

Title 6

ANIMALS

Chapters:

6.04 Animal Control

6.08 Stock

Chapter 6.04

ANIMAL CONTROL

Sections:

ARTICLE I. DEFINITIONS

- 6.04.010 Generally.
- 6.04.020 Animal.
- 6.04.030 Animal control officer.
- 6.04.040 Animal establishment.
- 6.04.050 Animal shelter.
- 6.04.060 At large.
- 6.04.070 Humane manner.
- 6.04.080 Kennel.
- 6.04.090 Neutered.
- 6.04.100 Nuisance.
- 6.04.110 Owner.
- 6.04.120 Person.
- 6.04.130 Pet shop.
- 6.04.140 Restraint.
- 6.04.150 Dangerous animal.

ARTICLE II. LICENSING AND RABIES VACCINATION

- 6.04.160 Vaccination and license--Required.
- 6.04.170 Vaccination standards.
- 6.04.180 Certificate of vaccination.
- 6.04.190 License application.
- 6.04.200 Licensing period and renewal.
- 6.04.210 License fees.
- 6.04.220 Exemptions.
- 6.04.230 License tag.

ARTICLE III. PERMITS

- 6.04.240 Required for establishments.
- 6.04.250 Application.

- 6.04.260 Kennel, pet shop and animal establishment fees.
- 6.04.270 Option for kennels.
- 6.04.280 Exemptions--Reclassification.
- 6.04.290 Violation--Penalty.

ARTICLE IV. ISSUANCE AND REVOCATION OF
PERMITS AND LICENSES

- 6.04.300 Refusal to comply with chapter--Failure to care for animals.
- 6.04.310 False information.
- 6.04.320 Inspection authority.

ARTICLE V. OWNER RESPONSIBILITY

- 6.04.330 Running at large/restraints.
- 6.04.340 Dangerous animals.
- 6.04.350 Nuisances, disposition of excrement.

ARTICLE VI. IMPOUNDMENT

- 6.04.360 Procedures.
- 6.04.370 Option of notice of violation.
- 6.04.380 Animals maintained in inhumane manner.
- 6.04.390 Liability for charges.
- 6.04.400 Destruction of feral animals.

ARTICLE VII. REDEMPTION

- 6.04.410 Animal impoundment fees, redemption fees and costs.
- 6.04.420 Rabies quarantine.

ARTICLE VIII. ADOPTION

- 6.04.430 Requirements.
- 6.04.440 Violation--Penalty.

ARTICLE IX. INTERFERENCE

- 6.04.450 Prohibited--Penalty.

ARTICLE I. DEFINITIONS

6.04.010 Generally. As used in this chapter, the words set out in this article shall have the following meanings. (Ord. 219 (part), 2003)

6.04.020 Animal. "Animal," as used in this chapter, means dog, cat or other mammalian carnivore or omnivore (including skunks, raccoons, ferrets, minks, wildcats, etc.) kept as a pet or for purposes of domestication. (Ord. 219 (part), 2003)

6.04.030 Animal control officer. "Animal control officer" means the person or persons designated by the La Veta town board to enforce this chapter. It includes the technical assistance of a veterinarian licensed in the state when required. (Ord. 219 (part), 2003)

6.04.040 Animal establishment. "Animal establishment" means any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter. This term does not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89544 and 91579. (Ord. 219 (part), 2003)

6.04.050 Animal shelter. "Animal shelter," as used in this chapter, means a facility designated by the town for the purpose of temporarily impounding and caring for animals. (Ord. 219 (part), 2003)

6.04.060 At large. An animal shall be deemed to be "at large" when off the property of the owner and not under restraint as herein defined. (Ord. 219 (part), 2003)

6.04.070 Humane manner. "Humane manner" means care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed. (Ord. 219 (part), 2003)

6.04.080 Kennel. "Kennel" means an establishment kept for the purpose of breeding, selling, or boarding of animals or engaged in the training of animals. It also means any individual(s) maintaining a total of more than six animals at a private residence or on premises. (Ord. 219 (part), 2003)

6.04.090 Neutered. "Neutered" means rendered permanently incapable of reproduction. (Ord. 219 (part), 2003)

6.04.100 Nuisance. An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's or on public lands and recreation areas unless such waste is immediately removed and disposed of by the owner. An Animal shall also be considered a nuisance if it causes unsanitary, dangerous or offensive conditions, causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public or private property. (Ord. 219 (part), 2003)

6.04.110 Owner. "Owner" means a person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about the premises occupied by that person. (Ord. 219 (part), 2003)

6.04.120 Person. "Person" means any individual, corporation, partnership, or institution commonly recognized by law as a unit. (Ord. 219 (part), 2003)

6.04.130 Pet shop. "Pet shop" means an establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit making purposes. (Ord. 219 (part), 2003)

6.04.140 Restraint. An animal shall be considered under restraint if it is within the real property limits of its owner, in a motor vehicle or secured by a leash or lead not more than ten feet in length. (Ord. 219 (part), 2003)

6.04.150 Dangerous animal.

A "dangerous animal" means an animal that constitutes a physical threat to humans or other domestic animals or wildlife. A dangerous animal shall also include an animal which, without provocation, approaches in a threatening or terrorizing manner or in apparent attitude of attack, any person on the public ways, public grounds or public places in the town. Dangerous animal shall include: (1) any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise endanger the safety of human being or other animals; (2) any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for the purposes of fighting; or (3) any animal which was the subject of a conviction under this chapter or as adjudicated to be a dangerous animal under Colorado law. (Ord. 219 (part), 2003)

ARTICLE II. LICENSING AND RABIES VACCINATION

6.04.160 Vaccination and license--Required.

A. Except as provided in Section 6.04.220, it shall be unlawful for any person to own, keep or harbor any animal within the town, over six months of age, unless such animal is vaccinated against rabies in accordance with Section 6.04.170.

B. It shall be unlawful for any person to own, keep or harbor any unlicensed animal over six months of age, within the town. (Ord. 219 (part), 2003)
(Ord. No. 250, § 2, 6-16-2009)

Editor's note—Ord. No. 250, § 2, adopted June 16, 2009, amended § 6.04.160 as herein set out. Former § 6.04.160 pertained to required--exemption.

6.04.170 Vaccination standards.

All animals shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest compendium of animal rabies prevention and control (sometimes referred to as the "Compendium of Animal Rabies Control" or the "Compendium") promulgated by the National Association of State Public Health Veterinarians, Inc. (Ord. 219 (part), 2003)
(Ord. No. 250, § 3, 6-16-2009)

6.04.180 Certificate of vaccination.

A certificate of vaccination shall be issued to the owners of each animal vaccinated on a form recommended by

the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued. (Ord. 219 (part), 2003)

6.04.190 License application.

A. Application for a license must be made within thirty days after obtaining an animal over four months of age, except that this requirement will not apply to a non-resident keeping a animal within the town for no longer than sixty days provided that the animal is licensed at the owners permanent home of record.

B. Application for an animal license shall be made to the town licensing authority and shall include the name and address of the owner and the name, breed, color, age and sex of the animal. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination. (Ord. 219 (part), 2003)

6.04.200 Licensing period and renewal.

The licensing period shall be for two calendar years. License renewal must be applied for within ninety days of the expiration of the license. New residents must apply for a license within thirty days of establishing residence. (Ord. 219 (part), 2003)

6.04.210 License fees.

A license shall be issued, after payment of a fee as established by resolution of the board of trustees, for each unneutered animal and for each neutered animal as verified on the rabies certificate. Persons who fail to obtain a license as required within the time period specified in this article shall be subjected to an additional delinquent fee as established by resolution of the board of trustees.

(Ord. 219 (part), 2003)

(Ord. No. 251, § 3, 6-16-2009)

Editor's note—Ord. No. 251, § 3, adopted June 16, 2009, amended § 6.04.210 as herein set out. Former § 6.04.210 pertained to similar subject matter.

6.04.220 Exemptions.

The following exemptions shall be available for animals otherwise required to be vaccinated or licensed:

A. License fees shall not be required to be paid for animals used as assistance animals for disabled persons. Such animals must, however, be licensed.

B. License fees shall not be required to be paid for animals serving the government. Such animals must, however, be licensed.

C. Animals used by a licensed research facility, held in a veterinary medical facility, or held in a government operated or licensed animal shelter shall be exempt from the provisions of licensing and vaccination of this chapter. (Ord. 219 (part), 2003)

6.04.230 License tag.

Upon acceptance of the license application and fee, the town licensing authority shall issue a durable license tag including an identifying number and name of the town. It shall be unlawful for any person to fail to attach both rabies and license tags to the animal's collar and to cause the collar with said tags attached to be on the animal at all times when said animal is off the property of the owner. Tags are not transferrable. (Ord. 219 (part), 2003) (Ord. No. 250, § 4, 6-16-2009)

ARTICLE III. PERMITS

6.04.240 Required for establishments.

No person shall operate an animal establishment without first obtaining a permit in compliance with this article. (Ord. 219 (part), 2003)

6.04.250 Application.

The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal applications for permits must be made within sixty days prior to the end of the calendar year. Application for a permit to establish a new breeding animal establishment under the provisions of this chapter may be made at any time. (Ord. 219 (part), 2003)

6.04.260 Kennel, pet shop and animal establishment fees.

Annual permits for kennels, pet shops and animal establishments shall be issued upon payment of the fee as established by resolution of the board of trustees:

a. For each kennel authorized to house less than six animals.

b. For each kennel authorized to house six but not more than twenty-five animals. No kennels with more than twenty-five animals will be permitted within town limits.

c. For each pet shop.

d. For other animal establishments. (Ord. 219 (part), 2003)
(Ord. No. 251, § 4, 6-16-2009)

Editor's note—Ord. No. 251, § 4, adopted June 16, 2009, amended § 6.04.260 as herein set out. Former § 6.04.260 pertained to fees.

6.04.270 Option for kennels.

A person who maintains a kennel of six or more animals shall pay an annual permit fee and shall license individual animals as provided under Article II. Every facility regulated by this chapter shall be considered a separate enterprise, requiring an individual permit. (Ord. 219 (part), 2003)

6.04.280 Exemptions--Reclassification.

Under the provisions of this chapter, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the town licensing authority within sixty days, whereupon reclassification and appropriate adjustment of the permit fee shall be made. (Ord. 219 (part), 2003)

6.04.290 Violation--Penalty.

Failure to comply with the provisions of this article is subject to a fine of not less than one hundred dollars and not more than five hundred dollars. Each offense or day may be counted as separate offense. (Ord. 219 (part), 2003)

ARTICLE IV. ISSUANCE AND REVOCATION OF PERMITS AND LICENSES.

6.04.300 Refusal to comply with chapter--Failure to care for animals.

The town licensing authority and/or animal control officer may refuse to issue or may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the town or if the license or permit holder fails to maintain care of the animals in a humane manner as defined in this chapter or in any other laws governing the protection and keeping of animals. (Ord. 219 (part), 2003)

6.04.310 False information.

If an applicant is shown to have withheld or falsified any material information on the application, the town licensing authority may refuse to issue or may revoke a permit or license. (Ord. 219 (part), 2003)

6.04.320 Inspection authority.

It shall be a condition of issuance of any permit for an animal establishment that the town licensing authority and/or animal control officer shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours without notice. Where a permit is revoked for any cause, or pending appeal or any such action, the town licensing authority and/or animal control officer shall have the power of entry on the premises and into all areas where animals are being kept. A person being denied a permit may not re-apply for a period of at least thirty days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a fee. (Ord. 219 (part), 2003)

ARTICLE V. OWNER RESPONSIBILITY

6.04.330 Running at large/restraints.

No person, being the owner or keeper of an animal, shall permit such animal to run at large within the town. An animal shall be deemed to be running at large when not within the control of some person, either by leash, cord or chain adequate to accomplish physical restraint of such animal, except that an animal shall not be deemed to be running at large when it is on the premises of its owner or keeper. Whenever any animal shall be found running at large in the town, it shall be presumed, until the contrary appears, that such animal is permitted by the owner or keeper of such animal to run at large. (Ord. 219 (part), 2003)
(Ord. No. 250, § 5, 6-16-2009)

Editor's note—Ord. No. 250, § 5, adopted June 16, 2009, amended § 6.04.330 as herein set out. Former § 6.04.330 pertained to restraints.

6.04.340 Dangerous animals.

A. No person shall own or harbor any animal for the purpose of fighting or train, torment, badger, bait or use

any animal for the purpose of causing or encouraging said animal to unprovoked attacks on human beings or domestic animals.

B. No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy within the town any dangerous animal.

C. This section shall not apply to dogs owned by law enforcement agencies and engaged in the performance of agency duties.

D. If the animal control officer or a police officer has probable cause to believe that a dangerous animal is being kept, harbored or cared for on the premises of the owner in violation of this chapter, the animal control officer or police officer may petition the municipal court to order the seizure and impoundment of the dangerous animal.

E. If a dangerous animal is impounded; and

1. The person owning, harboring or having the care or custody of a dangerous animal is unable to be determined or found; or

2. The person owning, harboring or having the care or custody of a dangerous animal does not redeem the impounded dangerous animal by payment of any fees or charges set fourth in this chapter, within a reasonable time after impoundment, the dangerous animal shall be humanly euthanized. No dangerous animal shall be humanly euthanized within five days after being impounded, exclusive of Sundays and Holidays, except that an impounded dangerous animal may be humanly euthanized at any time with the consent of the person owning, harboring, or having the care or custody of the dangerous animal.

F. Any dangerous animal that attacks a human being or domestic animal without provocation may be ordered humanly euthanized at direction of the La Veta municipal judge. (Ord. 219 (part), 2003)

6.04.350 Nuisances, disposition of excrement.

A. No animal shall be allowed to cause a nuisance. The owner of every animal shall be held responsible for the behavior of such animal under the provisions of this chapter and [Section] 9.16.070 of the La Veta Municipal Code.

B. It shall be unlawful for any person who possesses, harbors or is in charge of any dog, cat or other animal not to immediately remove excrement deposited by the animal upon a common thoroughfare, street, sidewalk, play

area, park, or upon any private property when permission of the owner or tenant of the property has not been obtained, and such is hereby deemed to be a public nuisance and prohibited. Dog, cat or other animal excrement shall not be placed in storm sewers, but may be placed in trash containers if contained in a closed plastic bag or other closed or airtight nonporous container. Violation of this section shall be punishable by a fine of not less than twenty-five dollars. (Ord. 219 (part), 2003)
(Ord. No. 251, § 5, 6-16-2009)

Editor's note—Ord. No. 251, § 5, adopted June 16, 2009, amended § 6.04.350 as herein set out. Former § 6.04.350 pertained to nuisances.

ARTICLE VI. IMPOUNDMENT

6.04.360 Procedures.

Any animal found running at large shall be impounded by the town licensing authority and/or animal control officer in an animal shelter and confined in a humane manner. Immediately upon impounding an animal, the licensing authority and or animal control officer shall make every responsible effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not claimed by their owners within a period of five full days in which the shelter is open to the public shall become the property of the town. (Ord. 219 (part), 2003)

6.04.370 Option of notice of violation.

When an animal is found running at large and its ownership is verified by the animal control officer and/or the licensing authority, the officer/authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal. (Ord. 219 (part), 2003)

6.04.380 Animals maintained in inhumane manner.

In the event that the town licensing authority and/or animal control officer finds an animal to be suffering or not being maintained in a humane manner as defined in this chapter, it shall have the right forthwith to remove or have caused to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner

may be withheld until the owner has made full payment for all expenses so incurred. (Ord. 219 (part), 2003)

6.04.390 Liability for charges.

Disposal of an animal by any method specified in this article does not relieve the owner of liability for violations and any accrued charges. (Ord. 219 (part), 2003)

6.04.400 Destruction of feral animals.

Feral animals found running at large with no apparent marking or obvious signs of ownership may be destroyed by the town licensing authority and/or animal control officer if they cannot be apprehended with reasonable effort. (Ord. 219 (part), 2003)

ARTICLE VII. REDEMPTION

6.04.410 Animal impoundment fees, redemption fees and costs.

Any animal impounded may be redeemed by the owner within five days upon payment of: (1) the per-day fee for impoundment care established by resolution of the board of trustees; (2) the redemption fee for impoundment as established by resolution of the board of trustees; and (3) plus any actual costs incurred by the town for care (e.g. veterinary fees). Upon the third occurrence of an animal being impounded, a mandatory court appearance is required and the owner shall be subject to a fine of not less than one hundred fifty dollars. Payment of daily impoundment fees, redemption fees and actual costs, which shall not be deferred, are not considered to be in lieu of any fine, penalty or license fee. (Ord. 219 (part), 2003)
(Ord. No. 251, § 6, 6-16-2009)

Editor's note—Ord. No. 251, § 6, adopted June 16, 2009, amended § 6.04.410 as herein set out. Former § 6.04.410 pertained to fees.

6.04.420 Rabies quarantine.

Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner upon payment of actual costs incurred by the town plus ten dollars a day impoundment care fee. (Ord. 219 (part), 2003)

ARTICLE VIII. ADOPTION

6.04.430 Requirements.

Adoption fees for dogs and cats, as established by resolution of the board of trustees, shall be assessed at the time of adoption. No animal shall be released for adoption without first being neutered/spayed without a written agreement from the adopter guaranteeing that the animal will be neutered/spayed within thirty days. (Ord. 219 (part), 2003)
(Ord. No. 251, § 7, 6-16-2009)

6.04.440 Violation--Penalty.

Failure to comply with the provisions of this chapter shall be subject to a minimum fine of:

First offense	\$30.00
Second offense	\$60.00
Third offense	\$150.00 with
shall require a		no deferment
mandatory court		
appearance and		
upon a conviction,		
the minimum manda-		
tory fine shall be		

(Ord. 219 (part), 2003)
(Ord. No. 250, § 6, 6-16-2009)

ARTICLE IX. INTERFERENCE

6.04.450 Prohibited--Penalty.

No person shall interfere with, hinder, or molest any agent of the town licensing authority and/or animal control officer in the performance of any duty as provided in this chapter. Any person violating this article shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars and each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 219 (part), 2003)

Chapter 6.08

STOCK

Sections:

6.08.010 Dairy goats.

6.08.010 Dairy goats.

It is unlawful to keep dairy goats for commercial purposes within the corporate limits of the town. (Ord. 219 (part), 2003)