

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. 4584**

**AN ORDINANCE AMENDING PARTS OF CHAPTER 6.12 OF THE
GRAND JUNCTION MUNICIPAL CODE RELATING TO PERMITS FOR REHOMING
OF PETS IN THE PUBLIC AND DISPOSITION OF ANIMALS**

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to Chapter 6.12 of the City of Grand Junctions Code of Ordinances relating to public safety and welfare of the public and the animals within the City and found the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION:**

The following sections in Chapter 6.12 are hereby amended as follows:

**Chapter 6.12
DOGS AND CATS**

6.12.090 Permit Required for Public Pet Rehoming. No person shall display any dog or cat for the purpose of selling, giving away, trading, bartering or adopting the animal without a Public Pet Rehoming Permit.

(a) A Public Pet Rehoming Permit is not required when:

- (1) An owner is selling, giving away, trading, bartering or adopting an animal from a private residence; or
- (2) An owner holds a current license issued by the Colorado Pet Animal Care and Facilities Act and is displaying the animals at that location; or
- (3) The owner is a governmental or tax-exempt, not for profit animal welfare organization and is involved in an organized adoption event.

(b) The Public Pet Rehoming Permit can be obtained at Mesa County Animal Services. The permit process will require the following:

- (1) The owner/applicant will complete and submit a Public Pet Rehoming Permit application no less than five business days prior to the date needed; and
- (2) The owner/applicant will provide written documentation from a licensed veterinarian that the animals have been examined within seven days, are at least eight weeks old and current on all applicable vaccinations; and

(3) The owner/applicant will provide written authority and contact information from the owner of the property on which the animals will be displayed.

6.12.100 Seizure and impoundment.

(a) Impoundment of Dogs Authorized.

(1) An Animal Services Officer may, in his discretion, seize and impound any dog which is:

- (i) At large;
- (ii) Off the owner's premises and not wearing a current license tag; or
- (iii) An unconfined, unspayed female dog in estrus.

(2) An Animal Services Officer may, in his discretion, seize and impound any animal which:

- (i) Is required to be observed for rabies symptoms;
- (ii) Is, or appears to be, abandoned, abused or neglected;
- (iii) Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
- (iv) Is being kept or maintained contrary to the provisions of this chapter.

If a dog found running at large is properly licensed, the Animal Services Officer shall return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

(b) Impoundment of Dangerous Dogs. An Animal Services Officer shall forthwith investigate any credible complaint that a dog is dangerous. If the officer reasonably believes the dog is dangerous or that the dog has previously been found to be a dangerous dog by any court and the dog is found to be confined in a manner inconsistent with the court's order or in violation of GJMC 6.12.060(c), it shall be immediately seized and impounded. If impoundment of a dangerous dog cannot be made with safety to the Animal Services Officer or other persons, the dangerous dog may be summarily destroyed without notice to its owner, and the Animal Services Officer shall not be held liable for such action.

(c) Impoundment of Habitual Offender Dogs. An Animal Services Officer shall forthwith investigate any credible complaint that a dog is a habitual offender. In the event that the officer reasonably believes the dog is a public safety risk, it shall be immediately seized and impounded.

(d) **Impoundment of Animals for Violation of Public Pet Rehoming Permit.** An Animal Services Officer shall forthwith investigate any credible complaint that a person is in violation of the Permit Required for Public Rehoming. In the event that the officer reasonably believes that this is the second offense or more of GJMC 6.12.090, the animal(s) shall be immediately seized and impounded.

(e) **Notice of Impoundment and Disposition Alternatives.** When any animal has been impounded, Animal Services personnel shall as soon as practicable give notice in person, by letter, telephone, or service of a citation upon the owner of the animal's impoundment and disposition alternatives. If the animal's owner is unknown at the time of impoundment, Animal Services personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal Services personnel may proceed with any disposition authorized by this chapter. Animal Services personnel shall maintain records of the times, dates and manner of any notification or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

(f) **Length of Impoundment.**

(1) **Minimum Period.** Any animal impounded at Animal Services which is not reclaimed by the owner shall be held by Animal Services for a minimum of five days after acquisition by Animal Services, before it may become available for adoption or otherwise disposed of at the discretion of Animal Services, except that the Director may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three days if the Director determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under GJMC 6.12.110.

(2) **Sick or Injured Animal.** An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner, is subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia, if (i) in the opinion of a veterinarian the animal is experiencing extreme pain or suffering; and (ii) Animal Services has exhausted reasonable efforts to contact the owner for up to 24 hours.

(3) **Dangerous Dog.** A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of GJMC 6.12.060(a). If no such action has been or will be commenced, such dog shall be disposed of pursuant to GJMC 6.12.110.

(4) Habitual Offender. A dog that meets the definition of habitual offender and is a public safety risk shall not be released from impoundment during the pendency of any criminal proceeding.

(5) Abused and/or Neglected. An animal that is or appears to be abused and/or neglected shall not be released from impoundment during the pendency of any criminal proceeding, except by order of the court.

(6) Public Pet Rehoming Permit. Animal(s) impounded for a second offense or more of violating GJMC 6.12.090 shall not be released from impoundment during the pendency of any criminal proceeding.

(7) Observation Period. Notwithstanding any other provision of this section to the contrary, any dog or cat which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies infection until 10 days after the date of the bite and for such further time as deemed necessary by the Director. During the observation period, the dog or cat shall not have any physical contact with any other person or animal outside the immediate family, nor shall it be removed from the location of quarantine unless authorized by Animal Services personnel. Additionally, the dog or cat shall not be vaccinated against rabies, have ownership transferred, or be destroyed or euthanized unless authorized by Animal Services personnel.

(8) Dogs of Wild Extraction. Any dog of wild extraction which is known or credibly alleged to have bitten any person shall be immediately impounded. Unless otherwise ordered, dogs of wild extraction shall, at the discretion of the Director, be quarantined according to the direction of the State Health Department or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by State law.

(9) Release from Quarantine – Failure to Comply with Quarantine Order or Conditions. Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal Services Officer to quarantine such animal shall release such animal only to the Animal Services Officer according to the quarantine. The Animal Services Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or veterinary facility approved by the Animal Services Center. The Animal Services Officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the 10-day quarantine period to the satisfaction of Animal Services. No person or owner shall fail to meet the conditions established pursuant to subsection (e)(7) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal Services and shall be a violation of this chapter.

(g) **Liability for Seizure and Impoundment Expenses.** An owner or keeper shall be obligated to reimburse the Animal Services Center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner or keeper of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the Animal Services Center at no cost to the owner.

(h) **Removal of Impounded Animals.** No person shall remove any impounded animal from the Animal Services Center or from the official custody of an Animal Services Officer without the consent of the Director.

(i) **Impoundment Alternatives.** Nothing in this section shall be construed to prevent an Animal Services Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

6.12.110 Redemption from impoundment and disposition.

(a) **Redemption Fees Authorized.** Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by Animal Services personnel or as provided in GJMC 6.12.120, concerning Animal Services Center charges and fees.

(b) **Disposition of Impounded Animals.** Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City. The animal may then be disposed of by Animal Services personnel by sale, transfer, donation, adoption to a suitable owner, or by humane euthanasia. No animal shall be released from the Animal Services Center for the purpose of medical research or experimentation.

(c) Disposition of Dangerous Dogs and Habitual Offenders.

(1) The owner of a dog which is found to be dangerous, GJMC 6.12.020, shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public, to abate a public nuisance, or to abate a public safety risk. Such orders and conditions shall require payment of all fines and fees and expenses

for seizure, impoundment and redemption, together with penalties and court costs, if any.

(2) In the event of noncompliance with the conditions imposed pursuant to subsection (c)(1) of this section, the dog may be summarily impounded by Animal Services personnel and disposed of at their discretion, or in accordance with court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for noncompliance with any sentencing orders or with administrative conditions for release of a dangerous dog.

(3) A dog found or declared not to be dangerous shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

(4) The owner or dog which is found to be a habitual offender shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. These orders and conditions may include, but are not limited to, delayed release of the dog, construction of secure areas of confinement, neutering the dog, and any other terms or conditions deemed necessary to protect the public or the abate a public safety risk. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(d) Disposition of Animal(s) When Owner(s) Is Convicted of Cruelty to Animal(s) and/or Failure to Have the Permit Required for Public Pet Rehoming.

(1) A person found to be guilty of cruelty shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, construction of secure areas of confinement, neutering of the animal, enjoined from owning, controlling, and/or caring for any animal and any other terms or conditions deemed necessary to protect animals from the person. If the court determines that an animal is not to be returned to the owner, then the court may order the animal to the care of Animal Services as owner of the animal and the animal may be disposed of by Animal Services personnel at their discretion. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(2) A person found guilty of a second violation or more of GJMC 6.12.090 may have ownership of the animal(s) terminated by the court to be ordered as property of Animal Services. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(e) **Adoption of Dogs and Cats.** No person may adopt a dog or cat from the Animal Services Center until such has guaranteed sterilization of the dog or cat. A deposit or adoption fee shall be required to ensure the sterilization of the animal. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this chapter and shall be punishable as an offense under this chapter. Additionally, Animal Services personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of Animal Services personnel and subject to reasonably prescribed conditions.

(f) **Owner's Duty to Redeem Animal and Pay Fees.** No animal owner shall fail to make arrangements for the redemption or surrender of any animal impounded or to fail to pay any fees associated with the redemption or surrender of such animal.

6.12.120 Enforcement.

(a) **Responsibility.** The provisions of this chapter shall be enforced within the City by the Director, Animal Services Officers, and any other person however administratively assigned or titled, as authorized by the Grand Junction City Council. Enforcement by the City employees shall be limited to City limits and such additional areas as the Council may designate by contract or resolution pursuant to § 30-15-101(2), C.R.S. Animal Services Officers shall be deemed "peace officers" without regard to certification requirements, as authorized by § 30-15-105, C.R.S. The City Attorney shall prosecute at the Attorney's discretion any violation of this chapter.

(b) **Procedure.** Whenever an Animal Services Officer has personal knowledge or probable cause to believe that a violation of this chapter has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to § 16-2-201, C.R.S. et seq., or issue a summons and complaint pursuant to § 16-2-101, C.R.S. et seq.

(c) Penalty Assessment Procedure.

(1) **Penalty Assessment.** The penalty assessment procedure consists of personal service of written notice upon a person charged with violating this chapter. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, or may choose to appear before a judge in a court of competent jurisdiction if conditions for release are not met. Conditions for release shall include payment of the applicable fine.

(2) **Summons and Complaint.** The summons and complaint procedure consists of personal service, or waiver by the recipient, of a summons and complaint. The summons requires the recipient to appear before the Municipal Court Judge at a specified time and place to answer to charges of violating this chapter, as set forth in the complaint.

(3) Mandatory Court. A summons and complaint shall be issued to anyone who is:

- (i) Charged under GJMC 6.12.060 involving a dangerous dog;
- (ii) Charged under GJMC 6.12.080 involving cruelty to an animal;
- (iii) Charged under GJMC 6.12.090 as a second violation or more for GJMC 6.12.090;
- (iv) Charged under GJMC 6.12.110 involving failure to comply with impound/quarantine requirements;
- (v) Known to have been issued three or more penalty assessment notices for violation of this chapter within the last two years; or
- (vi) Charged with a violation of this chapter involving serious bodily injury to or death of any person or animal.

(4) Optional Court. Except for the mandatory requirement for court set forth in subsection (c)(3) of this section, an Animal Services Officer may, at his discretion, issue either a penalty assessment notice or a summons and complaint.

(5) Content. A penalty assessment notice as well as a summons and complaint shall contain the following:

- (i) Document sworn to by the arresting officer;
- (iii) Name of the alleged offender;
- (iv) Specific offense;
- (v) Applicable fine; and
- (viii) A brief summary of the offense, including the alleged offender's attitude.

(d) **Interference with Animal Regulation Officers.** No person shall interfere with, molest, hinder, or prevent the Director or any Animal Services Officer from discharging their duties as prescribed by this chapter or other law.

(e) **Compliance with Impoundment Requests.** No person shall refuse to immediately deliver up or release any animal to an Animal Services Officer upon lawful demand by the officer to seize and impound the animal.

(f) **Search and Seizure of Dogs.** An Animal Services Officer shall have the right to enter upon private property when necessary to seize a dangerous dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance and/or public safety risk as defined in this chapter, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an Animal Services Officer. Noncompliance with such order shall be grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance and/or public safety risk dog or abandoned, abused, or neglected animals in order to preserve evidence or to protect the public safety and welfare. An Animal Services Officer seizing a public nuisance and/or public safety risk dog may impound the dog, release the dog in lieu of impoundment, and/or issue a penalty assessment notice or a summons and complaint to the dog owner, unless otherwise required by court order or this chapter.

6.12.160 Additional remedies for violation of chapter – Suspension of penalties.

(a) In addition to payment of any fine or other punishment, any person violating this chapter shall be required as a condition of probation or sentencing to pay to the Animal Services Center all applicable fees and charges pursuant to GJMC [6.12.130](#), and costs of prosecution as may be required by the court.

(b) Suspension of any penalty or punishment for violation of this chapter may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in GJMC [6.12.110\(c\)](#).

6.12.180 Violations not involving bodily injury.

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.080](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) or any subsections thereof where a summons and complaint are issued which do not involve bodily injury to any person or animal shall be punishable upon conviction by a fine of not more than \$500.00. If the dog owner has been convicted of three or more violations of any section of this chapter not involving bodily injury within a two-year period, the Court may impose a sentence of imprisonment in the County jail for not more than 90 days in addition to any fine and may order the destruction of the animal.

6.12.190 Violations involving bodily injury.

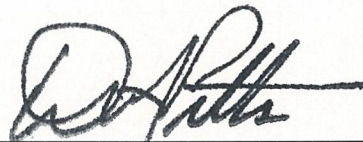
Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) and any subsections thereof where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death

to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than \$250.00 nor more than \$1,000, or by imprisonment of not less than three months nor more than 12 months, or by both such fine and imprisonment for each separate offense. In addition, the court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

Any section not specifically modified herein shall remain in full force and effect as written except that numbering shall be administratively changed in accordance with the changes made herein.

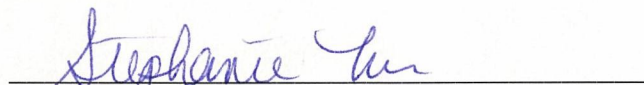
INTRODUCED on first reading the 3rd day of April, 2013 and ordered published in pamphlet form.

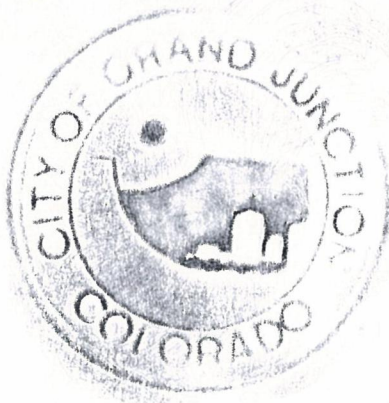
PASSED and **ADOPTED** on second reading the 17th day of April, 2013 and ordered published in pamphlet form.



President of City Council

ATTEST:




City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4584 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 3rd day of April, 2013 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 17th day of April, 2013, at which Ordinance No. 4584 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 26th day of April 2013.



Stephanie Tuin, MMC
City Clerk

Published: April 5, 2013
Published: April 19, 2013
Effective: May 19, 2013