

TITLE 10
ANIMAL CONTROL

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- 10.01 General
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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 Collbran hereby adopts Title 10 relating to the regulation and control of animals in accordance with the powers granted it in Section 31-15-401 (m), C.R.S. (*Source: Ord. No. 90*)

10.01.020 Penalties. Unless otherwise specified, violation of any of the sections in this Title shall be deemed to be a Class B municipal offense. Provided, however, the offenses contained in Sections 10.02.020, 10.02.030, 10.02.040, and 10.02.070, shall be deemed to be non-criminal municipal offenses, punishable by a penalty not to exceed one hundred dollars (\$100.00). Any person violating Sections 10.02.060, 10.02.150, 10.03.010, 10.03.020, and 10.03.030 for the first time within twelve (12) consecutive months shall be deemed to have committed a non-criminal municipal violation and shall be punished by a penalty not to exceed one hundred dollars (\$100.00). (*Source: Ord. No.176*).

10.01.030 Strict Liability. For the purpose of prosecution for violations of this Chapter, 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.

CHAPTER 10.02
DOGS AND CATS

Sections:

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

- (a) Cat: Any common domestic animal of the feline species, regardless of sex.
- (b) Certificate of vaccination: A document containing the information required in Section 10.02.030, properly completed and executed by a veterinarian which shall be furnished to the owner or keeper of any dog or cat vaccinated.
- (c) Dog: Any animal of the canine species, regardless of sex over three (3) months of age.
- (d) Dog, Male: A dog of the masculine gender, either castrated or not castrated, being over the age of three (3) months.
- (e) Dog, Female: A dog of the female gender on which no surgery of the genital organs has been performed, and which is over the age of three (3) months.

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(f) Dog, Spayed Female: A female dog on which an ovariectomy or ovariohysterectomy has been performed by a licensed veterinarian.

(g) Dog, Stray: 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 of Collbran.

(h) Kennel: 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.

(i) License: A document containing the information required in Section 10.02.040, properly completed and executed by the Town Clerk, which shall be valid only when the subject dog wears the accompanying license tag.

(j) Owner: A person who owns, possesses, controls, maintains, keeps or harbors an animal or knowingly permits a domestic animal to remain for three (3) consecutive days on or about property or premises owned, controlled, or occupied by him or her.

(k) Rabies: A communicable disease of both wild and domestic animals, especially dogs, transmittable to humans, as defined by the United States Department of Agriculture.

(l) 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". No dog shall be deemed to be running at large, however, when upon private property with the permission of the owner or person with the right of possession thereof and either enclosed by fencing or other means.

(m) Vaccination: Shall mean 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.

(n) Vicious Dog: 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. (*Source: Ord. No. 90*)

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10.02.020 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 of Collbran, Colorado, 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 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 of Collbran for a period of thirty-two (32) days.

(c) All dogs or cats which are brought into the Town of Collbran 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 thirty (30) 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 thirty (30) days of importation, subject to the exceptions provided for above.

(e) It shall be unlawful for any person to knowingly keep any dog or cat within the Town of Collbran which has not been vaccinated against rabies, and licensed, if required as provided herein.

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

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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 shall be 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. It shall be unlawful for any person who owns a vaccinated dog to knowingly fail or refuse to attach a rabies tag as herein required.

10.02.040 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 five dollars (\$5.00) per male dog or spayed female dog and ten dollars (\$10.00) per un-spayed female dog.

(c) The license shall contain the following information:

- (1) The name and address of the owner or harbinger of the licensed dog;

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(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 harbinger 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 harbinger of the inoculated and licensed dog for inspection by any person charged with the enforcement of this Chapter.

(f) It shall be 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.

(g) Licenses shall not be transferrable. It shall be 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.

10.02.050 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.

10.02.060 Running at Large Prohibited. (a) It shall be unlawful for the owner or keeper of any dog to permit his dog to run at large, as defined in Section 10.02.010. Provided, however, this Section shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any one of these pursuits.

(b) Any person violating this Section for the first time within twelve (12) consecutive months shall be deemed to have committed a non-criminal municipal violation and shall be punished by penalty of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of violating this Section for a second time within twelve (12) consecutive months shall be punished by a fine of not less than forty dollars (\$40.00), nor more than five hundred dollars (\$500.00), or by imprisonment, and shall be deemed to have committed a criminal violation. The

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minimum fines provided for subsequent violations are mandatory, and the Court shall have no discretion to suspend the fine therefor. (Source: Ord. No. 176).

10.02.070 Leaving Unattended Dog. 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 other public property, except when a dog is being walked on a leash.

10.02.080 Damage to Property. 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 any public or private property not belonging to the owner.

10.02.090 Impounding of Dogs. (a) It shall be the duty of the Town Marshal and his deputies, or the Town Marshal's designee to:

(1) Apprehend any stray dog or any dog 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 dog in the Town Animal Control Facility or other suitable place determined by the Town Marshal; and,

(2) Upon apprehending any such dog, to make a complete registry of the impounded dog, including the following: the date, time, place, and circumstances of the apprehension; the breed, sex, and color of the dog; the condition of the dog and whether such dog is licensed. If the dog is licensed, the name and address of the owner, and the date and number of the dog tag shall be entered in such registry which shall be maintained at the office of the Town Marshal.

(b) When a dog is impounded, the Town Clerk shall be notified as soon as possible of that action. A report of the impoundment shall be made and kept available at the Marshal's office for public information. If the owner of an impounded dog 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 dog is not claimed by the end of the third (3rd) day after impoundment, and the owner has not been found, the dog shall be put up for adoption unless other arrangements have been made with the Town Marshal, or his designee. The dog shall be listed as adoptable with cooperating radio stations and shall be posted as adoptable in the Town Hall.

(c) If within three (3) days of impoundment under this Section, a dog 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 dog, and the

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dog has not been adopted, the Town Marshal, or his designee, may have such dog disposed of by adoption or euthanasia, except as otherwise provided herein.

(d) All charges and penalties imposed pursuant to this Section shall be in addition to all other such charges or penalties imposed by the Town Marshal's designated animal control officer.

10.02.100 Quarantine of Dogs and Cats. (a) A dog or cat which is known to have bitten or injured any person so as to cause an abrasion of the skin, or a dog or cat which, in the opinion of the Town Marshal, or any deputy marshal, or a licensed veterinarian, appears to be affected or infected with rabies, or a dog or cat which is known to have been bitten by or exposed to a rabid animal, shall be impounded by the Town Marshal, or any deputy, and closely confined by the Town in accordance with the directions of the Town Marshal, or his designee, at the expense of the animal owner; or, if the dog or cat has a valid rabies vaccination and if confinement facilities are arranged to the satisfaction of the Town Marshal, 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 dog or cat so confined and not demonstrating evidence of rabies after fourteen (14) days shall be released upon visual inspection by the Town Marshal, or his designee, after such period.

(b) If said dog or cat is determined by a veterinarian to be suffering from rabies, it shall be destroyed immediately. If such a dog or cat is determined not diseased, it may be redeemed by its owner, in accordance with the provisions for redemption set out in Section 10.02.090 (c) above. If the owner of said animal is not determined, or located, or the dog or cat is not claimed within the aforesaid fourteen (14) day period, then the Town Marshal, or his designee, may order such animals disposed of. If said animal 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 or her dog or cat has rabies to allow such animal to be taken off his property or premises or beyond the limits of the Town of Collbran without the written permission of the Town Marshal, or his designee. Every owner or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the Town Marshal or any deputy 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.

10.02.110 Release of Unclaimed Animals. With respect to an animal which has been impounded or quarantined pursuant to the provisions of Section 10.02.090 and Section 10.02.100 hereof and which has not been claimed, released, or disposed of

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in accordance with said Sections, the Town Marshal, or his designee, in lieu of having said animal disposed of, may release such dog or cat, 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 Town Marshal, or his designee.

10.02.120 Destruction of Dangerous Dogs. Where, in the reasonable discretion of the Town Marshal or any deputy marshal, a dog is endangering the life or person of another, or inflicting death or injury to another animal, said dog may be immediately destroyed.

10.02.130 Vicious Dogs Unlawful. It shall be unlawful for any owner of a vicious dog 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.

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

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 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 10.02.090; if unclaimed within five (5) days after said period, such dog may be immediately destroyed.

10.02.150 Animal Disturbances. It shall be unlawful to keep, harbor or possess a dog or cat or other animal which disturbs the peace and quiet of others by loud or frequent or habitual barking, yelping, howling, baying, yipping, crying, whining, meowing, 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 harbinger shall first be notified of the disturbance of another, either by the person disturbed or by a peace officer.

10.02.160 Liability. The Town of Collbran or any employees thereof, or any

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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.

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CHAPTER 10.03
OTHER ANIMALS

Sections:

- 10.03.010 Certain Animals Prohibited
- 10.03.020 Fowl Running at Large Prohibited

10.03.010 Certain Animals Prohibited. Except in accordance with Sections 15.02.020(d) and 15.02.040(k), it shall be unlawful for any person to knowingly own, possess, keep or harbor within the limits of the Town of Collbran any cows or other cattle, horses, goats, pigs, or hogs, sheep, poisonous or venomous snakes, or chickens, geese, ducks, turkeys, pheasants, peacocks or other free-roaming or game fowl, or any wild or undomesticated animal.

This Section shall not apply to rodeos, circuses, 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.
(Source: Ord. No. 147, Amended: Ord. No. 214)

10.03.020 Fowl Running at Large Prohibited. It shall be 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 of Collbran. "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.
(Source: Ord. No. 90)

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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 omission 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. (*Source: Ord. No. 90*)

10.04.020 Cruelty - Neglect of Animals Prohibited. (a) A person commits the Class A criminal 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. (*Source: Ord. No. 167*)

(b) In the case of a person incurring a second or subsequent conviction under the provisions of subsection (a), 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.

10.04.030 Killing Animals in Contest. It shall be unlawful for any person,

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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.

CHAPTER 10.05
DEAD ANIMALS

Sections:

10.05.010 Removal of Animal Carcass.

10.05.010 Removal of Animal Carcass. It shall be 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. (*Source: Ord. No. 90*)

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