Chapter 6-2

ANIMAL CONTROL REGULATIONS

Sections:

6-2-1 GENERAL PROVISIONS
6-2-2 RABIES VACINATIONS / LICENSING OF DOGS
6-2-3 ANIMAL ATTACKS
6-2-4 LIMIT ON DOGS AND CATS
6-2-5 REVOCATION OR SUSPENSION OF LICENSE OR TAGS
6-2-6 RUNNING AT LARGE PROHIBITED
6-2-7 POULTRY RUNNING AT LARGE PROHIBITED
6-2-8 RELEASING RESTRAINED ANIMALS PROHIBITED
6-2-9 DANGEROUS ANIMALS
6-2-10 CRUELTY TO ANIMALS
6-2-11 NUISANCE
6-2-12 FEMALE ANIMALS IN HEAT
6-2-13 FARM LIVESTOCK
6-2-14 PENALTY
6-2-15 POLICE DOGS
6-2-16 FARMS & RANCHES

6-2-1: GENERAL PROVISIONS

(A) This Chapter shall be applicable to all property within the City, and to the City owned dog pound property located outside of the City limits. (Ord.1063, 12-6-79)

(B) For purposes of this Chapter "custodian" shall mean any person possessing, harboring, keeping or exercising control over any animal.

(C) The City Manager may issue such regulations as may be necessary for the enforcement, administration and interpretation of this Chapter, and any amendment thereto.

(D) For purposes of this Chapter "City" shall mean the City of Montrose, Colorado, and any agent or employee thereof authorized by the City Manager to administer or enforce the provisions of this Chapter.

(E) For the purpose of this Chapter "animal" shall mean any mammal, bird or reptile.

(F) The Animal Control Officer(s) of the City shall be deemed a peace officer, as defined in Rule 203 of the Colorado Municipal Court Rules of Procedure, for the limited purpose of enforcing the provisions of this Chapter under the direction of the City Manager. The Animal Control Officer(s) shall exercise the authority of a peace officer in the enforcement of these provisions, including the power to issue summons and complaints and initiate prosecution of violations hereof. (Ord. 1908, 6-13-2002)

6-2-2: RABIES VACINATIONS / LICENSING OF DOGS

(A) License Required: It shall be unlawful for any person to own, keep, harbor, or have custody of any dog over the age of six (6) months within the City, unless such dog is licensed as provided in this Chapter.

(B) License Application: Application for such license shall be made by the owner or custodian on a City form within ten (10) days after acquiring any dog over six (6) months of age or within ten (10) days after a dog becomes six (6) months of age; provided that any owner or custodian moving to the City for the purpose of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until ten (10) days after moving or annexation to obtain such a license.

(1) Place of Application: The Montrose Animal Shelter shall be the primary location of application and administration for pet animal licenses, except when notice is provided to the public of another location at which pet licenses may be obtained.

(C) Proof of Rabies Vaccination, or Equivalent Required: All owners applying for a license must show, as provided herein, that the animal for which the license is being obtained has a current rabies vaccine.

(1) Vaccinations: It shall be unlawful to own or have custody of any dog or cat six (6) months of age or older, unless such dog or cat has been:

(a) Vaccinated against rabies with an approved vaccine by a licensed veterinarian, and such vaccination is currently effective; or

(b) Alternative To Rabies Vaccine (Alternative Practice): A treatment or practice administered by a licensed veterinarian as an alternative to traditional rabies inoculations, and having effectiveness against rabies similar to traditional vaccinations, shall be an acceptable alternative to such vaccinations. For

the purpose of this Chapter, all references to rabies vaccinations shall include the alternatives thereto, described in this Paragraph.

(2) Temporary Visits to City: No rabies vaccination or Alternative Practice is required for a pet animal temporarily within the City for less than thirty (30) days if said animal has a current rabies vaccination, or such animal is currently licensed by another governmental licensing authority.

(3) Rabies Tags and Certificate: The veterinarian administering the rabies vaccine or Alternative Practice shall furnish to the owner or custodian of the animal a tag indicating the vaccine or Alternative Practice has been administered. Said veterinarian shall also execute a certificate as proof of such, keeping a duplicate copy for his files. Such certificates shall provide information appropriate for the administration and enforcement of this, including a description of the animal.

(a) Proof of Vaccination or Alternative Practice: It shall be unlawful for any person who owns or has custody of any pet animal included within the scope of this Chapter to fail or refuse to produce the certificate of rabies vaccination or Alternative Practice upon request by any person charged with the enforcement of this Chapter.

(D) Display of License Tags: The license and rabies tags issued pursuant to this Chapter shall both be attached to a collar or harness, and worn by the licensed pet animal at all times unless on the property of the owner. It shall be unlawful to own or have custody of any animal required by this Chapter to be licensed, if said animal's tags become worn or illegible. The owner or custodian shall immediately replace worn or illegible tags. The City shall issue replacement tags upon the payment of the fee as set forth in Section 3-1 of the City of Montrose Regulations Manual.

(E) Counterfeits and Forgeries: It shall be unlawful for any person to have in his possession, or otherwise make use of a stolen, counterfeit, or forged rabies vaccination certificate or tag, or pet animal license certificate or tag.

(F) Non-transferability: Vaccination certificates, and license tags and certificates are not transferable, and it shall be unlawful for any person to attach any license or rabies tag to any animal other than the animal for which such tag was originally issued.

(G) Payment of License Fee: A license fee shall be paid at the time of making application. The license fees shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual.

(H) False Statement: It shall be unlawful to make any fraudulent statement or misrepresentation with respect to any rabies vaccination, or pet animal license application.

(I) Annual License: Licenses issued pursuant to this Chapter shall be valid for one year, and shall require renewal each and every year, or upon a change of ownership or custodianship of such animal, or a change in the address of the owner or custodian of the animal, in which case a reapplication shall be made within ten (10) days.

6-2-3: ANIMAL ATTACKS

(A) Anyone, including physicians, having knowledge of any case of an attack or bite caused by any dog, cat or other animal occurring within the Montrose City limits shall notify the City as soon as possible.

(B) Any animal which in known to have bitten or attacked any person, causing puncture of the skin, shall be quarantined for a period of no less than 10 days from the date of the incident. It is unlawful for any person to refuse to produce an animal for quarantine. The animal shall be quarantined and observed at any veterinarian clinic or hospital of the owner or custodian' s choice, or at the City Animal Shelter, or at the residence of the owner or custodian provided such confinement is secure and approved by the City. Such confinement shall be at the expense of the owner or custodian. (Ord. 1676, 9-3-98)

(C) In cases in which the attack or bite is made without provocation and the animal is believed to be vicious as defined in the provisions of this Chapter, the animal may be impounded until conclusion of legal proceedings. Such impoundment in all cases shall be at the expense of the owner or custodian. (Ord. 1676, 9-3-98)

(D) The owner or custodian of the dog, cat or other animal shall be liable for the costs of confinement and the animal will not be returned until such costs are paid. The animal may be sold or destroyed if such costs are not paid by the owner or custodian.

(E) Any animal infected with rabies shall be destroyed.

6-2-4: **LIMIT ON DOGS AND CATS:** It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than two (2) dogs and two (2) cats.

6-2-5: **REVOCATION OR SUSPENSION OF LICENSE OR TAGS:** The City Council may revoke or suspend any license or tags issued in accordance with the provisions of this Chapter upon a finding that the licensee has violated any provision of this Chapter. A hearing shall be held and reasonable notice given of the hearing to the licensee or custodian.

6-2-6: **RUNNING AT LARGE PROHIBITED**

(A) It shall be unlawful for any owner or custodian of any animal to fail to confine it or cause it to be confined to the premises of the said owner or custodian, unless the animal is under effective and immediate control of the owner or custodian by a leash, cord, chain or other restraining device.

(B) Any animal in violation of subsection (A) above may be impounded or caused to be impounded by the City.

(C) (Repealed, Ord. 2004, 05-20-2004)

(D) The owner or a custodian of any animal so impounded may reclaim it within five (5) working days from the date the notice is posted with the City Clerk upon payment of a fee as set forth in Section 3-1 of the City of Montrose Regulations Manual, plus any veterinary charges. No unlicensed dog or cat will be released to the owner or custodian without his obtaining a license if one is required by this Chapter. (Ord. 2004, 05-20-2004)

(E) The City shall keep all animals so impounded for a period of five (5) working days from the date the notice is posted unless sooner reclaimed by the owner. If at the expiration of said period the owner or custodian has not reclaimed the animal, it may be destroyed or disposed of by sale. Any purchaser shall pay all charges imposed by this Chapter. No unclaimed dog or cat shall be sold without being vaccinated for rabies and licensed, if required. (Ord. 1008,11-2-78)

(F) It shall be unlawful for any owner or custodian of any animal to fail to have the animal under effective and immediate control of the owner or custodian by a leash, cord, chain or other restraining device at all times that such animal is within the City, unless the animal is upon the premises of said owner or custodian. (Ord. 1063, 12-6-79)

6-2-7: **POULTRY RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any person to keep fowl or poultry unless such fowl or poultry are at all times kept in an enclosure upon the owner or custodian's premises or confined or caged when being transported.

6-2-8: **RELEASING RESTRAINED ANIMALS PROHIBITED:** It shall be unlawful for any person to release any animal impounded or quarantined pursuant to this Chapter without permission of the City. It shall be unlawful for any person to set any animal free of any restraint or confinement without consent of the owner or custodian.

6-2-9: DANGEROUS ANIMALS

(A) VICIOUS ANIMALS

(1) It shall be unlawful for the owner or custodian to keep or harbor any vicious animal within the City, unless said animal is properly confined in accordance with the provisions herein.

(2) A vicious animal is defined as any animal that, without provocation, bites or attacks persons or other animals; approaches any person or other animal with vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the animal is potentially vicious.

(3) It shall be an affirmative defense to charges under this Subsection that the actual or intended victim of any attack has made an unlawful entry into the residential dwelling structure of the animal' s owner or custodian, or has threatened or attacked a person or animal lawfully within said dwelling structure, or has threatened or attacked an owner or custodian of the animal. "Dwelling structure", for the purposes of this Subsection, shall mean any enclosed building, or portion thereof, which provides actual living facilities.

(4) Any animal which is reasonably believed to be vicious and which is not properly confined in accordance with the provisions herein may be impounded if it constitutes a danger to any person or animal. The animal shall remain impounded until the completion of legal proceedings. The owner or custodian shall be responsible for costs of impoundment, and the animal may be destroyed if such costs are not paid.

(5) "Proper confinement", for purposes of this Subsection, shall mean the following:

(a) While on the premises of the owner or custodian, the animal shall be confined within a dwelling structure, or within a securely fenced enclosure with fastened sides and top or with four fastened sides of no less than six feet in height. The enclosure must be permanently fastened at the bottom, and be of such material and construction that the animal cannot exit the enclosure on its own. Enclosures shall be properly signed for warning.

(b) While off the premises of the owner or custodian, the animal shall be leashed and muzzled and under the physical control of the owner or custodian at all times, unless otherwise confined within a closed vehicle.

(6) If the Court determines that the vicious animal poses a serious danger to the health and safety of other persons or animals, it may order the animal to be removed from the municipality or destroyed. Such determination may be based upon, but is not necessarily limited to, the frequency of violations of the provisions of this Chapter by the owner or custodian of such animal, the severity of any attack or bite or terrorizing behavior by such animal, or the inability or unwillingness of the owner or custodian to properly confine such animal.

(B) WILD AND DANGEROUS ANIMALS:

(1) It shall be unlawful for any person or custodian to keep or harbor any wild and dangerous animal within the City.

(2) Wild and dangerous animals shall include, but not be limited to:

(a) All poisonous snakes and reptiles; non-poisonous snakes with a length greater than six (6) feet; all Crocodilians;

(b) All carnivorous, non-domestic animals. "Non-domestic animals", for purposes of this Subsection, includes those animals not ordinarily domesticated so as to live and breed in a tame condition.

(c) All wolves and wolf/hybrids;

(d) The provisions of this Subsection (2) shall not be applicable to licensed circuses and carnivals, wildlife sanctuaries, nature center, zoological parks, veterinary and rehabilitation clinics. (Ord. 1676, 9-3-98)

6-2-10: CRUELTY TO ANIMALS

(A) It shall be unlawful for any person owning or in custody of any animal to fail to provide any animal with adequate food, water, shelter and veterinary care when reasonably required.

(B) It shall be unlawful for any person to beat, cruelly ill-treat, overload, over-work or otherwise abuse any animal, or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

(C) It shall be unlawful for the owner or custodian of any animal to abandon such animal.

(D) For the purpose of this Section, "abandon" means to leave the animal unattended for more than 48 consecutive hours.

(E) It shall be unlawful for any person to expose any known poisonous or hazardous substance, including such substance when mixed with food, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto and be adversely affected thereby; provided however that this Subsection does not apply to the lawful removal of pests.

(F) It shall be unlawful for any owner or custodian to confine an animal within a parked, closed vehicle, when insufficient ventilation exists, or when the temperature within the closed vehicle is in excess of 90 degrees Fahrenheit, thereby exposing the animal to serious health risk.

(G) The animal control officer or police officer may impound any animal which is reasonably believed to be abandoned or otherwise subject to the provisions of this Section. Any and all costs associated with the impoundment and necessary care of such animals shall be borne by the owner or custodian. (Ord. 1716, 8-5-99)

6-2-11: NUISANCE

(A) Any animal which produces or creates any unreasonable disturbance by excessive or continued screeching, barking or other noise, or which is reasonably believed to be vicious in accordance with this Chapter, or is at large without control, is hereby declared to be a nuisance.

(B) Any animal which leaves excrement upon any public property, or upon any private property absent the consent of that property owner, which is not immediately removed by the owner or custodian of such animal, is hereby declared to be a nuisance.

(C) It shall be unlawful for the owner or custodian of any animal to allow it to become a nuisance, or to create a nuisance.

(D) The City may abate any such nuisance by an action in a court of proper jurisdiction or otherwise in accordance with the law. The City may undertake emergency abatement procedures in accordance with Section 6-4-2, when such nuisance constitutes an immediate health or safety hazard. (Ord. 1676, 9-3-98)

6-2-12: FEMALE ANIMALS IN HEAT: Any female dog or cat in heat shall be confined in a building or secure enclosure adequate to prevent indiscriminate contact with any male dogs or cats.

6-2-13: FARM LIVESTOCK

(A) It shall be unlawful to keep livestock within the City, except that one such animal may be kept for each one acre of premises area. Premises devoted to agricultural use, including the keeping of livestock, at the time annexed to the City may continue to be so used unless such use is discontinued for a period of six (6) months. No such agricultural use may be materially enlarged from its extent existing at the time annexed.

(B) It shall be unlawful for anyone to herd or drive livestock through the streets without having said animal under control as required by this Chapter, except that stockmen may drive stock through the City if no other route is practical; providing, that the Montrose City Police Department is given twenty four (24) hours prior notice of such activity. Such stockmen driving stock through the City shall be liable for all damages done to private or

public property by such stock whether or not such damage is caused by the negligence of the said stock men or their agents. The City may specify the route to be used.

6-2-14: PENALTY

(A) Any person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment of not more than one (1) year, or by both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years may be sentenced to any term of imprisonment.
(Ord. 1614, 12-19-96)

(B) Upon a conviction of a violation of any provision of this Chapter, which offense was committed within one year of the date of a previous conviction for a violation of a provision of this Chapter, the minimum penalty shall be a fine of fifty dollars ($50.00), no portion of which may be suspended. (Ord. 1008, 11-2-78)

6-2-15: POLICE DOGS

(A) Police dogs, while on duty, or under authorized training with or for the Montrose Police Department or other law enforcement agencies shall not be subject to the provisions of Sections 6-2-6, 6-2-9, 6-2-11 and 6-2-12.

(B) It shall be unlawful for any person to hit, kick, strike, beat, injure, disable or kill any police dog on duty or under training, or to tease or torment any police dog in a manner likely to provoke a violent response or to interfere with the use of such police dog while such dog is being used by the Montrose Police Department or other law enforcement agency for law enforcement duties or while under training. (Ord. 1287, 11-21-85)

6-2-16: FARMS & RANCHES

(A) Farms and ranches established as a lawful use by right in the “RL” zoning district shall not be subject to the provisions of 6-2-13(A) or 6-2-7 of this Chapter so long as the poultry and livestock are kept on the farm or ranch premises and the scope of the poultry or livestock operations is within the scope of the uses by right in the “RL” zoning district. (Ord. 1693, 3-4-99)