Title 9

ANIMALS

Chapters:

9.04 General Provisions
9.08 Animal Control Regulations Generally
9.12 Regulations Concerning Dogs
9.14 Impoundment of Animals
9.16 Cruelty to Animals

Chapter 9.04

GENERAL PROVISIONS

Sections:

9.04.010 Authority.
9.04.020 Penalty Assessment Schedule.
9.04.030 Strict Liability.

9.04.010 Authority. The Town adopts this Title relating to the regulation and control of animals in accordance with the powers granted it in Section 31-15-401(m), C.R.S. 1973, as amended. (Ord. 134 §1(part), 1982).

9.04.020 Penalty Assessment Schedule. The Municipal Judge shall promulgate a penalty assessment schedule for all non-criminal municipal offenses set forth in this Title. Payment of the penalty assessment shall be in accordance with the provisions set forth in Title 6 of the De Beque Municipal Code. (Ord. 258 §21(part), 2001).

9.04.030 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 or knowledge 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. 134 §1(part), 1982).

Chapter 9.08

ANIMAL CONTROL REGULATIONS GENERALLY

Sections:

9.08.010 Certain Animals Prohibited.
9.08.020 Fowl Running at Large Prohibited.
9.08.030 Fowl Disturbances.
9.08.040 Removal of Animal Carcass.
9.08.050 Quantity of Household Pets Restricted.

9.08.010 Certain Animals Prohibited. A. It is unlawful for any person to knowingly own, possess, keep or harbor within the limits of the Town any cows or other cattle, horses, goats, pigs or hogs, sheep, poisonous or venomous snakes, or any wild or undomesticated animal. It is unlawful for any person to knowingly own, possess, keep or harbor within the limits of the Town more than twenty-five (25) fowl, including but not limited to chickens, geese, ducks and turkeys. Any violation of this Section shall constitute a non-criminal municipal offense.

B. This Section shall not apply to rodeos, circuses, livestock shows, horse shows or other similar events held within the Town, licensed slaughter houses or livestock sales operations, or the raising of certain animals for a profit, if licensed pursuant to law.

(Ord. 134 §l(part), 1982; Amended Ord. 258 §22(part), 2001).

9.08.020 Fowl Running at Large Prohibited. It is unlawful for the owner or keeper of any chickens, geese, ducks, turkeys or other fowl to permit or suffer the same to run or be at large within the limits of the Town. "To run or be at large" shall be deemed to mean off the premises of the owner or keeper of said fowl and not confined upon the premises or within or upon any automobile or other vehicle. Any person who violates this Section commits a non-criminal municipal offense.(Ord. 134 §1(part), 1982; Amended Ord. 258 §23(part), 2001).

9.08.030 Fowl Disturbances. It is unlawful to keep, harbor or possess any chickens, geese, ducks, turkeys or other fowl which disturbs the peace and quiet of others by making any loud, frequent or unusual noises so that the same may be heard beyond the premises where the fowl are kept or harbored. Provided, however, the owner, possessor or keeper shall first be notified of the disturbance of another, either by the person disturbed or by a peace officer. Any person who violates this Section commits a non-criminal municipal offense. (Ord. 134 §1(part), 1982; Amended Ord. 258 §24(part), 2001).

9.08.040 Removal of Animal Carcass. It is unlawful 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 Town Marshal and disposed of in a manner prescribed by him at the expense of the owner or possessor of the animal. Any person who violates this Section commits a Class B municipal offense. (Ord. 134 §1(part), 1982; Amended Ord. 258 §25(part), 2001).

9.08.050 Quantity of Household Pets Restricted. Household pets, including but not limited to dogs, which are generally kept within or about a dwelling are not permitted in quantities of more than four (4) animals over the age of six (6) months. Any person who keeps household pets in violation of this Section commits a non-criminal municipal offense, however subsequent violations of this Section shall constitute a Class B municipal offense. (Ord. 311 §2 (part), 2006; Amended Ord. 442 §2 (part) 2014).

Chapter 9.12

REGULATIONS CONCERNING DOGS

Sections:

9.12.010 Definitions.
9.12.020 Annual Vaccination and Licensing Required.
9.12.030 Certificates of Vaccination and Rabies Tags.
9.12.040 Dog Licenses and Tags.
9.12.050 Kennels--Exception.
9.12.060 Running at Large Prohibited.
9.12.070 Leaving Unattended Dog.
9.12.080 Damage to Property.
9.12.090 Dangerous Animals Prohibited.
9.12.100 Muzzling and Confinement.
9.12.110 Animal Disturbances.
9.12.120 Liability.
9.12.130 Public Nuisance Prohibited.

9.12.010 Definitions. For the purposes of this Chapter, the following definitions shall apply:

"Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person(s) responsible for the animal's care or custody, or any other person having possession of such animal.

"Animal" means any living vertebrate creature, domestic or wild, including dogs and cats but excluding stray animals as defined in C.R.S. 35-44-101, as amended.

"Animal Services Center" means the authorized facility or facilities designated by the Town of De Beque, for the purposes of impounding, sheltering or disposing of animals held under the authority of this Ordinance or State law.

"At large" means outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail, or the property of one other than that of the owner's or keeper's are deemed to be at large.

"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 and/or animal.

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

"Cat" means any common domestic animal of the feline species, regardless of sex.

"Certificate of vaccination" means a document containing the information required in Section 9.12.030, properly completed and executed by a veterinarian which shall be furnished to the owner or keeper of any dog or cat vaccinated.

"Cruelty": a person commits cruelty to animals if he/she knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink or protection from the weather, or abandons it.

"Dangerous Animal" means an animal which without provocation:

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

"Day": for purposes of this Chapter, a "day" means a day during which the Mesa County Animal Services Shelter is open to the public, including days when the Mesa County Animal Services Shelter is available by telephone or dispatch.

"Dog" means any animal of the canine species, regardless of sex.

Dog, Male. "Male dog" means a dog of the masculine gender, either castrated or not castrated.

Dog, Female. "Female dog" means a dog of the female gender on which no surgery of the genital organs has been performed.

Dog, Spayed Female. "Spayed female dog" means a female dog on which an ovariectomy or ovarohysterectomy has been performed by a licensed veterinarian.

Dog, Stray. "Stray dog" means a dog which does not appear to have an owner or whose owner is unknown and which is unlicensed or does not appear to be licensed, or which is found unattached or loose anywhere within the Town.

"Harboring" means the act of keeping and caring for an animal or of providing a premises in which the animal returns for food, shelter or care for a period of at least three (3) consecutive days.

"Health Department" means the Mesa County or Colorado State Health Department.

"Health Officer" means the Health Officer of Mesa County, or any Health Department employee or other person authorized by the Health Officer.

"Kennel" means a person, entity or operation which is, by law, required to be licensed under the laws of the State of Colorado, Mesa County, or the Town, for the purpose of housing, keeping or caring for dogs.

"Leash or lead" means a thong, cord, rope, chain or similar device that holds an animal in restraint and which is not more than eight feet (8') in length.

"License" means a document containing the information required in Section 9.12.040, properly completed and executed by the Town Clerk, which shall be valid only when the subject dog wears the accompanying license tag.

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

"Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual and accepted for an animal's health and wellbeing consistent with the species, breed and type of animal.

"Officer" means any sworn employee of the Town of De Beque or acting under the authority of C.R.S. 30-15-105; and Mesa County Animal Services Center Officers contracted with the Town of De Beque to enforce the provisions of this Ordinance.

"Owner" means any person, or person acting as custodian, partnership, corporation, or an agent of the foregoing who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an animal for a period of three (3) consecutive days or more; or the person named as owner in current County licensing records or on the dog identification license or rabies tag; or any parent, guardian, or legal custodian of any un-emancipated child under eighteen (18) years of age who owns,

co-owns, possesses, keeps, harbors, or has control or custody of an animal.

"Person" means any individual, firm, corporation, partnership, association, trust, estate, or other legal entity.

"Pet Animal" means any animal, a domestic living vertebrate creature, that is owned by an Owner.

"Potentially Dangerous Animal" means any pet animal or working dog that without provocation, threatens to attack, or bites causing physical injury to, a human being or domestic animal; or without provocation, chases or approaches a person upon the street, 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.

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

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

"Rabies" means a communicable disease of both wild and domestic animals, especially dogs, transmittable to humans, as defined by the United States Department of Agriculture.

"Running at large" pertains to a dog off the premises of the owner and not under the: (1) physical, or (2) visible and audible, control of a person competent to restrain the dog. A dog intruding upon the private property of any person other than the owner shall be considered running at large. A dog within or upon any automobile or other vehicle shall not be deemed running at large.

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

"Vaccination" means the vaccination or inoculation of a dog or cat with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State of Colorado.

"Vicious dog" means any dog 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. (Ord. 134 §l (part), 1982; Amended Ord. 137-A §1(part), 1982; Amended Ord. 311 §4 (part), 2006; Amended Ord. 442 §2 (part), 2014).

9.12.020 Annual Vaccination and Licensing Required. A. No dog or cat over the age of six (6) months shall be kept, harbored or maintained within the Town 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 nonresidents temporarily within the Town, nor to 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 for a period of thirty-two (32) days.

C. All dogs or cats which are brought into the Town 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.

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 which has not been vaccinated against rabies, and licensed, if required as provided herein, commits a Class B municipal offense. (Amended Ord. 258 §26(part), 2001).

(Ord. 134 §l(part), 1982).

9.12.030 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;

7. Sex alterations, if any.

It is unlawful for any person who owns a vaccinated dog or cat to knowingly fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter.

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 fails or refuses to attach a rabies tag as herein required commits a non-criminal municipal offense. (Amended Ord. 258 §27(part), 2001).

(Ord. 134 §1(part), 1982).

9.12.040 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 in an amount set forth by resolution of the Board of Trustees. (Ord. 218 §1, 1994; Amended Ord. 309 §34 (part), 2006).

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;

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. It is unlawful for any person who owns or harbors a licensed dog to knowingly fail or refuse 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. Any person who violates this subsection for the first time within twelve (12) consecutive months commits a non-criminal municipal offense. Any person who knowingly violates this Section for a second or subsequent time within twelve (12) consecutive months commits a Class B municipal offense. (Amended Ord. 258 §28(part), 2001).

G. Licenses shall not be transferable. It is unlawful for any person to knowingly possess a license or to affix a license tag to any dog other than the specific animal for which the license was issued.

(Ord. 134 §1(part), 1982).

9.12.050 Kennels--Exception. 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. 134 §l(part), 1982).

9.12.060 Dogs At Large

A. No dog owner, or any person who harbors, keeps or is a custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such physical confinement shall ensure that the dog cannot leave the premises or be at large.

B. No dog owner, or any person who harbors, keeps or is custodian of a dog shall fail to prevent the dog from being or running at large, as defined in Chapter 9.12. Any dog off of its owner's premises shall be under leash control by its owner.

C. No dog owner, or any person who harbors a dog, shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or on public school property, or in open space areas of subdivisions; or in public parks, unless permission is posted by the Town allowing dogs at large.

D. Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners who do not comply with this subsection may be ordered by an Officer to remove the dog to a boarding kennel, veterinary hospital or Animal Services Center, or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an Officer shall be a violation of this Ordinance, and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such removal order.

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

F. Any person who violates any provision of this Section upon a first complaint commits a non-criminal municipal offense. Any person who subsequently violates this Section commits a Class B municipal offense. (Ord. 442 § 2 (part), 2014).

(Ord. 134 §1(part), 1982).

9.12.070 Leaving Unattended Dog. It is 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. Any person who violates this Section commits a non-criminal municipal offense. (Ord. 134 §1(part), 1982; Amended Ord. 258 §30(part), 2001).

9.12.080 Damage to Property. It is 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 any public or private property not belonging to the owner. Any person who violates this Section commits a Class B municipal offense. (Ord. 134 §l(part), 1982; Amended Ord. 258 §31(part), 2001).

9.12.090 Dangerous Animals Prohibited. Any person who owns or keeps any dangerous animals in violation of this Section commits a Class B municipal offense.

A. A dangerous animal is one that bites, claws or attempts to bite or claw any person, bites another animal or in a vicious or terrorizing manner approaches any person in an apparent

attitude of attack, whether or not the attack is consummated or is capable of being consummated.

B. It is a defense to the charge of owning or keeping a dangerous animal that the person or animal that was bitten, clawed or approached by the dangerous animal was:

1. Other than in self defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;

2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;

3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;

4. Attempting to assault another person;

5. Attempting to stop a fight between the animal and any other animal;

6. Attempting to aid the animal when it was injured; or

7. Attempting to capture the animal in the absence of the owner or keeper.

C. For purposes of this Section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

(Ord. 311 §6 (part), 2006).

9.12.100 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 premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during 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 Town Marshal, or his designee.

A dog impounded during 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 9.12.090; if unclaimed within five (5) days, after said period such dog may be immediately destroyed. (Ord. 134 §l(part), 1982; Amended Ord. 311 §7 (part), 2006).

9.12.110 Animal Disturbances. It is unlawful to keep, harbor or possess a dog or cat or other animal which disturbs the peace and quiet of others during the hours of eight (8:00) p.m. to nine (9:00) a.m. by loud or frequent or habitual barking, yelping, howling, baying, yipping, crying, whining, mewing or making any other loud noises so that same may be heard beyond the premises where the dog 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. Any person who violates this Section commits a non-criminal municipal offense. (Ord. 134 §1(part), 1982; Amended Ord. 258 §34(part), 2001; Amended Ord. 311 §7 (part), 2006).

9.12.120 Liability. The Town 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. 134 §l(part), 1982; Amended Ord. 311 §7 (part), 2006).

9.12.130 Public Nuisance Prohibited. A. It shall be unlawful for any owner or keeper of a pet animal to fail to exercise proper care and control of their pet animal so as to have it become a public nuisance with or without direct knowledge of that owner or keeper. For the purpose of this section, a public nuisance includes:

1. A Pet Animal which is a safety or health hazard, which damages or destroys the property of another (including but not limited to a garden, flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in conduct with lawful activities at such person's home or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal are not immediately removed by the owner or keeper.

2. A Pet Animal at large that jumps on, or attempts to herd a person(s), or that runs after and vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being ridden or driven upon the roads or any public grounds or place within the Town of De Beque.

B. Custody of Pet Animal.

1. Any Pet Animal found trespassing or found causing a public nuisance as described in this section may be humanely restrained by the owner or occupant of such property, or by such owner's or occupant's agent, for a reasonable time, during which time such owner, occupant, or agent shall notify an Officer of their possession of the animal, notify the owner or custodian of their possession of the animal, release the animal to the owner or custodian, release the animal at the site of capture, or transport the animal to the Mesa County Animal Shelter.

2. Any animal, domestic or wild, found to be trespassing or creating a nuisance at any place within the Town may be humanely restrained by any person. Nuisance wild animals may be released to an Officer, transported to the Mesa County Animal shelter or

licensed wildlife rehabilitation facility, or relocated in accordance with all applicable state wildlife regulations.

C. The complainant must provide the Officer with the address of the owner or keeper if known, a date and time of violation and a description, photos, videos, etc., of the violation.

(Ord. 442 § 2, (part) 2014).

Chapter 9.14
IMPOUNDMENT

Sections:

9.14.010 Impoundment of Dogs
9.14.020 Impoundment of Dangerous Animals
9.14.030 Disposition of Dangerous Animals
9.14.040 Disposition of Impounded Animals
9.14.050 Notice of Impoundment and Disposition Alternatives
9.14.060 Liability for Seizure and Impoundment Expenses
9.14.070 Redemption Procedure Fee Required
9.14.080 Removal of Impounded Animals
9.14.090 Impoundment alternatives
9.14.100 Interference with Animal Regulation Officer
9.14.110 Compliance with Impound Request
9.14.120 Search and Seizure of Dangerous Animals and/or Dogs
9.14.130 Penalty

9.14.010 Impoundment of Dogs

A. An Officer may seize and impound any dog which is:

1. At large; or
2. Off the owner's premises not wearing a current license tag; or
3. Is an unconfined, unspayed female dog in estrus.

B. An Officer may seize and impound any animal which:

1. Is required to be observed for rabies symptoms; or
2 Is, or appears to be abandoned, abused or neglected; or
3. Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
4. Is being kept or maintained contrary to the provisions of this Title.

9.14.020 Impoundment of Dangerous Animals. In the event that the Officer reasonably believes the animal is dangerous, it may be immediately seized and impounded. If impoundment of a vicious animal cannot be made safely by the Officer and/or other persons, the dangerous animal may be destroyed without notice to its owner. The Officer and/or the Town of De Beque shall not be liable for such action.

9.14.030 Disposition of Dangerous Animals. A. An animal found to be dangerous by any Court, as defined in Chapter 9.12, may be disposed of by humane euthanasia. The owner of the

dog shall be assessed and shall be liable for all applicable costs and fees pursuant to the Town of De Beque fee schedule.

B. The owner of an animal found to be dangerous as defined in Chapter 9.12 shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, the posting of bond, construction of secure areas of confinement, restrictions on travel with the animal, neutering the animal, muzzling, compensation of victims, restrictions on sale or transfer of the animal, destruction, removal from the Town of De Beque and any other terms or conditions deemed necessary to protect the public or the abatement of a public nuisance. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and Court costs, if any.

C. In the event of non-compliance with these conditions, the animal may be impounded by the Officer and disposed of at their discretion, or according to court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for non-compliance with any sentencing orders or with administrative conditions for release of a dangerous animal.

D. An animal found or declared not dangerous shall there upon be returned to its owner, subject to payment for redemption fees for licensing and veterinarian care, but excluding liability for boarding expenses.

9.14.040 Disposition of Impounded Animals. Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the Town of De Beque. The animal may then be disposed of by Mesa County Animal Services personnel and/or by the Town of De Beque either by sale, donation, adoption to a suitable owner, return to finder or by humane euthanasia.

9.14.050 Notice of Impoundment and Disposition Alternatives. If the animal's owner cannot be established after a reasonable effort, the Officer may proceed with any disposition authorized by this Title.

9.14.060 Liability for Seizure and Impoundment Expenses. An owner shall be obligated to reimburse the Town of De Beque for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may be required to pay the appropriate fees to the Town of De Beque prior to transporting them to the Mesa County Animal Services Center.

9.14.070 Redemption Fees Authorized. Any animal may be claimed and redeemed from impoundment by the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, veterinary charges, charges for unusual care and feeding,

redemption fees, and such other costs or fees as may be reasonably set by the Town of De Beque or as set forth in the Town of De Beque Charges and Fees Schedule

9.14.080 Removal of Impounded Animals. No person shall remove any impounded animal from the Mesa County Animal Services Center or from the official custody of an Officer without the consent of the Town of De Beque.

9.14.090 Impoundment Alternatives. Nothing in this Chapter 9.14 shall be construed to prevent an Officer from taking whatever action is reasonably necessary to protect them or members of the public from injury by any animal.

9.14.100 Interference with Animal Regulation Officers. No person shall interfere with, molest, hinder, or prevent the Officer from discharging their duties as prescribed by this Title or other law.

9.14.110 Compliance with Impoundment Requests. No person shall refuse to immediately deliver up or release any animal to an Officer upon lawful demand by the Officer to seize and impound the animal.

9.14.120 Search and Seizure of Dangerous Animals and/or Dogs. An Officer shall have the right to enter upon private property when necessary to seize an animal that has been running at large, when in reasonable pursuit of such animal. Authorized entry upon such property shall not include entry into a domicile or any enclosure that confines the animal except upon invitation by the property owner. In the event of an owner's refusal or failure to deliver up or release the animal, and upon presentation of a motion and an affidavit establishing probable cause that the animal is a public nuisance as defined in 9.12, a Court may issue an ex parte order requiring the owner to immediately deliver up or release the animal to an Officer. Non-compliance with such order shall be grounds for proceedings to establish contempt of Court. The Court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance animal, or an abandoned, abused, or neglected animal(s) in order to preserve evidence or to protect the public safety and welfare. An Officer seizing a public nuisance animal may impound the animal, release the animal in lieu of impoundment, and/or issue a penalty assessment notice or a Summons and Complaint to the animal owner or keeper, unless otherwise required by Court order or this Title.

9.14.130 Penalty. Any person who violates any provision of this Section commits a Class B municipal offense.

(Ord. 442 § 2, 2014).

Chapter 9.16

CRUELTY TO ANIMALS

Sections:

9.16.010 Definitions.
9.16.020 Cruelty--Neglect of Animals Prohibited.
9.16.030 Killing Animals in Contest.

9.16.010 Definitions. As used in this Chapter, unless the context otherwise requires:

"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.

"Animal" means any living dumb creature.

"Mistreatment" includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

"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. 134 §l(part), 1982).

9.16.020 Cruelty--Neglect of Animals Prohibited. A. A person commits the Class A municipal 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 from the weather or abandons it. (Amended Ord. 258 §35(part), 2001).

B. In the case of any person incurring a second or subsequent conviction under the provisions of subsection (A) of this Section, a sentence of not less than ten (10) 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. 134 §l(part), 1982).

9.16.030 Killing Animals in Contest. It is unlawful for any person, association of

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. Any person who violates this Section commits a Class A municipal offense. (Ord. 134 §1(part), 1982; Amended Ord. 258 §36(part), 2001).