

AMENDED ORDINANCE NO. 2477

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REPLACING TITLE 6 CHAPTER 2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE REGARDING ANIMAL CONTROL REGULATIONS

WHEREAS, the City's Animal Control Regulations are updated from time to time;

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO as follows:

SECTION 1:

The following Title 6 Chapter 2 (6-2) is hereby repealed and replaced and supersedes all previous versions:

Chapter 6-2

ANIMAL CONTROL REGULATIONS

Sections:

- 6-2-1 GENERAL PROVISIONS**
- 6-2-2 VACCINATIONS AND IDENTIFICATION REQUIRED**
- 6-2-3 LIMIT ON DOGS AND CATS**
- 6-2-4 RUNNING AT LARGE PROHIBITED**
- 6-2-5 ANIMALS PROHIBITED**
- 6-2-6 RELEASING RESTRAINED ANIMALS PROHIBITED**
- 6-2-7 DANGEROUS OR AGGRESSIVE ANIMALS**
- 6-2-8 WILD AND DANGEROUS ANIMALS**
- 6-2-9 ANIMAL ATTACKS**
- 6-2-10 CRUELTY TO ANIMALS**
- 6-2-11 UNATTENDED ANIMAL IN VEHICLE**
- 6-2-12 ABANDONMENT**
- 6-2-13 NUISANCE**
- 6-2-14 UNREASONABLE ANIMAL NOISE**

- 6-2-15 ANIMAL EXCREMENT**
- 6-2-16 FARM LIVESTOCK**
- 6-2-17 POLICE DOGS**
- 6-2-18 FARMS & RANCHES**
- 6-2-19 INTERFERENCE WITH ANIMAL SHELTER EMPLOYEES**

6-2-1: GENERAL PROVISIONS

- (A) This Chapter shall be applicable to all property within the City of Montrose.
- (B) For purposes of this Chapter "Custodian" shall mean any person who owns, possesses, keeps, exercises control over, maintains, harbor, cares for, transports, or sells 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 include, but is not limited to, any dog (canis familiaris), cat (felis catus), bird (aves), reptile, amphibian, poultry, and other domestic fowl and livestock.
- (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.

6-2-2: VACCINATIONS AND IDENTIFICATION REQUIRED

- (A) It shall be unlawful for the owner or Custodian of any dog to fail to display current and legible owner contact information.

- (1) Acceptable identification is defined as:
 - i. Identification tag;
 - ii. A registered microchip;
 - iii. Rabies vaccine tag.

- (B) It shall be unlawful for any owner or Custodian to fail to obtain a rabies vaccination, with proof or verification of such, within 30 days after acquiring a dog, cat, or ferret.

- (C) It shall be unlawful to own or have custody of any dog or cat 6 months of age or older, unless such dog or cat has been vaccinated against rabies by a veterinarian licensed by the State of Colorado, using a vaccine licensed by the United States Department of Agriculture.
 - (1) The requirements of this subsection (C) shall not apply when the applicant produces a waiver issued by a veterinarian licensed by the State of Colorado, affirming that the Animal is medically unable to receive the required vaccination. Such waiver must have been issued by the licensed veterinarian no more than one year prior to the date of the alleged violation.

- (D) It shall be unlawful for the owner or Custodian of any Animal to fail or refuse to produce the certificate of rabies or vaccination upon request by an individual charged with the enforcement of this Chapter.

- (E) It shall be unlawful for any person to have in his or her possession, or otherwise make use of a stolen, counterfeit, or forged rabies vaccination certificate or tag.

- (F) Rabies and Vaccination certifications are not transferable, and it shall be unlawful for any person to attach any tag or verification of such to any Animal other than the Animal for which such tag or verification was originally issued.

6-2-3: LIMIT ON DOGS AND CATS

It shall be unlawful to keep, maintain, harbor or possess, upon the premises of any one property, more than two (2) dogs and two (2) cats. Upon written request to the Chief of Police of Montrose, the Chief, or his designee, may for good cause shown, grant a variance. The variance shall list the pet owners by name, the address where the pets are authorized to

reside, names and identifiers as to all pets allowed to reside on the premises. If the variance is temporary, the valid dates will be clearly annotated. A copy of the variance shall be maintained on the premises available for inspection by Animal control or police officers. A variance may be revoked by the Chief of Police for good cause shown.

6-2-4: RUNNING AT LARGE PROHIBITED

- (A) It shall be unlawful for the 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, immediate, and physical control of the owner or Custodian by a leash, cord, chain or other restraining device, that is no longer than six feet in length. This section shall not be construed to permit an owner or Custodian to control any Animal off his or her premises utilizing verbal command or electronic collar.
- (B) Any Animal in violation of subsection (A) above may be impounded or caused to be impounded by the City. The City shall keep all Animals so impounded as defined by Pet Animal Care Facilities Act and relevant Colorado Revised Statutes, currently and as may be amended.
- (C) The owner or Custodian of any Animal so impounded may reclaim that Animal within five (5) working days from the date impounded at the City Animal Shelter upon payment of a fee as set forth by City Regulations and any veterinary charges, as applicable. If at the expiration of five working days, the owner or Custodian has not reclaimed his or her Animal, that Animal shall be relinquished to the City.
- (D) The City Manager may designate specific areas for dog off-leash enclosures. Violations of this section may not apply to persons who own, possess, or control a dog while that dog is within a designated off-leash enclosure.

6-2-5: ANIMALS PROHIBITED

It shall be unlawful for the owner or Custodian of any Animal to possess or allow that Animal on the premises of Cemeteries, Sports Fields, and non-grass playgrounds owned and maintained by the City, or for the owner or Custodian to possess or allow any Animal within the premises of any special event hosted within the City where posted any Animal is not

permitted, unless specifically authorized by the City Manager or his designee.

6-2-6: 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, including live traps, without consent of the owner or Custodian.

6-2-7: DANGEROUS OR AGGRESSIVE ANIMALS

(A) It shall be unlawful for an owner or Custodian to keep, harbor, or possess any aggressive Animal within the City, unless that Animal is properly confined in accordance with the provisions of this section.

(1) An animal is classified as an aggressive animal if that animal bites, claws, or attempts to bite, claw, or injure any person; bites, claws, or injures another Animal; in a vicious or terrorizing manner approaches any person or Animal in 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.

(2) 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 onto 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.

(3) Aggressive Animals shall be confined to the premises of the owner or Custodian within the owner or Custodian's residential dwelling structure. Aggressive Animals may be confined outside of a residential dwelling structure only if such confinement is securely within an enclosure with secure sides and top, constructed of such material, or a construction approved by Animal Control, so that the

Animal is unable to exit on its own.

- (4) Any aggressive Animal, or any Animal reasonably believed to be aggressive, that constitutes a danger to any person or Animal or that is not properly confined may be impounded by any individual tasked with enforcement of this Chapter.
- (5) Aggressive Animal 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 relinquished to the City by court order if such costs are not paid.
- (6) “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.
- (7) If the Court determines that the aggressive or 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 relinquished to the City by court order. 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.

6-2-8: WILD AND DANGEROUS ANIMALS:

- (A) It shall be unlawful for any person or Custodian to keep or harbor any wild and dangerous Animal within the City.
- (B) Wild and dangerous Animals shall include, but not be limited to:
 - (1) All venomous snakes and reptiles; non-venomous snakes with a length greater than 6 feet; all Crocodilians;
 - (2) 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.
 - (3) The provisions of this Subsection 6-2-8 shall not be applicable to licensed circuses and carnivals, wildlife sanctuaries, nature center, zoological parks, veterinary and rehabilitation clinics.

6-2-9: 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 is 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.
- (C) In cases in which the attack or bite is made without provocation and the Animal is believed to be vicious or aggressive 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.
- (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 relinquished to the City if such costs are not paid by the owner or Custodian.

- (E) Any Animal infected with rabies shall be relinquished to the City.

6-2-10: CRUELTY TO ANIMALS

- (A) It shall be unlawful for the owner or Custodian of an Animal to fail or neglect to provide such Animal with minimum care, or to keep such Animal under conditions which are overcrowded, unclean, or unhealthy.

- (1) For the purposes of this Chapter, “Minimum Care” shall mean care sufficient to preserve the health and well-being of an Animal, considering the species, breed, and type of Animal. With the exception of emergencies or circumstances beyond the reasonable control of the owner or Custodian, Minimum Care shall include, but is not limited to the following:

- (a) Providing food of sufficient quantity and quality to allow for normal growth or maintenance of the Animal’s body weight.
- (b) Tethering or confinement with access to a receptacle of consistently filled clean water, which shall not include access to snow or ice.
- (c) Access to adequate protection from wind, rain, snow, or sun, and in the case of a domestic Animal such protection may include a barn, doghouse, or other enclosed structure with adequate bedding to protect from cold and dampness.

- (2) For the purposes of this Chapter, “Overcrowded” shall mean an enclosure with an area no less than at least the square of the sum of the length of the Animal in inches, nose to tail, plus six inches, multiplied by the number of Animal’s confined.

- (B) It shall be unlawful for any person to beat, cruelly ill-treat, overload, over-work or otherwise abuse any Animal.

- (C) It shall be unlawful for any person to cause, sponsor, arrange, hold, encourage, and abet a fight between Animals. A person is in violation of this Section if such person:

- (1) Is knowingly present at such a fight; or
 - (2) Owns, trains, transports, possesses, or equips such an Animal with the intent that the Animal will be engaged in such a fight; or
 - (3) Knowingly allows such a fight to occur on any property owned or controlled by such a person.
- (D) It shall be unlawful for any person to expose, administer, or provide any food, medicine, or other ingestible substance to any Animal without the express consent of that Animal's owner or Custodian.
- (E) It shall be unlawful for any person to expose any known poisonous or hazardous substance to any Animal, including such substance when mixed with food, so that a reasonable person would know or should know that such substance is likely to attract and adversely affect an Animal; provided however that this Subsection does not apply to the lawful removal of pests.
- (F) An 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.

6-2-11: UNATTENDED ANIMAL IN VEHICLE

- (A) It shall be unlawful for the owner or Custodian of any Animal to leave such Animal unattended or confined within a vehicle subject to conditions which are dangerous or detrimental to the health of the Animal.
- (B) It shall be unlawful for the owner or Custodian of any Animal to subject the Animal to hot or cold temperatures which are, or the owner or Custodian should reasonably know are, dangerous or detrimental to the health of the Animal.

6-2-12: ABANDONMENT

- (A) It shall be unlawful for any person to abandon any Animal or cause an Animal to be abandoned. For the purposes of this Section "Abandonment" shall be the leaving unattended of any Animal by a person previously

having care, custody, or control of that Animal.

- (B) An Officer of the City of Montrose is authorized to impound any Animal which appears to be abandoned, regardless of whether such Animal is on public or private property.
- (1) An Officer may only impound an Animal recovered from private property following a period of posting a conspicuous notice, at the place where the Animal appears to be abandoned, which shall indicate that the Animal appears to be abandoned and that it may be impounded.
- (2) An Officer has the authority to impound an Animal after 48 hours and following the posting of two notices within such period. However, an Officer is not prohibited from immediately impounding any Animal which appears to have been neglected, mistreated, or left unattended in a vehicle.

6-2-13: NUISANCE

- (A) It shall be unlawful for the owner or Custodian of any Animal to allow such Animal to become a nuisance or to create a nuisance within the City of Montrose. For the provisions of this Chapter, "Nuisance" shall be defined as an egregious, second, or repetitive violation of any provision of this Chapter 6-2.
- (B) 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.

6-2-14: UNREASONABLE ANIMAL NOISE

It shall be unlawful for the owner or Custodian of any Animal to allow or fail to prevent such Animal to produce, create, or engage in any unreasonable disturbance by excessive or continued barking, howling, screeching, or other noise, regardless of whether such Animal is within the boundaries of the owner or Custodian's premises.

6-2-15: ANIMAL EXCREMENT

- (A) It shall be unlawful for the owner or Custodian of any Animal to leave 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.
- (B) Any barn, pen, corral, coop, yard, or other enclosure or such appurtenance in which any Animal, livestock, or fowl shall be kept, or any other place within the City of Montrose in which manure or other discharges of Animal, livestock, or fowl shall accumulate, and which is maintained in any unsanitary condition, allowing an offensive odor to escape, allowing discharges to the storm drainage system of the City, or which attracts insects or rodents, is deemed a Nuisance and prohibited.

6-2-16: FARM LIVESTOCK

- (A) It shall be unlawful to keep livestock, as defined by C.R.S. § 35-41-100.3, 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 6 months. No such agricultural use may be materially enlarged from its extent existing at the time annexed.
- (B) It shall be unlawful to keep, harbor, or maintain roosters, cocks, and other male poultry within the City of Montrose.
- (C) 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 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.

6-2-17: 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 Chapter.

- (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.

6-2-18: 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.

6-2-19: INTERFERENCE WITH ANIMAL SHELTER EMPLOYEES

- (A) It shall be unlawful for any person to interfere with, molest, or hinder any City of Montrose Employee in the discharge of his or her duty provided in this chapter.
- (B) It shall be unlawful for any person to knowingly make, convey, or cause to be imparted or conveyed, false statements, or to furnish, present, or exhibit any fictitious or false documentation pertaining to any ordinance in this Chapter 6-2 or to any individual tasked with enforcement of the same.
- (C) It shall be unlawful for any person to fail to obey a lawful order of an Animal Control Officer if such failure interferes with or hinders such Animal Control Officer in the discharge of his or her official duties. For purposes of this subsection, the term “Lawful Order” shall include only such orders that relate directly to matters of substantial importance in the discharge of the official duties of Animal Control Officers.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th of May, 2019 at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this 7th day of May, 2019.

ATTEST:

Lisa DelPeccolo
Lisa DelPeccolo, City Clerk



Dave Bowman
Dave Bowman, Mayor

INTRODUCED, READ, and ADOPTED on second reading this 21st day of May, 2019.

ATTEST:

Carolyn Bellavance
Carolyn Bellavance, Deputy City Clerk



Dave Bowman
Dave Bowman, Mayor