

First Reading Copy

ORDINANCE NO. 2018-

**AN ORDINANCE REPEALING AND REENACTING
TITLE 6 OF THE CASTLE ROCK MUNICIPAL CODE
CONCERNING ANIMALS**

WHEREAS, it has been a number of years since the Town has undertaken a comprehensive review of Title 6 of the Castle Rock Municipal Code, pertaining to animals; and

WHEREAS, the Town has reviewed Title 6 and desires to repeal and reenact the Title; and

WHEREAS, the Town has grown considerably in population and animal ownership in the recent years; and

WHEREAS, there is a recognition in the place animals hold in the lives and families of many Castle Rock residents; and

WHEREAS, it is important to ensure the continued public health, safety and general welfare of Castle Rock residents; and

WHEREAS, there is the need for emphasis to be placed on responsible pet ownership; and

WHEREAS, animal owners and keepers are encouraged to respect the rights of their fellow citizens and the animals they own and care for; and

WHEREAS, there is the need to emphasize the importance of training, securing animals, preventing the spread of disease, and from animals causing injuries to persons, or other animals, or creating nuisances; and

WHEREAS, there are public health and safety considerations to be advanced through a licensing procedure, and other regulations related to animals to ensure public health and safety in the community; and

WHEREAS, animal owners and keepers are expected to care and treat their animals in a humane manner; and

WHEREAS, the Town has undertaken extensive public outreach and has considered public comments, data and other information.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF CASTLE ROCK, COLORADO:**

Section 1. Repeal and Reenactment. Title 6 of the Castle Rock Municipal Code is repealed in its entirety and reenacted to read as follows:

**Title 6
ANIMALS**

6.02.000	Purpose and citation
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6.02.300	Capturing animals
6.02.310	Feeding of wild animals prohibited
6.02.320	Keeping livestock, wild or exotic animals
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6.02.340	Penalties

6.02.350 Immunity from liability

6.02.000 Purpose and citation.

The Town of Castle Rock has established this Title 6 to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Town. Animal ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon animal owners to properly train or secure their animals to prevent them from causing injuries or creating nuisances. This Title 6 may be cited and referred to as the “Animal Code.”

6.02.010 Scope.

This Title is comprehensive and addresses many issues which may not be relevant to each animal owner within the Town; however, all animal owners are required to adhere to any portions of this Title that address their particular situations.

6.02.020 Interpretation.

A. In interpreting and applying this Title, the requirements set forth herein are the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this Title shall be liberally construed to accomplish its purposes.

B. This Title shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any ordinances, rules, regulations, permits or agreements between parties; provided, however, that where this Title imposes stricter requirements upon the care, maintenance and control of animals than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this Title shall prevail.

6.02.030 Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meaning, unless the context clearly indicates otherwise:

Abandon means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal. This shall include, but is not limited to, leaving the animal at the owner's residence for more than 24 hours, depositing or dropping off an animal on public property, or on property other than that of the owner or custodian, without prior permission of the property owner.

Animal means any living, nonhuman vertebrate or invertebrate creature.

Animal code means this Title 6 of the Castle Rock Municipal Code.

Animal control officer means any person designated by the Town, including a law enforcement officer, to enforce provisions of this Title or any other ordinances or laws of the state pertaining to animals.

Animal shelter means any premise designated by the Town for the purpose of boarding or the caring of any animal impounded under the provisions of this Title or any other ordinance of the Town or law of the state.

Attractant means any substance which could reasonably be expected to attract a wild animal, or does attract a wild animal, including but not limited to, garbage, food products, pet food, feed, grain or salt.

Bite means wound to the skin causing it to bruise, puncture, or break.

Bee means the hymenopterous insects in the genus *Apis*, especially *Apis mellifera*, primarily distinguished by honey and wax production in colonial, perennial, docile hives, when the hives are intentionally initiated and maintained on residential property for honey production. Bee shall not refer to naturally occurring bee colonies, mason bees, or other bee species that are not intentionally kept for honey production.

Cat means a domestic cat (*Felis catus*) regardless of sex.

Chicken means any member of the species *Gallus domesticus* kept for its eggs or meat, excluding ducks, geese, pigeons, turkeys, pea fowl, and guinea hens.

Common area means and includes areas such as, but not limited to, the yards, grounds, garden areas, play areas, clubhouses, swimming pools, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses, apartment complexes, motels, hotels and mobile home parks.

Control shall mean that the animal is on a leash, cord or chain not more than ten (10) feet in length held by a person of sufficient age, size and physical ability to restrain the animal. Electric leashes are specifically prohibited.

Cruelty means any intentional act or omission whereby unjustifiable pain, suffering or death is caused or permitted, including failure to provide appropriate drink, air, space, shelter, or protection from the elements, veterinary care or nutritious food in a quantity sufficient to maintain life.

Dangerous animal means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties that:

a. Causes serious bodily injury to any person or domestic animal or behaves in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.

b. Has been previously adjudged as a potentially dangerous animal under this Title and the owner has failed to obtain and/or maintain the required potentially dangerous animal permit; or the animal has engaged in subsequent behavior that poses a threat to public safety or for which any of the potentially dangerous animal permit conditions set forth for the keeping of potentially dangerous animals have been violated (unless the animal owner has been relieved of the obligation to maintain such permit as set forth in this Title).

c. Engages in or has been trained for animal fighting as described and prohibited in C.R.S. §18-9-204.

Dog means a domestic dog (*Canus familiaris*) regardless of sex.

Domesticated animal or *pet animal* means any domesticated animal commonly kept in a household, excluding livestock such as dogs; cats; chinchillas; domestic rabbits; guinea pigs; hamsters; domestic mice; domestic rats; gerbils; domestic ferrets; hedgehogs; sugar gliders; canaries, finches, parakeets, doves, domesticated parrots (or the like), aquarium fish; nonpoisonous amphibians; nonvenomous snakes; nonvenomous invertebrates; and turtles of a species and size which is permissible under state law.

Emotional support animal means a domesticated companion animal that provides therapeutic benefit to an individual and is not specifically trained to address a specific need of a disabled person.

Exotic animal means an animal introduced from another country not normally kept as a household pet or farm animal.

Feed means all provisions of edible or drinkable materials, including, without limitation, bones, salt licks and water.

Feral cat means a cat that lives outside, does not have an owner, is unsocialized to people, and typically avoids contact with humans. A feral cat is not domesticated, is wild, and is not owned or controlled by anyone.

Fowl means ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this Title, fowl expressly does not mean chickens.

Harbor(ing) means the act of keeping and caring for an animal or providing a premise to which the animal is provided food, shelter or care.

Humane Trap means a box-type trap that does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

Keeper means any person who is in possession of, or is keeping, harboring or caring for any animal.

Keep(ing) means to care for, to have custody of, to provide premises to which the animal regularly returns to for food and shelter, or to exercise physical control over or to have any right of property in, an animal, or to own, harbor or allow an animal to remain about any premises within the Town.

Livestock means any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, ducks, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock.

Miniature horse means a horse generally ranging in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

Owner means any person who has right of property in an animal or harbors an animal or allows an animal to remain about his premises for a period of forty-eight (48) hours or longer, claims responsibility for an animal, or is declared by court decree to be the responsible party for an animal or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this Title.

Pet Animal Facility means any place or premise used in whole or in part, for the keeping of pet animals for the purpose of adoption, breeding, boarding, day care, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals, as more set forth in the Pet Animal Care and Facilities Act (“PACFA”), C.R.S. §§ 35-80-101 through 35-80-117. Pet Animal Facility also includes keeping any individual animals for breeding stock. Pet Animal Facility shall not mean a common carrier engaged in intrastate or interstate commerce. For purposes of this Title, two or more animal facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single Pet Animal Facility.

Person means any natural person, corporation, partnership, association, or other entity.

Potentially dangerous animal means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties, that may be a threat to public safety as may be demonstrated by any of the following behaviors:

a. Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.

b. Without provocation, approaches any person in a menacing or terrorizing manner, or in an apparent attitude of attack, whether such person is in motion or standing still, and whether such person is on foot or on or in a vehicle or device which allows such person to be in motion.

c. Any animal that without provocation menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domesticated animal.

d. Attacks any person or domesticated animal who is lawfully on the owner's property.

e. Without provocation causes any injury, less than serious bodily injury, to any person or domesticated animal at any place within the Town.

f. Any animal declared to be potentially dangerous, or potentially vicious, or a like definition, by any jurisdiction.

Prohibited animal means any animal that is ordinarily found in an unconfined state and is usually not kept as a domesticated animal, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous or venomous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas), crocodilians and nonpoisonous snakes over six feet (6') in length. "Prohibited animal" shall not include any domesticated animal, and alleged domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.

Proper enclosure means a structure which:

a. Is suitable to prevent the entry of young children and to prevent the animal from escaping.

b. Has secure sides and a secure top or secure sides which are of sufficient height to prevent the animal from escaping over the sides.

c. Has sides that are constructed at the bottom to prevent the animal's escape by digging under the sides.

d. Provides appropriate protection from the elements for the animal.

e. The proper enclosure must comply with all zoning and building ordinances/regulations of the Town, be kept in a clean and sanitary condition, and be approved by an animal control officer, and such approval shall not be unreasonably withheld.

Rabies vaccination means inoculation of a domestic animal with an anti-rabies vaccine approved by the Tri-County Health Department or similar agency and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

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, fractures, or burns of the second or third degree as defined in C.R.S. §18-1-901.

Service animal means a dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals, whether wild or domesticated, trained or untrained, are not service animals for the purposes of this definition.

Spayed female means any female dog or cat on which an ovariectomy or ovariohysterectomy has been performed by a veterinarian, and for which the owner shall furnish a certificate certifying that such operation has been performed.

Tether means to tie up or chain to a fixed or heavy inanimate object so as to restrict the free movement of any animal to a distance no greater than the length of its leash or chain.

Town means the Town of Castle Rock as a municipal corporation or the territory contained therein, as the context dictates.

Stray animal means any animal for which there is no identifiable owner.

Wild animal shall mean all wildlife, including but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons, skunks, squirrels, raptors, all game animals, and all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

6.02.040 Powers and duties of animal control officers.

A. Animal control officers shall have the power and duty to enforce all Sections of this Title and any other ordinance or law of the state pertaining to animals. In the furtherance of such duties, such officers may issue, sign and serve penalty assessments or summons and complaints to enforce the provisions of this Title.

B. Animal control officers shall keep accurate and detailed records of the impoundment and disposition of all animals coming into custody, and of all reports of any animal bites reported to such officers.

C. It shall be lawful for any animal control officer to go upon private property to capture any animal to be impounded for, or to investigate any report of a violation of this Title, if:

1. The officer has obtained consent of the person in possession of the property;
2. The officer has obtained a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules;
3. The officer is in pursuit of an animal which is, or has been, running at large;
4. The officer is in pursuit of an animal which the officer has probable cause to believe has bitten a person or other domesticated animal;
5. The officer is attempting to abate a continuing violation when the owner of the property is not available; or
6. Nothing in paragraphs (C)(3), (C)(4) or (C)(5) of this Section shall be deemed to authorize entry into any enclosed building on private property.

D. If an affidavit has been submitted to the Municipal Court Judge which satisfies the Judge that an animal which is the subject of a violation of this Title is located within the Town and that the animal either poses a clear and present danger to the health, general welfare or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court Judge may order the animal seized by a designated officer of the Town pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the animal may request a hearing concerning any such order for seizure entered pursuant to this Section by filing an appropriate motion pursuant to applicable rules in the Colorado Municipal Court Rules. Whenever an animal is seized by order of the Municipal Court or other court, the animal shelter shall not adopt out, donate or euthanize the animal unless such action is permitted by a subsequent order of the same court which ordered the initial seizure.

E. Notwithstanding paragraph C.2. or C.6., above, if an animal control officer has reasonable cause to believe that the keeping or harboring of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the animal control officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the animal is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied and whether permission to inspect has been obtained or not. If the property or vehicle is occupied, the animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining his or her reasons therefore and the purpose of the inspection. Such entry shall be solely for the purpose of abating the violation, and no evidence obtained during or as a result of such entry shall be admissible for purposes of prosecution.

6.02.050 Interference.

A. It is unlawful for any person to intentionally interfere with, hinder, harass, molest, injure, obstruct or disobey a lawful order from any animal control officer in the discharge of his or her official duties under this Title or other applicable law.

B. It is no defense to a prosecution under this Section that the animal control officer was acting in an illegal manner, if he or she was acting in the regular course of their assigned duties and in good faith based upon surrounding facts and circumstances.

C. It shall be unlawful for any person to refuse to reveal their correct name, address, and date of birth when requested to do so by an animal control officer in any of his or her duties prescribed herein.

6.02.060 Prosecution.

A. For the purpose of prosecuting any violation of this Title, it shall not be necessary in order to obtain a conviction to prove knowledge or notice on the part of the owner of the animal in question that said animal was violating any of the Sections of this Title at the time and place charged. The purpose of this Section is to impose strict liability upon the owner of any animal for the actions, conduct and condition of such animal, unless the violation specifically provides otherwise.

B. Each separate day, or any portion thereof, during which such violation of this Section occurs or continues shall constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this Section.

6.02.070 Licensing, collar and tags or microchip required.

A. Dog license required.

1. It shall be unlawful for any owner of any dog, over the age of six months, or within thirty (30) days of acquisition of said dog, whichever occurs last, to fail to obtain a license for such animal as required by this Section.

2. Application for a dog license shall be made to the Castle Rock Police Department or to such agents as designated by the Police Department. Dog licenses and tags shall be issued, renewed, replaced and expired in accordance with the Town's application requirements.

3. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town.

4. It shall be unlawful for any person to keep or harbor any dog that has not been licensed, or for any person to fail to produce proof that the animal is currently licensed as required by this Section, when requested by an animal control officer.

5. Dog license tag not transferable. It is unlawful for any person to affix to the collar, or harness of any dog, or permit to remain affixed, a dog license tag for any other dog or to display such a tag to an animal control officer.

B. Collar and tags or microchip required.

1. Dog license tag to be displayed. It is unlawful for any person to keep any dog that must be licensed pursuant to this Section A, which is not displaying a current dog license tag affixed to a collar or harness worn on the dog.

2. It is unlawful for the owner of any dog or cat within the Town to fail to cause such dog or cat, while off the premises of such owner to either:

a. Wear at all times a collar with a tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address and current home telephone number of the owner and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner of the dog or cat; or

b. Have a microchip surgically implanted into such dog or cat, or other similar type of identification in lieu of wearing a collar or harness which enables an animal control officer to readily ascertain the name, current home address and current home telephone number of the owner and a valid current rabies tag.

c. It is unlawful for the owner of any ferret within the Town to fail to cause such ferret to have a valid and current rabies tag, affixed to any collar or harness.

3. Lack of identification. Any dog or cat found without the requirements identified in this Section A or B, may be seized and impounded by the animal control officer.

06.02.080 Disease/Rabies control.

A. Diseased animals. No domesticated animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or animal may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner except under the supervision of an animal control officer to secure disposition of any

diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infections, except in cases where the state health director is empowered to act.

B. Vaccinations. It shall be unlawful for any owner of a dog, cat or ferret four (4) months of age or older to fail to have such animal vaccinated against rabies. All dogs, cats and ferrets shall be vaccinated at four (4) months of age and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the Town from a location outside the Town shall comply with this Section within thirty (30) days after having moved into the Town.

C. Proof of vaccination. It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Section. A current rabies tag should be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times.

D. Owning or keeping or harboring unvaccinated dogs, cats and ferrets. It shall be unlawful for any person to own, keep or harbor any dog, cat or ferret that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

E. Non-transferability. Rabies vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

F. Exemptions. The owner of a dog, cat or ferret may request an exemption to the vaccination provisions if, for medical reasons, a dog, cat or ferret cannot be vaccinated. In this event, a dog, cat or ferret owner must submit an affidavit from a licensed veterinarian stating the reasons why the dog, cat or ferret is unable to be vaccinated.

6.02.090 Limits on Dogs and Cats.

A. It shall be unlawful for any person to own, keep or harbor more than three dogs that are six months of age or older on any premises.

B. It shall be unlawful for any person to own, keep or harbor more than five cats that are six months of age or older on any premises.

C. Only one litter of offspring of an age of six months or less may be kept on any premises at any given time.

6.02.100 Animals running at large.

A. It shall be unlawful for the owner or keeper of any animal to permit the same to run or go or be at large on any street or public place within the Town or upon the premises of any other person without permission of such other person, unless the animal is accompanied by a person and is under control, as such term is defined in this Title.

B. It shall be unlawful to tether any animal on any property other than that of the owner without permission of the property owner or occupant or to allow any animal tethered on the property of the owner to have access to property other than that of the animal owner.

C. In addition to any other remedy provided by the Town to prohibit the running at large of an animal, any animal running at large may be seized and impounded pursuant to this Section.

D. It shall be unlawful for any owner or keeper to fail to securely confine any unspayed animal in the state of estrus (heat), in a house, building or proper enclosure, in such a manner that such animal cannot come in contact with another animal except for planned breeding, and such that the animal does not create a nuisance by attracting other animals. When outside on the property of the owner for metabolic waste elimination, the animal must be physically restrained on a hand-held leash. Owners or keepers who do not comply may be ordered to remove the animals in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner of the animal. Failure to comply with the removal order shall be a violation of this Section and the animal shall then be impounded as prescribed in this Title.

E. Dogs may be off leash in a designated, enclosed dog park, if accompanied by a person capable of controlling the animal off leash.

F. Sick or injured animals found on public property shall be presumed to be running at large, and may be impounded and provided any necessary veterinary medical treatment. If the animal is significantly injured or sick, such that recovery is improbable, the animal may be humanely destroyed, in order to avoid further pain and suffering by the animal, without liability to the Town, animal shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An animal control officer shall make a reasonable attempt to contact the owner or keeper of an injured animal that is treated or impounded. The owner of such animal shall be liable for all expenses associated with the treatment or impoundment.

G. In the event wearing a leash causes restrictions for service animals, in performing tasks for a person with disabilities, such service animals are exempted from this Section.

6.02.110 Noisy dogs.

A. It is unlawful to keep a dog which, individually or in combination with another dog or dogs kept on the same premises, makes noise by barking, howling, whining, yelping or other utterance which is plainly audible beyond the premises on which the animal is kept, for a consecutive period in excess of ten (10) minutes at any time during the day or night.

B. As a courtesy only, an animal control officer may provide, at the officer's discretion, a one-time verbal warning to the owner of any animal upon receipt of a first complaint of a violation of this Section associated with such animals.

C. Whether or not the animal control officer provides a verbal warning, as set forth in Subsection B above, before issuing any penalty assessment or summons and complaint, the animal control officer shall issue a written warning that a complaint of a violation of this Section has been received for any particular dog or owner. Such written warning shall be served by personal service on the owner or by posting of such written warning on the door of the premises of the owner. The warning shall be based on a written complaint by an identified complaining party or by the witnessing of a violation hereof by the animal control officer and shall include the name and address of the complaining party, the dog owner's address, description of the dog and a description of the incident, to include, at a minimum, the date, time, place, duration and a brief explanation of the nature of the violation.

D. If a written warning has been served in accordance with Subsection C above, no further written warning shall be provided to such premises in any twelve-month period. It is the intent of this Subsection that a penalty assessment or summons and complaint shall issue if a written warning has already been provided within any twelve-month retroactive period. The issuance of a penalty assessment or summons and complaint shall constitute a written warning for the purpose of calculating the new twelve-month retroactive period described in this Subsection.

E. Animal control officers shall keep records of all warnings and penalty assessments or summons and complaints issued pursuant to this Section, and such records shall constitute prima facie proof that such warnings were issued and properly served.

F. A summons and complaint shall be issued for a complaint of violation of this Section only if a minimum of five (5) days have lapsed between the date of the violation that was the subject of the written warning and a subsequent violation.

G. It shall not be a defense to a violation of this Section that the owner of such dog proclaimed that the dog was provoked by persons through the ordinary or reasonable use of private properties, public roadways, sidewalks or alleyways or common areas of condominiums, townhouses or apartment buildings.

H. A summons and complaint issued for violation of this Section shall either be issued by an animal control officer that personally witnessed the violation, and sworn affidavit by at least two (2) identified complaining witnesses from separate households who are willing to testify at trial in addition to the signature of the serving officer, or may be signed by only one (1) identified complaining witness other than the serving officer, if there exists competent evidence admissible at trial to prove a prima facie case of a violation of this Section.

6.02.120 Removal of animal excrement; damage to property.

Proper disposal of pet solid waste is necessary to protect public health, safety and welfare.

A. It shall be unlawful for any owner or keeper of any animal to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property, or any private property when permission of the owner or tenant of said property has not been obtained.

B. It shall be unlawful to place animal excrement in storm sewers, or to dispose of excrement in any manner except by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.

C. When walking an animal off an owner's property, such owners or keepers are required to have in their possession a viable means by which to pick up and remove their animals' excrement.

D. It shall be unlawful to fail to remove promptly all excrement from private property, including the premises of the owner of an animal or any other person consenting to the deposit of such waste on his or her premises, or to fail to place such waste in a closed container or to fail to remove the contents of said containers from the Town as necessary to prevent such contents from becoming a nuisance.

E. It shall be unlawful to fail to maintain the premises upon which animals are kept in a clean and sanitary condition.

F. It shall be unlawful for any owner of any animal to permit said animal, whether or not it is running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public premises or private premises owned or occupied by a person other than the owner of said animal.

6.02.130 Reporting animal bites and confinement.

A. The owner or keeper of any domesticated animal that has bitten any person so as to cause break in the skin shall immediately advise an animal control officer of that fact. Any such animal shall be immediately confined for a period of ten (10) days or longer on the advice of the officer, attending veterinarian or the County Health Department. Confined animals shall have no contact with the public, and it is unlawful for any person to remove any confined animal from the designated quarantine location. As they are not considered to be transmitters of the rabies virus, bites inflicted by domesticated rodents, rabbits, reptiles or fowl need not be reported pursuant to this Section.

B. Confinement may be on the premises of the owner or keeper if deemed appropriate in the discretion of the officer, attending veterinarian or County Health Department, but the animal must remain within the Town for a minimum of ten (10) days. If not confined on the premises of the owner

or keeper, confinement will be at the animal shelter site or any veterinary hospital or boarding kennel within the Town limits. Such confinement shall be at the expense of the owner or keeper. In the case of an animal whose owner or keeper cannot be located, such confinement shall be at the animal shelter.

C. The owner or keeper of any animal that has been reported as having inflicted a bite causing a break in the skin of any person shall, on demand of an animal control officer or any law enforcement officer, produce said animal for examination and confinement, as prescribed in this Section. It is unlawful to give away, sell or remove any such animal from the Town or to destroy such animal before it is properly confined by an animal control officer or law enforcement officer.

D. Every physician and other medical practitioner who treats a person for bites inflicted by an animal shall report such treatment to an animal control officer within twenty-four (24) hours, providing the name, address and telephone number of such person.

E. The owner or keeper of any dog or cat shall inform the veterinarian before any rabies inoculation is given of whether the subject dog or cat is under bite confinement or has inflicted a bite on any person within the last ten (10) days. It shall be the responsibility of any veterinarian to vaccinate any dog or cat over four (4) months of age that is presented in good health and has not inflicted a bite upon a person in the preceding ten (10) days. When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify an animal control officer and advise it of any reports of human contact with said animal.

F. Animals known to have been bitten by or exposed to a rabid animal shall be immediately destroyed or released upon proof of current rabies immunization and booster injection provided by a licensed veterinarian at the expense of the owner or keeper. The owner or keeper of any animal released under this Section shall be required to keep said animal under quarantine for a period of six (6) months or as may be determined necessary by the treating veterinarian or County Public Health Officer.

6.02.140 Public nuisance.

Under this Title, it shall be unlawful for any person to cause or constitute a public nuisance or to knowingly permit, encourage or unreasonably fail to prevent such nuisances. Nuisance, for purposes of this Section include, but are not limited to:

A. Any continuous and habitual violation of any Section within this Title. Factors to be considered may be, but are not limited to, accumulated convictions for separate and distinct violations, degree of aggravation or failure of the owner to take corrective action for any violation or all violations.

B. Any behavior involving animals that endangers the health, safety or public peace of the community.

C. Negligence in allowing the accumulation of waste matter to the degree of creating a putrid, offensive, unsanitary or unhealthy condition to the surrounding area.

6.02.150 Dangerous animals.

It is unlawful to own, keep or maintain any dangerous animal within the Town. Whenever any animal engages in behavior that meets the definition of a dangerous animal, the owner of such animal shall be charged with a violation of this Title, and the animal shall be seized and impounded as set forth in this Title. Any person convicted of a violation of this Section shall, in addition to all other permitted penalties under this Section, be required to humanely destroy such animal or to remove and maintain it outside of the Town.

6.02.160 Potentially dangerous animals.

A. It is unlawful to keep or maintain any potentially dangerous animal within the Town without compliance with this Section. Whenever any animal engages in behavior that meets the definition of a potentially dangerous animal, the owner of such animal shall be charged with a violation of this Section, and the animal may be seized and impounded as set forth in this Title. If the animal is impounded, such owner shall also be required to meet the financial bonding requirements set forth in this Title. If the identity of the owner of an animal, which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, the animal shall be immediately confiscated. If the owner or keeper then claims such animal, the animal may, in the discretion of an animal control officer, be released to its owner or keeper, together with a copy of the summons and complaint charging a violation of this Section. Any animal impounded which is not claimed within a five-day (5) period may be subject to orders from the Municipal Court for disposal by the animal shelter. Disposal may be by adoption, donation or humane destruction at the sole discretion of the animal shelter.

B. After any animal has been adjudged potentially dangerous through conviction or entry of a plea in the Municipal Court, the animal may be permitted to remain in the Town if and only if the owner applies for and receives a potentially dangerous animal permit from the Town, and the Municipal Court shall order any such owner of a potentially dangerous animal to apply for such permit within five (5) days of the date of conviction, and to maintain such permit for such animal at all times unless the animal is later determined by an animal control officer to no longer be potentially dangerous in accordance with Subsection F of this Section. The owner or keeper of a potentially dangerous animal shall at all times comply with all conditions of such permit.

C. Applications for potentially dangerous animal permits shall include:

1. The name and address of the applicant and of the owner of the animal and the names and addresses of two (2) persons who may be contacted in the case of an emergency.

2. An accurate description of the animal for which the permit is requested.

3. The address or place where the animal will be located.
 4. A permit fee for the animal. In addition to the license fees provided by this Title, the owner of a potentially dangerous animal shall pay an annual permit fee as set, and may be amended by, the Town Manager or designee, to register and maintain registration of such owner or keeper as a potentially dangerous animal.
 5. Proof that the animal has had a microchip implanted.
 6. Proof that the animal has a current rabies vaccination.
 7. Such other information as Animal Control may require.
- D. Conditions of a potentially dangerous animal permit may include:
1. Any owner or keeper of a potentially dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this Subsection and the permit issued hereunder.
 2. The owner or keeper of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the Town shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.
 3. The owner or keeper of a potentially dangerous animal shall be a responsible adult eighteen (18) years of age or older.
 4. The location where the potentially dangerous animal is possessed or maintained must be kept clean and sanitary and the animal must be provided proper and adequate food, water, ventilation, shelter and care at all times.
 5. Animal control officers must be permitted at any reasonable time to inspect the animal and premises for compliance with this Section.
 6. The owner of the potentially dangerous animal shall provide and pay for the implantation of a microchip within such animal, and shall provide proof of compliance with this requirement at the time of making the permit application.
 7. The owner of a potentially dangerous animal shall notify an animal control officer, in person or by telephone, of any of the following occurrences within the scheduled time frames as set forth in this Subsection:
 - a. Within eight (8) hours after the animal has escaped or has otherwise ceased to be in custody of the owner for any reason, unless the owner knows such

animal to be physically secured, restrained or confined and to be in the custody of another adult who is competent.

b. Within eight (8) hours after the animal has attacked a person or another domestic animal.

c. If the animal has died or if ownership or possession of the potentially dangerous animal or the location of the potentially dangerous animal's primary habitat is changed to a person or location outside of the Town, the animal owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of such change, including the name, address and telephone number of the new owner, if relevant. If ownership or possession of the animal or the location of the animal's primary habitat is changed to a person or location at a different address within the Town, the animal owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of the change, including the name, address and telephone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of an animal control officer, but such modification must be obtained within five (5) days of the change. The fee for a permit modification shall be as set by the Town.

8. In the discretion of an animal control officer and/or as ordered by the Municipal Court, potentially dangerous animal permits may contain any or all of the following conditions:

a. Except under the circumstances otherwise specifically permitted by this Section, a potentially dangerous animal shall at all times be maintained inside a proper enclosure.

b. The potentially dangerous animal shall not be present, kept or maintained at any location other than as specified in the permit.

c. A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous animal is kept, warning that there is an animal on the premises which presents a potential danger to persons or other domestic animals. Such sign shall have the dimensions, colors, graphics and lettering that comply with the standards as established by Animal Control. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is an animal on the premises which presents a potential danger to persons or other domestic animal.

d. The potentially dangerous animal shall not be permitted to be outside a proper enclosure on the premises named in the permit except for the purpose of obtaining supervised and attended exercise, veterinary care, being sold or given away,

or to comply with any provision of law or directive of an animal control officer. When outside the proper enclosure for such permitted purposes, the animal must be properly muzzled and restrained by a substantial chain or leash not to exceed ten (10) feet in length under the control of a responsible adult at all times who has the physical ability to restrain the movement of such animal. Notwithstanding, potentially dangerous animals may be confined humanely within a vehicle, provided that the animal cannot escape or inflict injury upon any person or other domestic animal.

E. Except as provided in Subsection (F) below, the permit as provided in this Section shall be renewed annually with the Town.

F. In the discretion of the Municipal Court, upon written request from the owner, if there are no additional documented findings by an animal control officer of any behavior of the potentially dangerous animal which indicates that the animal remains a threat to the public safety for the thirty six-month period from the effective date of the initial potentially dangerous animal permit, the owner may be relieved of the obligation to continue to maintain a potentially dangerous animal permit.

6.02.170 Affirmative defenses to dangerous or potentially dangerous animal charges.

The Municipal Court shall consider the following affirmative defenses if evidence thereof is presented in determining whether an animal is dangerous or potentially dangerous:

A. The underlying evidence leading to the charge against the animal as dangerous or Potentially dangerous.

B. Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assaulting the animal.

C. Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime.

D. Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing or attacking the animal.

E. Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry into the fenced or indoor property of the owner or keeper of the animal. As used in this Section, *unauthorized entry* does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

F. Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

6.02.180 Presumption of ownership.

Any adult at whose residence a dangerous animal or potentially dangerous animal is kept or found shall be presumed to be an owner of such animal and shall have the burden of rebutting such presumption. If an animal has more than one (1) owner within the meaning of this Section, any one (1) of such owners may be prosecuted for violations of this Section whether or not any other owners are also prosecuted.

6.02.190 Animals from other jurisdictions.

No animal that has been previously determined to be dangerous or vicious, after an administrative or court hearing by another jurisdiction, shall be kept, owned or harbored in the Town. No animal that has previously been determined to be potentially dangerous or potentially vicious, or received a similar designation in another jurisdiction, shall be kept, owned or harbored in the Town unless the animal's owner obtains and maintains a potentially dangerous animal permit prior to bringing such animal into the Town, without need for further adjudication by the Court. Application and issuance of and conditions applicable to such permit shall be in accordance with the provisions set forth in this Title. Animals in violation of this Section are subject to impoundment and humane destruction after notice and a hearing under this Title, except that the only issues for hearing are whether the animal ever received a potentially dangerous, dangerous or vicious animal designation or similar designation in another jurisdiction, and whether the animal's owner complied with the requirements under this Title.

6.02.200 Impounded and seized animals; Destruction of animals.

A. Impoundment

1. Any time an animal control officer or law enforcement officer has reasonable suspicion to believe an animal has engaged in any form of prohibited behavior under this Title, or any other ordinance or any law of the State, including but not limited to, the failure of the animal to be properly collared or harnessed or identified as set forth in this Title, such animal may, at the discretion of an animal control officer or law enforcement officer, be taken into custody by an animal control officer or law enforcement officer and impounded in a humane manner.

2. Unless other time frames are specifically provided for in this Title (including but not limited to bite confinement periods), any animal impounded which is not claimed within a five-day (5) period may be disposed of by the animal shelter, only upon issuance of a written Court Order. Disposal may be by adoption, donation or humane destruction at the sole discretion of the animal shelter. During the period of impoundment, the animal control officer shall make a reasonable effort to ascertain and notify the owner.

3. Any animal held as evidence at the animal shelter at the request of an animal control officer or law enforcement officer shall remain impounded pending a hearing. Any animal so impounded which is not claimed or for which financial bond is not paid as set forth in this Title, may be disposed of as set forth in Subsection (2) above. In no event shall said animal be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.

4. The owner of any impounded animal shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Fees and charges for impoundment of animals shall be as set by the Town in accordance with the fees and charges incurred by the Town. No impounded animal shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded animal to claim such animal from the animal shelter shall not relieve the owner from payment of all applicable charges and fees as established by the shelter. It shall be unlawful for any owner to fail to pay such fees and charges.

5. In the sole discretion of the animal control officer, any dog found running at large, which is not otherwise a potentially dangerous or dangerous animal under the provisions of this Title, may be returned to its owner.

B. Seizure and immediate destruction.

1. Any animal which has caused injury to any person or animal or which has without provocation attacked any person or domesticated animal or which otherwise meets the definition of a dangerous or potentially dangerous animal as set forth in this Title and is found running at large may be seized and impounded at the owner's expense by an animal control officer without notice to the owner. The animal control officer and animal shelter shall make reasonable effort to notify such owner after seizing and impounding the animal pursuant to this Section. If, after making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner is immediately ascertainable and available, the officer determines the animal cannot be captured without exposing the officer or other persons to danger of personal injury from the animal, and the animal presents a present danger to any person or other animal, it shall be lawful for the officer to destroy the animal without notice to the owner.

2. When a veterinarian, animal shelter, animal control officer or law enforcement officer has determined that an animal is critically ill or injured, is suffering extreme pain or has a poor prognosis for recovery, nothing in this Title shall be construed to prevent the immediate humane destruction of such domesticated or wild animal.

6.02.210 Hearing on disposition of seized animals; financial bonding requirements; destruction, seizure or release.

A. Whenever an animal is seized or impounded pursuant to this Title and a summons and complaint has been served, depending on the nature of the charge pending, the animal owner may be summoned before the Court on the next available court date following the seizure or impoundment to address only the issue of disposition of the seized and impounded animal. The Town, through its animal control officers, shall make reasonable efforts to notify the owner in writing by personal service or by posting notice on the front door of the owner's residence at the address shown on the animal license records. Unless the animal owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least five (5) days prior to the hearing and shall state the time, date, location and purpose of the hearing. Such hearings resulting from animal seizures or impoundments shall be given priority on the Court docket in order to minimize the expense to the animal owners for impoundment of seized animals.

B. If an animal is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the animal may proceed in accordance with the time frames and requirements of this Section.

C. If, on the date of the hearing, notice to the owner was provided as required under Subsection A, of this Section, the Municipal Court may proceed with the hearing as to the disposition of the animal, whether or not the owner appears.

D. Formal rules of evidence shall not apply at such animal disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the Town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Court shall order the animal to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Court determines that it is inappropriate to order the animal impounded, the Court may order the animal returned to the owner and kept under such circumstances as will ensure the safety of persons, property or other animals, as the case may be.

E. Financial bonding for cost of holding impounded animals.

1. The owner of an animal that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the animal from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.

2. If the owner does not appear at the disposition hearing, the Town shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5) days from the date of the notice to post such bond.

3. If the owner fails to post the bond or cannot be ascertained by the Town following reasonable efforts, the animal shall be deemed abandoned, and the animal shelter,

upon issuance of a Court Order, may dispose of the animal at any time after five (5) days from the date of notice, of the bond requirement. The date of notice shall be the later of the date the owner is provided notice or the date that the animal control officer or animal shelter makes reasonable efforts to ascertain and provide the owner with such notice. Animal control shall be provided copies of all notices issued under this Section.

4. At the end of the time for which expenses are covered by the bond, Municipal Court may determine disposition of the animal. The owner shall be liable for the cost of the care, keeping or disposal of the animal.

F. Destruction, seizure or release on Court's order.

1. If a penalty assessment or summons and complaint has been filed in the Court against the owner of an animal for a violation of this Code, the Court may, upon making a finding that the animal is dangerous or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner thereof does not relieve or render the owner immune from the decision of the Court, or to the fees, fines or other penalties which may result from a violation of this Code.

2. If the Court determines that an impounded animal should be released, the Court shall issue a release form signed by the Judge to the owner of the animal, which the owner shall present at the animal shelter to claim the animal. The Court shall also send a copy of the release form to animal control and to the animal shelter. Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner within five (5) days following the issuance of a court order authorizing the release of the animal.

3. Trials involving charges resulting in animal seizures or impoundments shall be given priority on the Court docket to minimize the expense to animal owners for impoundment of seized animals.

6.02.220 PACFA guidelines.

Any person operating a Pet Animal Facility within the Town must have a valid license issued by the Commissioner of the Colorado Department of Agriculture and such person operating said Pet Animal Facility must post or otherwise have available upon request said valid license to operate in accordance with "PACFA" - the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101 through 117.

6.02.230 Service Animal or Emotional Support Animal

A. It shall be unlawful for any person to knowingly misrepresent an animal as a service animal.

B. It shall be unlawful for any person to knowingly misrepresent a companion, assistance, or emotional support animal.

6.02.240 Bees.

A. It shall be unlawful for any person to possess, harbor, keep, maintain or permit on his or her property within the Town, bees or bee hives, unless the owner or occupant of the property complies with the requirements of this Section.

B. Bees may only be kept in a hive located in the rear yard of a single-family detached property with an existing residence.

C. The maximum number of hives per single-family detached lot shall be allowed as follows:

1. One-quarter ($1/4$) acre or less: two (2) hives;
2. More than one-quarter ($1/4$) acre up to and including one-half ($1/2$) acre: four (4) hives;
3. More than one-half ($1/2$) acre up to and including three-quarters ($3/4$) of an acre: six (6) hives; or
4. More than three-quarters ($3/4$) of an acre: eight (8) hives.

D. At all times, bees must be provided with a properly designated beehive meeting the following requirements:

1. All hives shall provide a secure design, sufficient to protect the bee colony from predators;
2. All hives shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
3. Each hive shall not exceed a maximum gross floor area of nine (9) square feet;
4. Each hive shall not exceed six (6) feet in height, as measured from the ground, excluding the roof element, which may cause the hive's total height to measure not more than seven (7) feet from the ground; and
5. Each hive shall be set back from all rear yard property lines by a minimum of ten (10) feet.

E. In each instance in which a colony is situated within 25 feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six-feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at the elevation of at least six feet above the ground level over the property lines in the vicinity of the apiary.

F. A fresh water supply for the bees shall be maintained in the rear yard of the property, in a location readily accessible to all bees kept in the rear yard of the property.

G. Honeycomb that is removed from a hive must immediately be moved away from the hive and enclosed in a bee-proof and predator-proof location, building, or storage container.

H. Unused hive components, beekeeping equipment, and supplies associated with beekeeping must be enclosed in a bee-proof location, building, or storage container and inaccessible to bees.

I. Aggressive or Africanized bees are prohibited.

6.02.250 Chickens.

A. It shall be unlawful for any person to possess, keep, harbor, maintain or permit any chickens, unless the owner or occupant of the property complies with the requirements of this Section.

B. Chickens may only be kept in the rear yard of a single-family detached property with an existing residence and with a proper chicken coop meeting the following requirements:

1. A coop shall be fully enclosed, having floors, walls, and roofs sufficient to protect the chickens from predators;

2. Each coop shall provide a minimum of four square feet of living space per chicken;

3. A coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;

4. Chickens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds;

5. The coop and outdoor enclosure must be kept in sanitary condition and free from offensive odors. The coop and outdoor enclosure must be kept dry, well ventilated and with windows placed to admit sunlight. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Manure and droppings shall be removed from pens, enclosures, and shelters;

6. Each coop shall not exceed a maximum gross floor area of one hundred twenty (120) square feet;

7. A coop shall not exceed six (6) feet in height as measured from the ground;

8. A coop shall be set back from all rear yard property lines by a minimum of ten (10) feet; and

9. Only one (1) coop is allowed per rear yard.

C. Only hens (female chickens) are permitted.

D. The maximum number of chickens per single-family detached lot shall be as follows:

1. Lots up to two (2) acres: six (6) chickens; and

2. Lots more than two (2) acres: twelve (12) chickens.

E. Chickens shall be securely kept within a coop in the rear yard from dusk until dawn. If allowed to roam within the enclosed rear yard at any time from dawn until dusk, chickens shall be rendered unable to fly.

G. Animal excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.

H. A fresh water supply for the chickens shall be maintained in the rear yard property at all times, in a location readily accessible to all chickens.

I. Chicken feed shall be enclosed in a re-sealable, airtight, vermin-proof container.

J. The slaughtering of chickens is permitted only indoors and slaughtering shall be limited only to those chickens allowed for the specific property. Entrails and remains shall be disposed of properly. The slaughtering of chickens outdoors is prohibited.

6.02.260 Restrictions on sale of animals.

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

6.02.270 Disposition of dead animals.

A. It is unlawful for the owner of any animal which has died to fail to dispose of such dead animal within twenty-four (24) hours of death by burial, incineration in a State approved facility, rendering or other State-approved means.

B. It shall be unlawful to dump or abandon any dead animal on any public or private property within the Town.

C. If any animal dies on public property or on property other than that of the owner, it may be removed by an animal control officer. The owner shall be responsible for disposal fees, in addition to penalties for violation of this Section.

6.02.280 Cruelty to animals.

It shall be unlawful for any person knowingly, recklessly or with criminal negligence to overload, overwork, inflict violence upon or kill, torture, torment, mistreat, deprive of necessary sustenance, beat, mutilate, needlessly kill, carry or confine in or upon any vehicle in a cruel or reckless manner, or allow to be housed in a manner that results in chronic or repeated serious physical harm of any animal, or to cause any such acts to be done. Neglect of an animal resulting in the death of the animal shall constitute cruelty. Ownership of the animal or the commission of such acts on private property shall not be a defense to prosecution for violation of this Section.

6.02.290 Humane care and treatment.

A. It shall be unlawful for any person to knowingly poison any domesticated animal or livestock, or to knowingly distribute poison or toxicants on public or private property in any manner whatsoever that causes the poisoning of any domesticated animal or livestock.

B. A domesticated animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal; and, except for emergencies or circumstances beyond the reasonable control of the owner or keeper, minimum care includes, but is not limited to, the following requirements:

1. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Food receptacles should be located for easy accessibility to the domesticated animal and to minimize contamination from trash, debris and waste.

2. Open or adequate access to potable water in sufficient quantity to satisfy the domesticated animal's needs. Water receptacles must be kept clean and sanitary, and shall be of appropriate size and design for the animal; and positioned to prevent spillage.

3. In case of domesticated animals, other than livestock or poultry, such animals shall have available a structure of a style suitable for the species in question and sufficient to keep out the elements and such structure shall:

- a. Protect the animal from wind, rain, snow or sun;
 - b. Have adequate non-absorbent bedding (such as, wood chips, straw or blankets, or with the exception of a chicken coop, which must contain a sufficient quantity of absorbent litter) to protect against cold and dampness;
 - c. Be large enough to prevent overcrowding and to allow the animal to turn about freely and to easily stand and lie in a comfortable normal position;
 - d. Be structurally sound and maintained in good repair so as to contain the animal and protect it from injury and adverse conditions;
 - e. Be adequately ventilated to provide for the health and comfort of the animal;
 - f. Be constructed of solid wood, fiberglass or other weather-resistant material. (No shelter may be constructed of metal except for a chicken coop);
 - g. Be at least two (2) inches off the ground, with a solid, level floor; and
 - h. Not have cracks or openings other than the entrance.
4. Any time that an animal is left outside, tethered or not, and the owner or keeper is absent from the property, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the animal, and if tethered, the tether must be positioned so the animal may enter the structure easily.
5. An animal shall be afforded immediate veterinary care if it is known or suspected to be ill or injured.
6. Both indoor and outdoor enclosures shall receive cleaning as necessary to remove pet solid waste and debris so as to minimize disease hazards, odor and danger to the animal. Cleaning of coops and outdoor enclosures for chickens shall comply with applicable provisions in Section 6.02.240.
7. Animals with hair coats requiring grooming to prevent severe matting, filth accumulation and/or skin disease shall be groomed in accord with normal and accepted grooming practices.
8. Animals which are transported on, or in the back of, trucks or other open-bed vehicles, must either be cross-tethered or confined in a suitable cage made of wood, wire or plastic to prevent them from departing the vehicle while it is in motion. The cage must be anchored or tethered to prevent movement while the vehicle is in motion.

9. Animals which are being transported shall not be exposed to extremes in temperatures or weather conditions.

10. Any animal confined within an outdoor enclosure/pen for more than two hours must have adequate space for exercise. A minimum of one hundred (100) square feet is required for any animal except a chicken. Dogs over eighty (80) pounds must have an additional fifty (50) square feet. An additional fifty (50) square feet is required for each additional dog kept within the same enclosed area. The area must be maintained in a sanitary condition and be free from debris or stored material.

11. It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any illegal game, exhibition, contest, fight, or combat between one (1) or more animals or between animals and humans, or to set free any animal for the purpose of chasing or having a race thereafter. This shall include, but is not limited to, hares or rabbits, cocks or other fowl, and dogs.

12. It shall be unlawful for any person, being the owner or keeper of a dog, cat, or other domesticated animal or pet to abandon such animal. Abandon does not mean transferring ownership to an animal rescue organization or another person.

13. It shall be unlawful to give away any live animal, fish, reptile or bird as a prize or premium or as an attraction to conduct further business.

14. It shall be unlawful to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, or rabbits. (This Section shall not be construed to prohibit the display or sale of baby chicks or ducks by hatcheries stores, owners, dealers or the persons engaged in the business of selling such animals to be raised for food).

15. It shall be unlawful to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, or rabbits which have been dyed, colored, stained or otherwise treated so as to impart to them artificial color.

16. It shall be unlawful for any person to sell, give away or barter any domestic dog or cat less than eight (8) weeks of age unless accompanied by its dame. This provision does not apply to animals being surrendered to an animal control agency, shelter, pound, or humane organization.

17. It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle without allowing cross-ventilation and under no circumstance shall a person confine any animal in any parked, closed vehicle on any public or private street or way for any amount of time that would endanger, or create an adverse condition placing at risk the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, disability or death. Any animal control or law enforcement officer observing an animal kept in violation of this Section may enter the vehicle and impound the animal. In addition to all other defenses and immunities provided by law, any such officer making entry for the purpose

of this Section is immune from suit or liability, criminal or civil, caused by or arising out of such entry.

18. It shall be unlawful to use or set, or cause to be used or set, a leghold, snare, instant kill, body gripping trap or such other trap which can cause pain, injury or suffering for the purpose of trapping any feral cat or domesticated animal.

19. It shall be unlawful to tether an animal under circumstances that endanger its health, safety, or well-being; that unreasonably limits an animal's movement or allows the animal to reach an object, that poses a substantial risk of injury or strangulation to the animal; that present an unsafe or unsanitary condition; or that causes injury, stress, or demonstrable socialization problems to the animal.

20. It shall be unlawful for any person to knowingly abandon an animal by leaving the animal with intent not to return within a reasonable time. Abandonment includes, but is not limited to, the dumping of an animal from a moving or stationary motor vehicle. This Section shall not apply to voluntary relinquishments to the animal shelter, an animal control officer, or to a licensed veterinarian.

21. It shall be unlawful for any person to cause, sponsor, instigate, allow or encourage any animal to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train, breed or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where animals are permitted to fight.

22. Any person who, as the operator of a motor vehicle, strikes a domesticated animal shall immediately stop and, to the extent it is safe to do so, render such assistance as may be possible and shall immediately report injury or death to the animals' owner or keeper. If the owner or keeper cannot be ascertained and located, such operator shall at once report the accident to an animal control officer or other law enforcement agency.

23. It shall be unlawful to crop a dog's ears or dock a dog's tail other than by a licensed veterinarian.

6.02.300 Capturing animals.

A. An animal control officer or law enforcement officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to apprehend an animal running at large, a dangerous or potentially dangerous animal, an animal suspected of being infected with rabies, or an animal that the officer reasonably believes is neglected, sick or injured such that the animal faces a serious risk of death or substantial suffering.

B. An animal control officer or law enforcement officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal that the officer reasonably believes to be an immediate danger to the officer or to the public.

C. An animal control officer or law enforcement officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or pet animal running at large, when requested to do so by the owner or possessor of the property.

D. It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal, whether wild or domestic, excepting a licensed or recognized business that has been given permission by the Colorado Parks and Wildlife, the Tri-County Health Department or similar agency, or an animal control officer. Any trapping authorized under this Section must be in compliance with the Colorado Revised Statutes.

6.02.310 Feeding of wild animals prohibited.

A. It is unlawful for any person to feed, provide, leave, distribute or scatter attractants in a manner in which any wild animal would reasonably be able to gain access to such attractant or which might entice any wild animal within the Town.

B. This Section shall not apply to any person utilizing a bird feeder, provided that the feeder is elevated or suspended on a pole, (e.g. shepherd's pole), cable or other similar device to make it inaccessible to wild animals and the area below the feeder is kept free from the accumulation of seeds and seed debris and/or waste debris.

C. It is unlawful for any person to dispense, feed or otherwise make available to any birds, either on such person's property or on the property of another or of the Town, any type or amount of food in a manner that:

1. Creates an unclean, unsafe or unsanitary condition either on such person's property or on the property of another or of the Town.
2. Results in the accumulation of droppings, feces, or feathers either on such person's property or on the property of another or of the Town.
3. Creates an unreasonable disturbance either on such person's property or on the property of another or of the Town.
4. Attracts other wildlife, vermin, or pests either to such person's property or the property of another or of the Town.
5. Otherwise deleteriously affects the quiet enjoyment by others of any private or

public property.

6.02.320 Keeping livestock, wild, or exotic animals.

A. It shall be unlawful for any person to own, possess, harbor, sell, or in any other manner traffic in the following species of animals:

1. All poisonous or venomous animals, anacondas, Reticulated Pythons, Burmese Pythons and Amethystine Pythons.
2. All other non-venomous snakes with a length greater than six feet measured from the tip of the nose to the tip of the tail.
3. All other reptiles with a length greater than three feet measured from the tip of the nose to the tip of the tail.
4. Gorillas, chimpanzees, orangutans, baboons and any other primates.
5. Any species of feline not falling within the categories of ordinary domesticated house cats.
6. Bears of any species.
7. Marsupials, squirrels, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*Mustela furo*).
8. Foxes, wolves, coyotes or other species of canines other than dogs.
9. Crocodilians and monitor lizards.
10. Any animal that is not indigenous to the state and is not classified as a domesticated animal or pet.

B. Domestication of any prohibited animal shall not affect its status under this Section.

C. Livestock is not permitted unless allowed by zoning district provisions. Or, when permitted under the terms of applicable zone district regulation for a transitional use in an area which has not been subject to final subdivision plat. Permitted livestock shall be contained within a secure fence and shall keep such animals from streets, parks and other public areas as well as other private premises.

D. This Section shall not apply to any zoological garden or any special event sanctioned by the Town or other governmental entity, or any approved research institute using livestock, wild, or

exotic animals for scientific research, or any state licensed wildlife rehabilitator, organization or individual who performs wildlife rescue and rehabilitation.

E. Animal control officers or law enforcement officers will have the authority to apprehend any livestock, wild, or exotic animal that may be at large within the Town. Such livestock, wild, or exotic animal may be impounded, released in wild areas which are representative of the animal's natural habitat, released to an appropriate keeper or humanely destroyed. Animal control officers or law enforcement officers are authorized to use any tranquilizer gun or other firearm to subdue or destroy any livestock, wild, or exotic animal that is determined by the animal control officer or law enforcement officer, in his or her discretion, to be of danger to either itself or to the public health and safety.

6.02.330 Fees.

A. Fees for permits, licenses, impound, adoptions and other services or fees shall be established by the Town and/or the local animal shelter.

B. Fees shall be waived for any active certified governmental police dogs, military dogs or service dogs provided the owner has appropriate certifying documentation.

C. It shall be unlawful to fail to pay for permits, licenses, impound, adoption or any other services or fees levied by the Town and/or the local animal shelter.

6.02.340 Penalties.

A. The animal control officer, or the Town Attorney or designee may recommend that one or more special sanctions be levied against any owner convicted of any violation of this Title. This recommendation may be presented to the Municipal Court as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to any other penalty permitted under the Municipal Code. The Municipal Court may take into consideration the severity of the incident, the prior history of the animal or the owner and the recommendation of the animal control officer, Town Attorney, or designee. Without in any way limiting the power of the Municipal Court to impose special sanctions as it deems appropriate, special sanctions may include, but are not limited to:

1. Construction of a proper animal enclosure (built to specifications as ordered by the Court and in compliance with Town zoning requirements).
2. Microchipping, spaying or neutering of the animal.
3. Obedience training or behavior modification.
4. Responsible pet ownership class(es).

5. Community service work.
6. Surrender or euthanasia of the animal.
7. Prohibition from owning animals for a specified period of time.
8. Use of specified humane training devices for behavior modification.
9. Inspections of premises where the animal is kept.
10. Restitution for costs of care rendered, shelter provided at the animal shelter and costs of veterinary care and medical treatment.
11. Treatment or counseling programs.
12. Any other appropriate sanction.

B. Any person convicted of violating Sections 6.02.070 (licensing) and 6.02.080 (disease/rabies) shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation. The Municipal Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly licensed and/or identified on the date of the violation. The Municipal Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly vaccinated on the date of the violation.

C. Any person convicted of violating Sections 6.02.090 (limits on dogs and cats), 6.02.100 (animals running at large), 6.02.110 (noisy dogs), and 6.02.120 (removal of excrement), shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.

D. Any person convicted of violating Sections 6.02.130 (reporting animal bites and confinement), 6.02.160 (potentially dangerous dog), 6.02.190 (animals from other jurisdictions), 6.02.230 (service and emotional support animal), 6.02.240 (bees), 6.02.250 (chickens), 6.02.260 (restriction on sale of animals), 6.02.270 (disposition of dead animals), 6.02.300 (capturing animals), 6.02.310 (feeding wildlife), and 6.02.320 (keeping of livestock, wild or exotic animals), shall be fined a minimum of \$100.00 per offense to a maximum of \$499.00 per offense.

E. Unless the penalty is specifically set forth herein, any person convicted of violating any other provisions of this Title shall be punished pursuant to Section 1.08.010 of the Municipal Code

and such other special sanctions as the court may impose.

F. Unless otherwise specified, any person charged with violating any Section of this Title 6 shall be issued a summons and complaint.

G. Notwithstanding any other provision set forth in this Section, any person charged with a violation of this Title related to any incident for which there is an issue of injury or damage or for which restitution by a victim may be requested or ordered shall be issued a summons and complaint requiring a mandatory court appearance.

6.02.350 Immunity from liability.

The Town and its employees and agents and the animal shelter and its employees shall be immune from liability for any actions taken pursuant to this Title.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2018 by a vote of __ for and __ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018, by the Town Council of the Town of Castle Rock by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Jack Cauley, Chief of Police

