 §1, 2005; Amended Ord. 613 §4, 2010)

10.02.070 Leaving Animal Unattended. It shall be unlawful for the owner or keeper of any dog to knowingly so tie or otherwise restrain his dog so that the dog may enter in or upon a public street, alley, right-of-way or any other public property, except when a dog is being walked on a leash. A violation of this Section is a Class B municipal offense.

(Ord. 529 §1, 2005)

10.02.080 Damage to Property.

A. It shall be unlawful to own, keep, harbor, or possess any animal, whether or not running at large, which destroys, damages, or injures any shrubbery, plants, flowers, grass, lawns, fences, or anything whatsoever upon public or private property not belonging to the owner.

B. A violation of this Section is a Class B municipal offense.

(Ord. 529 §1, 2005)

10.02.090 Impoundment of Stray Animals.

A. It shall be the duty of the Chief of Police and his designees to:

1. Apprehend any stray animal or any animal found running at large contrary to the provisions of Section 10.02.060 hereof or not duly vaccinated or licensed as provided herein and to impound such animal in the Town animal control facility or other suitable place determined by the Chief of Police; and

2. Upon apprehending any such animal, to make a complete registry of the impounded animal, including the following: the date, time, place, and circumstances of the apprehension; the apparent breed, sex, and color of the animal is licensed, the name and

address of the owner and the date and number of the animal tag shall be entered in such registry which registry shall be maintained at the office of the Chief of Police.

B. When such animal is impounded, the Town Administrator, or his designated representative, shall be notified as soon as possible of that action. A report of the impoundment shall be made and kept available at the Parachute Police Department for public information. If the owner of an impounded animal is traceable through identification by license or otherwise, an attempt shall be made to contact the owner within twenty-four (24) hours of impoundment. If an impounded animal is not claimed by the end of the third (3rd) day after impoundment, and the owner has not been found, the animal shall be put up for adoption unless other arrangements have been made with the Chief of Police, or his designee. As appropriate, the Chief of Police may list the animal as being available for adoption with cooperating radio stations, or newspapers, and may be posted in the Town Hall.

C. No animal shall be released from the place of impoundment to the owner until the owner shall have paid all charges, as set out herein, for impounding and maintenance of said animal, and until the animal has been licensed and vaccinated against rabies in accordance with this Chapter as directed by the Chief of Police, or his designee. No female domesticated animal in heat shall be released until the owner demonstrates to the satisfaction of the Chief of Police, or his designee, that he has facilities for caring for and confining said animal.

D. The charges and fees for impounding and keeping any animal shall be as set by resolution of the Town of Parachute Board of Trustees. These charges and costs shall be in addition to any penalties imposed on the animal owner pursuant to this Chapter.

E. If, within ten (10) days of impoundment under this Section, an animal is not claimed, or the charges have not been paid thereon, or the owner otherwise has not complied with the requirements of this Section regarding redemption of the animal and the animal has not been adopted, the Chief of Police, or his designee, may have such animal destroyed, except as otherwise provided herein.

(Ord. 529 §1, 2005)

10.02.100 Quarantine of Animals.

A. Any animal which is known to have bitten or injured any person so as to cause an abrasion of the skin, or an animal which, in the opinion of the Chief of Police, or any member of the Police Department, or a licensed veterinarian, appears to be affected or infected with rabies, or any animal which is known to have been bitten by or exposed to a rabid animal, shall be impounded by the Chief of Police or any member of the Police Department, and closely confined by the Town in accordance with the directions of the Chief of Police, or his designee, at the expense of the animal owner; or, if the animal has a valid rabies vaccination and if confinement facilities are arranged to the satisfaction of the Chief of Police, or his designee, on the owner's property, for a period of not less than fourteen (14) days, and notice of such confinement shall be given, as provided in Section 10.02.090 above. Any animal so confined and not demonstrating evidence of rabies after fourteen

(14) days shall be released upon visual inspection by the Chief of Police, or his designee, after such period.

B. If said animal is determined by a veterinarian to be suffering from rabies, it shall be destroyed immediately. If such animal is determined not diseased, it may be redeemed by its owner, in accordance with the provisions for redemption set out in subsection 10.02.090(C) above. If the owner of said animal is not determined, or located, or the animal is not claimed within the aforesaid fourteen (14) day period, then the Chief of Police, or his designee, may order such animal destroyed. If said dog shall die while confined or impounded as herein provided, notice thereof shall be given to the owner, if known, and the proper medical tests shall be conducted at the expense of its owner to determine whether the animal was suffering from rabies at the date of death.

C. It shall be unlawful for an owner knowing or reasonably suspecting that his animal has rabies to allow such animal to be taken off his property or premises or beyond the limits of the Town of Parachute without the written permission of the Chief of Police, or his designee. Every owner or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the Chief of Police or any member of the Police Department who shall either remove the animal to the Town Animal Control Facility, or if necessary for the protection of the public, immediately destroy the animal.

D. A violation of this Section is a Class B municipal offense.

(Ord. 529 §1, 2005)

10.02.110 Release of Unclaimed Animals. With respect to an animal which has been impounded or quarantined pursuant to the provisions of Sections 10.02.090 and 10.02.100 hereof and which has not been claimed, released, or disposed of in accordance with said Sections, the Chief of Police, or his designee, in lieu of having said animal destroyed, may release any animal, if not diseased, subsequent to vaccination or determination of evidence of current vaccination and purchase of Town license, if required, to a qualified adoptive home, if the animal is deemed adoptable by the Chief of Police, or his designee.

(Ord. 529 §1, 2005)

10.02.120 Destruction of Dangerous Animals. Where, in the reasonable discretion of the Chief of Police or any member of the Police Department, an animal is endangering the life or person of another, or inflicting death or injury to another animal, said animal may be immediately destroyed.

(Ord. 529 §1, 2005)

10.02.130 Vicious Animals Unlawful.

A. It shall be unlawful for any owner of a vicious animal to keep the same unless confined in an enclosure or tethered on private property so as not to interfere with any member of the public or any other animal not belonging to the owner. Any person who violates this Section commits a Class A Municipal Offense.

B. It shall be the duty of the Chief of Police or any member of the Police Department to impound any such vicious animal that is in violation of this Section. In the event any animal is found to have bitten or attacked any person, or another animal not belonging to the owner, said animal may be destroyed under the direction of the Chief of Police, or his designee.

C. The Chief of Police, any police officer, or animal control officer may, in conjunction with a citation of violation under subsection (A) above, command such person's attendance at a Court hearing concerning the disposal or destruction of the animal, to be held simultaneous with a trial scheduled to determine a violation under subsection (A) above.

D. Upon issuance of a Court order requiring disposal or destruction of the vicious animal, the Chief of Police, any police officer, or animal control officer shall require such violator to dispose of or destroy such vicious animal within twenty-four (24) hours of such order. The failure or refusal of such person to comply with the order shall constitute a separate violation of subsection (A) of this Section, and each subsequent failure or refusal to comply with such order shall be deemed a separate offense. Further, upon such failure or refusal, the Chief of Police, any police officer, or animal control officer, shall impound and cause such a vicious animal to be humanely destroyed. The owner of such animal shall be responsible for and shall pay all costs of impoundment and destruction of the animal.

(Ord. 529 §1, 2005)

10.02.132 Dangerous and Potentially Dangerous Conduct by Animals Prohibited. It shall constitute a Class A municipal offense for any person to own or harbor any pet animal or working dog that, without provocation, attacks, threatens to attack, bites, inflicts minor physical injury, serious physical injury, or death to a human being or domestic animal; or without provocation, chases or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion.

(Ord. 581 §1, 2007)

10.02.140 Muzzling and Confinement. Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Board of Trustees, if it deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his property or keeping an animal to confine it securely on his property or premises unless such animal shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the time of the proclamation shall be seized and impounded, and if noticeably infected with rabies and displaying vicious propensities, shall be destroyed by or at the direction of the Chief of Police, or his designee.

An animal impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days after being impounded, be released to the owner, unless infected with rabies, upon payment of the charge provided in Section 10.02.090; if unclaimed within five (5) days, after said period such animal may be immediately destroyed.

(Ord. 529 §1, 2005)

Section 10.02.150 Animal Disturbances.

A. It shall be unlawful to keep, harbor or possess an animal which disturbs the peace and quiet of others by making loud, frequent, or habitual barking, yelping, howling, baying, yipping, crying, whining, meowing, or making any other loud noises so that the same may be heard beyond the premises where the animal is kept or harbored. Provided, however, the owner, possessor, or harborer shall first be notified of the disturbance of another, either by the person disturbed or by a peace officer.

B. A violation of this Section is a Class B municipal offense.

C. Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (A) of this Section.

(Ord. 529 §1, 2005)

10.02.160 Liability. The Town of Parachute, or any employees thereof, or any other person authorized to enforce the provisions of this Chapter shall not be held responsible for any accident or subsequent disease that may occur to the animal, nor for the destruction of any animal if done pursuant to the provisions of this Chapter.

(Ord. 529 §1, 2005)

10.02.170 Affirmative Defenses. An affirmative defense to the violation of dangerous dog or potentially dangerous dog attacking shall be:

A. That, at the time of said attack by subject dog which causes injury or death of a domestic animal, such domestic animal was at large, was an astray, and entered upon the property of the owner of subject dog where referenced attack began, but did not necessarily end, upon subject dog owner's property;

B. That, at the time of said attack by subject dog which causes injury or death of a domestic animal, said domestic animal was biting or otherwise attacking subject dog or its owner or responsible companion and subject dog was otherwise conforming to the requirements of law as pertains to control;

C. If a dog is provoked into biting, or inflicting bodily injury or damage to the person or property of anyone other than the owner, such provocation shall constitute an affirmative defense that may be pled by an owner who is in violation of this Chapter on account of said biting;

D. Any other conditions or defenses as outlined in §18-9-204.5(3)(h), C.R.S., known as the "Dangerous Dog Law."

(Ord. 529 §1, 2005)

10.02.180 Interfering with Peace Officer or Animal Control Officer. Any person who interferes with, molests, hinders, prevents, or obstructs a peace officer or animal control officer, knowing he or she to be a peace officer or animal control officer, from discharging his/her duties under this Chapter commits a Class A municipal offense.

(Ord. 529 §1, 2005)

10.02.190 Unlawful Taking or Release.

A. It shall be unlawful for any person to take any dog from an enclosed lot, vehicle, premises, or other building and deliver the dog to the impoundment facility unless authorized to do so by the owner or the keeper of the dog or as authorized by this Chapter.

B. It shall be unlawful for any person to open or cause to be opened any closed lot, vehicle, premises, or building or release from a chain any dog for the purpose of allowing said dog to run at large.

C. It shall be unlawful for any person to remove any animal from any Town vehicle, or from the custody of any designated animal control officer, his designee, or any police officer without the consent of such person. Such action will be considered as an obstruction and charged accordingly.

D. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 529 §1, 2005)

10.02.200 Hot Pursuit. The Chief of Police, other police officer, or designated animal control officer or his designee or any peace officer in hot pursuit of any animal in apparent violation of this Chapter may enter onto private property for the purposes of enforcing this Chapter, including the impoundment of the animal, removal of the animal, ascertaining the identity of the animal, the currency or existence of the animal's tags, or issuing a citation.

This Section does not grant any Chief of Police, other police officer, or designated animal control officer or any peace officer any additional authority to enter into any dwelling or other building designed for human occupancy other than that authority which may now exist under Colorado law. Any warrant requirements for entry into any dwelling or other building designed for human occupancy shall be observed.

(Ord. 529 §1, 2005)

10.02.210 Classification of Dangerous and Potentially Dangerous Animals; Appeals; Restrictions Pending Appeals.

A. An animal control officer, the Code Enforcement Officer, or any police officer, shall have the authority to determine, based on probable cause, that a pet animal or working dog is

potentially dangerous or dangerous. The Parachute Municipal Court, based upon a preponderance of the evidence at a trial for a violation of this Chapter shall also have the authority to determine *sua sponte* that a pet animal or working dog is potentially dangerous or dangerous.

B. Written notice of a pet animal's classification under subsection (A) above shall be served on the owner or the responsible person of the animal at the owner's or responsible person's last known address. The notice shall describe the animal, state the grounds for its classification, and state the restrictions applicable to such pet animal by reason of its classification. If the determination is made by the animal control or code enforcement officer or a police officer, the notice shall also state that, if a written request for an administrative hearing is filed with the Clerk of the Municipal Court within fourteen (14) days after receipt of the notice, an administrative hearing will be conducted to review the classification of the pet animal. The right to an administrative hearing shall be deemed waived if not timely requested. There is no right to an administrative hearing if the classification of the pet animal has been determined by the Court.

C. The notice referred to in subsection (B) above this Section shall be given either by personal delivery to the owner or responsible person or by registered or certified mail, return receipt requested, addressed to the owner or responsible person at the person's last known address. Notice by personal delivery shall be complete upon delivery and the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

D. All administrative hearings held under this Section shall be heard by the Municipal Judge at the next regular Court date. The burden of proof shall be on the owner or responsible person to show cause as to why the animal's behavior does not support the designation of dangerous or potentially dangerous animal. The classification shall be determined based upon the preponderance of the evidence. The Judge shall not be required to file a full opinion or make formal findings of fact or conclusion of law, and the rules of evidence shall not apply to the hearing, but the Judge must state the reasons for the determination, and indicate the evidence relied upon. Such determination shall be made no later than seventy-two (72) regular business hours after the close of the hearing. The proceedings at the hearing shall be recorded and retained for a reasonable period of time.

E. The Judge shall first determine if that classification is proper. If the Judge determines that the animal was improperly classified as dangerous, the Judge shall then determine if the animal is potentially dangerous. Should the Judge determine that the pet animal is potentially dangerous, the owner or person responsible shall comply with the requirements of this Chapter applicable to potentially dangerous animals.

F. During the pendency of any hearing and any appeal therefrom on the classification of a potentially dangerous pet animal, the Town may require that the animal be kept securely confined on the premises of the owner or responsible person, or other acceptable location as determined by the officer.

G. During the pendency of any hearing and any appeal therefrom on the designated classification of a pet animal as dangerous, the pet animal shall be quarantined at the Town's designated animal shelter at the owner's or responsible person's expense.

H. Should the Judge determine that the pet animal is neither dangerous nor potentially dangerous, no costs shall be charged for quarantine of the pet animal during pendency of the hearing.

(Ord.581 §2, 2007)

10.02.220 On-Premises Confinement for Potentially Dangerous Animals.

A. While on the owner's or responsible person's property, a previously classified potentially dangerous animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the pet animal from escaping by climbing, burrowing, or otherwise. The potentially dangerous pet animal must be securely confined indoors at all times until such enclosure is available. Such pet animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Such enclosure must have minimum dimensions of four feet (4') by eight feet (8') and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot (1'). The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

B. Violation of the provisions of this Section for the first time in eighteen (18) consecutive months shall constitute a Class B municipal offense. Violation of such provisions for a second or subsequent time within eighteen (18) consecutive months shall constitute a Class A municipal offense.

(Ord.581 §2, 2007)

10.02.230 Off-Premises Restraint for Potentially Dangerous Animals.

A. A previously classified potentially dangerous pet animal may be off the owner's or responsible person's premises only if it is restrained by a substantial leash not exceeding four feet (4') in length. The leash and pet animal shall be under the actual physical control of a person suitable for controlling the pet animal at all times. Such pet animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

B. Violation of the provisions of this Section for the first time in eighteen (18) consecutive months shall constitute a Class B municipal offense. Violation of such provisions for a second or subsequent time within eighteen (18) consecutive months shall constitute a Class A municipal offense.

(Ord.581 §2, 2007)

10.02.240 Notification of Change of Status of Potentially Dangerous Animals.

A. The owner or responsible person shall immediately notify the Parachute Police Department or animal control officer if a potentially dangerous pet animal is loose, unconfined, has attacked another animal, or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the owner or responsible person. If the pet animal has been sold or

given away, the owner or responsible person shall provide the Police Department or an animal control officer with the new owner's or responsible person's name, address and telephone number. If the new owner or responsible person maintains the pet animal within the Town of Parachute, the new owner or responsible person shall comply with the requirements previously applied to such animal and the requirements of this Chapter.

B. Violation of any of the provisions of this Section shall constitute a Class B municipal offense.

(Ord.581 §2, 2007)

10.02.250 Signs for Potentially Dangerous Animals.

A. Display Required - The owner or responsible person shall display a sign or signs in such form as required by the Town of Parachute on his premises warning that there is a potentially dangerous pet animal on the premises. Such a sign or signs shall be visible and capable of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the potentially dangerous pet animal. Violation of this subsection (A) shall constitute a non-criminal municipal offense.

B. Cost; Additional Signs - The Town shall provide one (1) sign required by this Section at no cost to the owner or responsible person. Additional or duplicate signs shall be purchased from the Town for an amount equal to the Town's cost for providing the signs.

(Ord.581 §2, 2007)

10.02.260 Special License and Tag for Potentially Dangerous Animals.

A. The owner or person responsible for any potentially dangerous pet animal shall obtain an annual special license for such animal, which license shall expire on December 31st of the year for which the license is issued.

B. An application for a special license shall be made to the Town which shall include the information required by the Town Clerk.

C. All potentially dangerous pet animals shall be issued a special license identification tag which shall be worn by the animal at all times.

D. Failure to obtain the special license and tag required by this Section shall constitute a non-criminal municipal offense.

(Ord.581 §2, 2007)

10.02.270 Spay or Neuter Requirement for Potentially Dangerous Animals. Within fourteen (14) calendar days after its classification as a potentially dangerous animal, the owner or responsible person shall have the pet animal spayed or neutered and present proof of that fact to the

Town Clerk or the Police Department. Failure to comply with such requirements shall constitute a non-criminal municipal offense.

(Ord.581 §2, 2007)

10.02.280 Destruction of Dangerous Animals.

- A. It shall constitute a Class A municipal offense to own a classified dangerous animal.
- B. Any animal that is classified as dangerous shall be humanely euthanized after being quarantined for the period provided by law.

(Ord.581 §2, 2007)

10.02.290 Duty to Produce Biting Animal for Inspection or Quarantine. Upon the request of a police officer or an animal control officer, an owner shall make available for inspection and/or quarantine any pet animal or working dog which has bitten a person or is suspected of biting a person.

- A. If the quarantine of a pet animal is deemed necessary, the place of quarantine shall be determined by the Town's Police Chief or an animal control officer.
- B. All costs of quarantine shall be the responsibility of the owner.
- C. If the quarantine of a pet animal is deemed necessary, the disposition of the animal will be at the discretion of the Town.
- D. Failure to comply with the requirements of this Section shall constitute a Class B municipal offense.

(Ord.581 §2, 2007)

CHAPTER 10.03

Other Animals.

Sections:

- 10.03.010 Certain Animals Prohibited.
- 10.03.020 General Exceptions.
- 10.03.030 Exceptions for Certain Animals.
- 10.03.040 Confinement Requirements.

10.03.010 Certain Animals Prohibited. Except as provided in this Chapter, it is unlawful for any person to knowingly own, possess, keep or harbor within the limits of the Town any livestock, cows or other cattle, horses, goats, pigs (except for domesticated Vietnamese pot-bellied pigs) or hogs, sheep, rabbits, fowl, including but not limited to chickens, geese, ducks and turkeys, poisonous or venomous snakes, exotic pet or any wild or undomesticated animal. It is unlawful for any person to knowingly own, possess, keep or harbor within the Town any animal species of wildlife prohibited as pets by the Colorado Division of Wildlife, or any animal prohibited as pets by Section 25-4-712, C.R.S.

A violation of this Section is a Class A municipal offense.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

10.03.020 General Exceptions.

A. This Chapter shall not apply to rodeos, circuses, parades, livestock shows, horse shows or other similar events held within the Town, licensed slaughterhouses or livestock sales operations, or the raising of certain animals for profit, if licensed pursuant to law.

B. Any owner of an otherwise prohibited exotic pet may apply to the Town Administrator for permission to keep such pet upon his property; the Town Administrator may impose reasonable restrictions upon the keeping of said animal. Under no circumstances shall permission be granted for keeping any animal species of wildlife prohibited as pets by the Colorado Division of Wildlife, or any animal prohibited as pets by Section 25-4-712, C.R.S.

(Ord. 529 §1, 2005)

10.03.030 Exceptions for Certain Animals.

A. Rabbits may be kept in a single family residence.

B. Two chickens or ducks may be kept per single family residence.

C. Livestock may be kept in any area of the Town zoned as Rural Agricultural as a nonconforming use, subject to the provisions of Title 15 of the Parachute Municipal Code.

D. No horses may be kept within the Town limits in any area zoned other than Rural Agricultural which provides that the minimum site for the keeping of any horse shall be 10 acres, and further provided that the keeping of any horses shall be considered as a special review use, and a special review use permit following a public hearing must be obtained from the Planning Commission, in accordance with the procedures set forth elsewhere in the Parachute Municipal Code. In no event may a stallion over eighteen (18) months of age be kept within the Town limits.

(Ord. 529 §1, 2005)

10.03.040 Confinement Requirements. In all cases in which this Chapter permits the keeping of any livestock, fowl, or exotic pet within the Town limits, all such animals shall be kept in an enclosed area suitable to prevent the escape of the animal. Any pen, corral, shed, hutch, barn, yard or enclosure in which these animals are kept shall be maintained in a clean and sanitary manner. The owner shall provide and keep a tightly covered box into which all manure or animal refuse shall be placed, and shall haul the same away at least once per week from May 1 to October 1, and at least every two weeks during the winter months, or more often if necessary to control odors, unless an environmentally acceptable alternative is available.

(Ord. 529 §1, 2005)

CHAPTER 10.04

Cruelty to Animals.

Sections:

- 10.04.010 Definitions.
- 10.04.020 Cruelty - Neglect of Animals Prohibited.
- 10.04.030 Killing Animals in Contest.

10.04.010 Definitions. As used in This Chapter, unless the context otherwise requires:

- A. "Abandon" includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- B. "Animal" means any living dumb creature.
- C. "Mistreatment" includes every act or commission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.
- D. "Neglect" includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual, and proper for an animal's health and well-being.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

10.04.020 Cruelty - Neglect of Animals Prohibited.

A. A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or having the charge and custody of any animal, fails to provide it with proper food, drink, or protection for the weather, or abandons it.

B. Any person who violates the provisions of subsection (A) above commits a Class A municipal offense.

C. In the case of any person incurring a second or subsequent conviction under the provisions of subsection (A), a sentence of not less than 20 days imprisonment shall be mandatory and shall not be subject to suspension, nor shall such persons be eligible for probation 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.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

10.04.030 Killing Animals in Contest.

A. It shall be unlawful for any person, association or persons, or corporation to knowingly advertise, offer to conduct or conduct, or otherwise promote any contest or competition when the object of the contest or competition is the killing or mutilation of dogs or other animals.

B. A violation of this Section is a Class A municipal offense.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)

CHAPTER 10.05

Dead Animals.

Sections:

10.05.010 Removal of Animal Carcass.

10.05.010 Removal of Animal Carcass. It shall be a Class B municipal offense for the owner or possessor of a dead animal, or the owner of property on which a dead animal is located, to intentionally, knowingly or recklessly permit such dead animal's body or carcass to remain undisposed of for a period of longer than twenty-four (24) hours. No dead animal shall be placed on any Town dumpground, but shall either be buried or taken to a place designated by the Chief of Police and disposed of in a manner prescribed by the Chief of Police at the expense of the owner or possessor of the animal.

(Ord. 201, 1982; Amended Ord. 529 §1, 2005)