

ORDINANCE NO. 5336

AN ORDINANCE REPEALING AND REENACTING TITLE 6 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING ANIMALS

RECITALS:

The City of Grand Junction previously contracted with Mesa County for animal control services, including enforcement of the animal provisions of the Grand Junction Municipal Code and related care, custody, impoundment and licensing administration. In 2024, Mesa County notified the City that it would no longer provide such services as of January 1, 2025. In response, the Grand Junction Police Department established the Animal Control Services unit, which began operations on January 1, 2025.

Title 6 of the GJMC, entitled "Animals," was structured around the former arrangement with Mesa County. Additionally, Title 6 and its provisions were distributed across three different chapters. To consolidate, clarify, and modernize the animal code and to reflect the City's Animal Control Services unit's enforcement and administration, and to create an animal licensing ordinance which allows City residents to license their pets with the City rather than Mesa County, the City has prepared a comprehensive redraft of Title 6.

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

Section 1. Repeal of Current Title 6.

Title 6 of the Grand Junction Municipal Code, as it exists on the effective date of this ordinance, is repealed in its entirety.

Section 2. Enactment of New Title 6.

The following text is adopted as Title 6 of the Grand Junction Municipal Code:

Title 6 - ANIMALS

Chapter 6.04 Animal Control

6.04.010 Purpose and citation.

The City of Grand Junction established this Title 6 to declare as matter of public policy the importance of protecting the public health and safety of the citizens of the City and to promote the general welfare of its citizens and the animals located within the City. Animal ownership is welcomed within the City; however, strong emphasis is placed on responsible ownership of animals. Animal owners are expected to respect the rights of other persons and animals and assume full responsibility for the actions and condition of their animals. Responsibility is placed upon animal owners to properly train or secure

their animals to prevent them from causing injuries to persons, animals, or property or creating public nuisances. The regulation of dogs and other animals and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of the City and their property. This Title 6 may be cited and referred to as the "Animal Code."

6.04.020 Scope.

This Title, along with Title 21, are comprehensive and address many public health and safety matters which may not be relevant to each animal owner within the City; however, all animal owners are required to adhere to any portions of this Title that address ownership of an animal and the actions of their animal.

6.04.030 Interpretation.

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.

6.04.040 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 includes, but is not limited to, leaving the animal unattended 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.

Agricultural Animal 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. Agricultural animal includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of agricultural animal the presumption shall be that such animal is a species of agricultural animal until the owner of such animal proves by a preponderance of the evidence to the Municipal Court Judge that the animal is not a species of agricultural animal.

Animal means any living, nonhuman vertebrate or invertebrate creature.

Animal Code means this Title 6 of the City of Grand Junction Municipal Code.

Animal Control Specialist means any person designated by the City, 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 City for the purpose of boarding or caring for any animal impounded under the provisions of this Title or any other ordinance of the City or law of the state.

At large means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash.

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

Bodily injury means any physical pain, illness, or impairment of physical or mental condition.

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 the act or omission to act of a person who knowingly or with criminal negligence overdrives, overloads, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, fails to provide proper food, drink or protection from the weather or abandons it.

Dangerous animal means an animal which:

- (a) Causes serious bodily injury to a person;
- (b) Causes bodily injury to a person or animal on two or more occasions;
- (c) Is infected with rabies;
- (d) Causes bodily injury to a person or animal and the bodily injury occurs off the animal owner's premises;

- (e) Is at large and exhibits aggressive behavior on two or more occasions;
- (f) Demonstrates tendencies that would cause a reasonable person to believe that the animal would inflict bodily or serious bodily injury upon any person or domestic animal while the animal is without effective and immediate control;
- (g) Has engaged in a dogfighting contest with the owner's knowledge; or
- (h) Has been specifically found to be dangerous by any court or jury; provided, however, that an animal which attacks, terrorizes, or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be dangerous if the animal owner establishes such facts as an affirmative defense to a charge for violation of GJMC § 6.04.180 or to the satisfaction of the investigating Animal Control Specialist.

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.

Duck means a duck that has been domesticated and is kept for its eggs and meat.

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.

Estrus means a recurring period of sexual reproductivity and fertility in many female mammals; heat.

Excrement means waste matter discharged from the bowels; feces.

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

Habitual offender is a person who has pled guilty to, or been found guilty of, violating any provision of this chapter or any comparable municipal, County or State regulation two or more times within the two-year period immediately preceding the present incident and/or any dog whose owner, keeper or custodian has pled guilty to, or been found guilty of, two or more violations of this chapter or any comparable municipal, County or State regulations concerning the same dog within a two-year period.

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. An individual shall be deemed to be harboring an animal only if such care or provision continues for more than three consecutive days.

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 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 City.

Leash means a chain, cord, or tether not more than 10 feet in length which is securely attached to and capable of restraining the animal.

Mistreatment means every act or omission to act which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

Neglect means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.

Owner means any person, or person acting as custodian, partnership, corporation, or an agent of the foregoing, who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an animal; or the person named as owner in current animal licensing records or on the dog identification license or rabies tag; or any parent, guardian or legal custodian of any unemancipated child under 18 years of age, which child owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal.

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

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 as amended. "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 (2) or more animal facilities that have the same or a similar purpose and operate from one (1) place or premises shall be considered a single pet animal facility.

Premises means property owned, leased, or expressly permitted to be used by an owner; or any confined area or locality such as a residence, business, room, shop, building, or motor vehicle in which the animal's presence is authorized by the owner of the premises. The term "premises" includes the open bed of a motor vehicle.

Proper enclosure means a structure which:

- (a) Prevents the entry of young children;
- (b) Prevents the animal from escaping.
- (c) Has secure sides and a secure top or secure sides which are of sufficient height to prevent the animal from escaping;
- (d) Has sides that are constructed at the bottom to prevent the animal's escape by digging under the sides.
- (e) Provides appropriate protection from the elements for the animal.
- (f) Complies with all zoning and building ordinances/regulations of the City.
- (g) Must be kept in a clean and sanitary condition.
- (h) Must be approved by an Animal Control Specialist

Provocation means harassment, teasing, threatening, striking, or attacking an animal or its owner in the animal's presence, by either a person or another animal, which is objectively unreasonable to an ordinary person. "Provocation" shall not include the lawful presence of an individual or animal in close proximity to but not within or upon property of another, or where a dog is tied, kept, kenneled or harbored.

Public nuisance means and includes any dog whose owner, keeper or custodian has been charged with three or more violations of this title concerning the same dog within a two-year period.

Public safety risk means any action or lack of action by an owner or dog that could actively or inadvertently cause injury, death or illness to a person or animal.

Rabies vaccination means inoculation of a domestic animal with an anti-rabies vaccine approved by the Mesa 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.

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.

Spay or neuter shall mean to render permanently incapable of producing offspring.

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

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.

City means the City of Grand Junction as a municipal corporation or the territory contained therein, as the context dictates.

Wild animal shall mean all wildlife, including, but not limited to, bears, coyotes, foxes, wolves, 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.

6.04.050 Powers and duties of Animal Control Specialists.

(a) Animal Control Specialists shall have the power and duty to enforce all Sections of this Title pertaining to animals. In the furtherance of such duties, such specialists may issue, sign and serve penalty assessments or summons and complaints to enforce the provisions of this Title.

(b) Animal Control Specialists 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 specialists.

(c) It shall be lawful for any Animal Control Specialist to go upon private property to capture any animal to be impounded for, or to investigate any report of a violation of this Title, when:

(1) The Animal Control Specialist has obtained consent of the person in possession of the property.

(2) The Animal Control Specialist has obtained a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules.

(3) The Animal Control Specialist is in pursuit of an animal which the Specialist has probable cause to believe is, or has been, running at large.

(4) The Animal Control Specialist is in pursuit of an animal which the specialist has probable cause to believe has caused injury to a person or other domesticated animal.

Nothing in paragraphs (c)(3) or (c)(4) of this Section shall be deemed to authorize entry into any enclosed building or fenced area 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 City 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 issue a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules for an Animal Control Specialist or a law enforcement officer to enter a premise and seize the animal. 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) above, if an Animal Control Specialist 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 Specialist 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 Specialist 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.

6.04.060 Interference.

(a) It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Animal Services Officer or any other City employee or official in the discharge of the official's duties under this title.

(b) It shall be a misdemeanor for any person to refuse to identify themselves with their legal name, address, and date of birth when requested by an Animal Control Specialist when the Specialist has reasonable suspicion of any violation of this Title.

6.04.070 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 Title occurs or continues shall constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this Title.

6.04.080 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 four (4) 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 Grand Junction Police Department, or to such agents as designated by Grand Junction Police Department. Dog licenses and tags shall be issued, renewed, replaced and expired in accordance with the application requirements.

(3) The license fee, including the fee for replacement licenses, shall be in an amount as set by resolution of the City Council.

(4) It shall be unlawful for any person to own, 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 Specialist.

(5) 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 Specialist.

(b) Collar and tags or microchip required.

(1) It is unlawful for any person to own, keep, or harbor 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 within the City to fail to cause such dog, while off the premises of such owner to either:

(i) Wear at all times a collar or harness 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 Specialist 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

(ii) Have a microchip surgically implanted into such dog or other similar type of identification in lieu of wearing a name tag which enables an Animal Control Specialist to readily ascertain the name, current home address, and current home telephone number of the owner and a valid current rabies tag. It shall be the responsibility of the owner or keeper of such animal to ensure their information within the microchip database is accurate at all times.

(3) It is unlawful for any person to possess or make use of a stolen, counterfeit or forged license certificate or license tag.

(4) Dog license certificates and license tags are not transferable. It is unlawful for any person to attach or cause to be attached any license tag to any dog other than the dog for which the tag was originally used.

(5) Any dog found without the requirements identified in this Section A or B, may be seized and impounded by the Animal Control Specialist.

6.04.090 Disease/rabies control.

(a) 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 any person(s) or animal(s) may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner except under the supervision or approval of an Animal Control Specialist 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) It shall be unlawful for any owner of a dog or cat four (4) months of age or older, or any domesticated animal capable of transmitting rabies, to fail to have such animal vaccinated against rabies. All dogs and cats 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 City

from a location outside the City shall comply with this Section within thirty (30) days after having moved into the City.

(c) 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) It shall be unlawful for any person to own, keep or harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

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

6.04.100 Limits on dogs and cats.

(a) It shall be unlawful for any person to own, keep or harbor more than three (3) dogs that are four (4) months of age or older on any premises.

(b) It shall be unlawful for any person to own, keep or harbor more than three (3) cats that are four (4) months of age or older on any premises.

(c) Only one (1) litter of offspring of an age of six (6) months or less may be kept on any premises at any given time.

(d) Limitations on the number of dogs and cats does not apply to Animal Shelters, as defined in Section 6.04.040.

6.04.110 Animals running at large.

(a) It shall be unlawful for the owner, keeper, or harborer of any animal to permit the same to run or go or be at large on any street, public place, within the City 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 defined in this Title. This does not apply to cats, as they are free roaming animals.

(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 City to prohibit the running at large of an animal, any animal running at large may be seized and impounded pursuant to this Section. This does not apply to cats, as they are free roaming animals.

(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 or confined in a fenced yard. 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 managing 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 City, animal shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An Animal Control Specialist 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) It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's, harborers or keeper's sight, or if the dog goes upon public or private property without the owner's, manager's or keeper's consent.

(h) A dog may be off leash and otherwise at large while actually working livestock, locating or retrieving wild game in a lawful season for a licensed hunter, assisting law enforcement officers or participating in an organized training class, dog show, obedience trial or event in which the dog is participating and/or is entertainment. The livestock and locating or retrieving wild game exceptions shall not apply in:

Downtown Grand Junction: defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue; or

The North Avenue corridor: defined as the area one-half block north and south of North Avenue, from First Street on the west to 29 Road on the east.

6.04.120 Animals at Downtown Events

(a) No animal owner, or any person who harbors an animal, shall permit his animal to be at, in or within the permitted area of any special event(s) in downtown Grand Junction unless prior written permission is granted by the City or the Downtown Development Authority ("DDA") allowing the animal(s) to be present within the permitted area of the event. Physical or mechanical confinement of the animal is not a defense to prosecution under this section. Service dogs and police canines shall be exempt from this section. For purposes of this section special events are those activities which hold a valid permit issued by the City or the DDA .

(b) The City or the DDA or an event promoter authorized by the City or the DDA may allow animals at any event or may as part or all of an event authorize an organized race, exhibition and/or parade, training class(es), show(s) or obedience trial or similar activities or entertainment involving animals.

(c) Downtown Grand Junction is defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue

6.04.130 Injuring or Meddling with Police Dogs.

(a) It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, mutilate, injure, disable or kill any dog, including a guard dog, used by a law enforcement agency within the City in the performance of the functions and duties of such agency, or to unwarrantedly interfere or meddle with any such dog while being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members.

(b) Interference or meddling with a law enforcement dog includes yelling, barking at, or otherwise distracting by noise, whether yelling or speaking to the canine while he is located inside or outside the law enforcement vehicle. Unsolicited physical touching or throwing objects at or near the dog shall also be included. These examples are inclusive but not limitations.

6.04.140 Failure to Control.

No owner of a dog or dangerous animal shall fail to prevent it, without provocation, from:

Causing serious bodily injury to any person or animal, including pets, domestic livestock, fowl or wildlife. No owner of a dog or dangerous animal shall fail to prevent it from causing bodily injury to or biting any person or animal, including pets, domestic livestock, fowl or wildlife;

Causing damage to the person or property of another; or

Threatening livestock, pet animal(s), or person(s) by chasing, pursuing, worrying, biting, attacking, or harassing in any threatening manner while at large.

Provocation is not a defense to this section where the response of the dog or dangerous animal is not in proportion to the claimed act of provocation.

6.04.150 Removal of animal excrement; damage to property.

Proper disposal of animal 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 City 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. It shall be a violation of this section if the animal is kept in

a premises which constitute a public nuisance as defined by section 6.04.170 of this Animal Code.

(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.

6.04.160 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 Specialist or law enforcement officer of the incident. Any such animal shall be immediately confined for a period of ten (10) days or longer on the advice of the Animal Control Specialist, attending veterinarian or the Health Department or Health Officer. 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 Animal Control Specialist, attending veterinarian or Health Department, or Health Officer but the animal must remain within the City 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 City 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. If the animal is confined on the owner's premises, an Animal Control Specialist may make frequent checks to determine the condition of the confined animal.

(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 Specialist, 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 City or to destroy such animal before it is properly confined by an Animal Control Specialist. It shall be unlawful for the owner of any such animal to fail or refuse to produce the animal on demand, and any such failure or refusal shall subject the owner to immediate arrest if there shall exist probable cause to believe that the animal in question has inflicted a bite upon a person and that the owner is harboring or keeping the animal and willfully refusing to produce the animal upon such demand. Upon arrest, the owner shall be taken by an Animal Control Specialist before a judge of the Municipal Court, who may order the immediate production of the animal. Each day of such willful refusal to produce the animal shall constitute a separate violation and offense.

(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 Specialist 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. No rabies vaccination shall be given while the animal is under quarantine. 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 Specialist 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 may be 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. Prior to release, the owner shall make payment of all impoundment and other quarantine fees as applicable and vaccination for rabies. 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 the Health Department or Health Officer.

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

Public nuisances under this section are subject to the provisions of Chapter 8.08 of the GJMC.

6.04.180 Dangerous animals.

(a) Prohibited. No person shall own or harbor a dangerous animal within the City, except as provided in this chapter. Such dangerous animal shall be impounded as a public nuisance and/or public safety risk pursuant to the procedures set forth in GJMC § 6.04.210, and may be subject to disposition as contained therein.

(b) Confinement of Dangerous Animal. It shall be unlawful for any animal that has been found to be a dangerous animal by any court to be confined in a manner that does not include the following:

(1) When outside the owner's primary residence, the animal must be confined to an escape proof kennel approved by an Animal Control Specialist; or

(2) When outside of the owner's primary residence, the animal must be on a leash and under direct control of a responsible adult; and

(3) When outside of the owner's primary residence, the animal must be confined in such a manner that complies with any additional safety or confinement restrictions ordered by the court that found the animal dangerous unless amended by a court within Mesa County.

(c) Dangerous Animal – Special Permit Required. The owner of any animal that has been found to be a dangerous animal by any court and is residing within the City shall obtain an annual special permit and identification tag for such animal. The permit shall expire on December 31st of the year for which the permit is issued. An application for the special permit and identification tag shall be made to the City within 30 days of becoming a resident of the City and within 30 days prior to the expiration date of the existing permit. The dangerous animal special permit tag shall be worn by the dog at all times.

(d) Guard Dogs. The owner of any dog which has been specifically trained to attack people shall:

(1) Keep the dog confined to an area from which it cannot escape; or

(2) Keep the dog under complete control of the handler at all times; and

(3) Post warning signs bearing letters not less than 10 inches high conspicuously about the area of confinement indicating the presence of a guard dog.

6.04.190 Affirmative defenses to dangerous animal charges.

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

(a) The underlying evidence leading to the charge against the animal as 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 domesticated animal was caused or contributed to by the actions and behavior of the domesticated animal such as teasing 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.

6.04.200 Presumption of ownership of dangerous animal.

Any adult at whose residence a 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.

6.04.210 Impounded and seized animals; destruction of animals.

(a) Impoundment.

(1) Any time an Animal Control Specialist 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, is sick or injured, is a habitual offender of this Title which creates a public safety risk, or is abused and/or neglected, such animal may, at the discretion of an Animal Control Specialist, be taken into custody by an Animal Control Specialist and impounded.

(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-days upon the conclusion of any required impoundment

period, may be disposed of by the animal shelter. 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 Specialist 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 Specialist or law enforcement officer shall remain impounded pending a hearing. Any animal so impounded which is not claimed after resolution of the pending court matter, or for which fees are not paid as set forth in this Title, may be disposed of as set forth in Subsection 2 above.

(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 resolution of City Council in accordance with the fees and charges incurred by the City. 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.

(5) In the sole discretion of the Animal Control Specialist, any dog found running at large, which is not otherwise a dangerous animal under the provisions of this Title, may be returned to its owner.

(6) Notice of Impoundment. When any animal has been impounded, an Animal Control Specialist 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 the impoundment, the Animal Control Specialist shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, the Animal Control Specialist may proceed with any disposition authorized by this chapter. The Animal Control Specialist 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.

(b) Seizure and immediate destruction.

(1) Any animal that has caused injury to any person or domesticated animal or which has without provocation attacked any person or domesticated animal or which otherwise meets the definition of a 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 Specialist without notice to the owner. The Animal

Control Specialist 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 the Animal Control Specialist determines the animal cannot be captured without exposing the Animal Control Specialist 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 a law enforcement officer to humanely destroy the animal without notice to the owner. In the event an animal is destroyed pursuant to this section, the officer or an employee of the City shall make all reasonable attempts to notify the owner, and an officer or Animal Control Specialist may enforce any provision of this Animal Code against the owner as applicable.

(2) When a veterinarian, animal shelter, Animal Control Specialist 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 impound and/or humane destruction of such domesticated or wild animal.

(c) Seizure for Sterilization

(1) Any cat that is contacted and not found to have ownership identification may be seized for the purpose of sterilization if it has not been sterilized or it cannot be ascertained that the cat has been sterilized.

(2) The City may partner with available non-profit agencies for the purpose of sterilizing any seized cats. Should no agency or program exist, sterilization at the expense of the City shall be at the discretion of the City Manager.

6.04.220 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 Municipal 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 City, through its Animal Control Specialists, 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. 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 held within ten (10) days of the seizure or impoundment 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 but the animal must be released from the evidence hold prior to disposition.

(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 City establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Municipal Court shall order the animal to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Municipal Court determines that it is inappropriate to order the animal impounded, the Municipal 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 City 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) Unless there is an evidentiary reason to hold an animal, if the owner fails to post the bond or cannot be ascertained by the City following reasonable efforts, the animal shall be deemed abandoned, and the animal shelter, upon issuance of a Municipal 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 Specialist 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, the 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 Municipal Court's order.

(1) If a penalty assessment or summons and complaint has been filed in the Municipal Court against the owner of an animal for a violation of this Animal Code, the Municipal 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 Municipal Court, or to the fees, fines or other penalties, and restitution which may result from a violation of this Animal Code.

(2) If the Municipal Court determines that an impounded animal should be released, the Court shall issue a release form signed by the Municipal Court Judge to the owner of the animal, which the owner shall present at the animal shelter to claim the animal. The Municipal 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 reasonable priority on the Municipal Court docket to minimize the expense to animal owners for impoundment of seized animals.

6.04.230 PACFA guidelines.

Any person operating a pet animal facility within the City 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.

6.04.240 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 an animal as a companion, assistance, or emotional support animal.

6.04.250 Agricultural Animals and Fowl.

(a) It shall be unlawful for any person who keeps any chickens, ducks, geese, turkeys, pigeons or other domestic fowl within the City to permit the yard or place within which such fowl are kept, by reason of any want of care, food, ventilation, cleanliness or otherwise, to be or become dangerous or detrimental to human health.

(b) The City Manager, his agent, or the County Health Department shall have the power to declare all yards or places where domestic fowl as described in subsection (a) of this section are kept in any unclean condition a nuisance, and the same shall be abated as such.

(c) It shall be unlawful for any person to permit any stable, stall, shed or apartment or any yard or appurtenance thereof in which any horse, cow, swine or any other animal is kept, or any other place in the City in which manure or liquid discharges of such animals shall collect or accumulate, to be kept in an unclean and unwholesome condition within the City so that an offensive smell is allowed to escape therefrom or otherwise to be or become dangerous or detrimental to human health; provided, that nothing in this subsection shall be construed to include manure deposits upon any private property for the purpose of cultivating such manure.

(d) The City Manager, his agent, or the County Health Department shall have the power to declare any stable, stall, shed or apartment or any yard or appurtenance thereof kept in any unclean or unwholesome condition a nuisance, and the same shall be abated as such.

6.04.260 Restrictions on sale of animals – Permit required.

(a) The City Council finds it is in the interest of the City of Grand Junction to regulate the sale and rehoming of animals pursuant to its home rule authority in Article XX of the Constitution of the State of Colorado and C.R.S. § 35-80-108(1)(o)(III).

(b) 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 public street, highway, median, recreation area, roadside, public right-of-way, commercial parking lot, public space, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event. This restriction shall not apply to:

(1) The sale of livestock;

(2) A pet animal facility licensed under Article 80 of Title 35 of the Colorado Revised Statutes;

(3) A pet animal owner, breeder, handler, or trainer while transporting a pet animal to or from exhibiting or competing at an event licensed, regulated, or sanctioned by the American Kennel Club, the United Kennel Club, or any other nationally recognized registering organization; or

(4) Hunting dogs bred or training for lawful hunting.

(c) Notwithstanding subsection (b) of this section, a person may display any dog or cat for the purpose of selling, giving away, trading, bartering or adopting the animal with a public pet rehoming permit.

(1) A public pet rehoming permit is not required when:

(i) An owner is selling, giving away, trading, bartering or adopting an animal from a private residence; or

(ii) 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

(iii) The owner is a governmental or tax-exempt, not for profit animal welfare organization and is involved in an organized adoption event.

(2) The public pet rehoming permit can be obtained at Grand Junction Police Department. The permit process will require the following:

(i) 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

(ii) 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

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

(d) 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) may be immediately seized and impounded.

6.04.270 Disposition of dead animals.

(a) It is unlawful for the owner of any animal which has perished to fail to dispose of such 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 City.

(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 Specialist. The owner shall be responsible for disposal fees, in addition to penalties for violation of this Section.

6.04.280 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 repeated serious physical harm of any animal, or to cause any such acts or omissions 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 or omissions on private property shall not be a defense to prosecution for violation of this Section.

6.04.290 Humane care and treatment.

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

(b) A domesticated or agricultural 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 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 agricultural animals or fowl, 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:

(i) Protect the animal from wind, rain, snow or sun;

- (ii) 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;
 - (iii) 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;
 - (iv) Be structurally sound and maintained in good repair so as to contain the animal and protect it from injury and adverse conditions;
 - (v) Be adequately ventilated to provide for the health and comfort of the animal;
 - (vi) Be constructed of solid wood, fiberglass or other weather-resistant material. (No shelter may be constructed of metal except for a chicken coop);
- (4) An animal shall be afforded immediate veterinary care if it is known or suspected to be ill or injured. The owner or person responsible for an animal shall provide prompt veterinary care when the animal is exhibiting signs of illness or injury that, to a reasonable person, would appear to cause, or be likely to cause, significant pain, distress, or risk of serious harm if left untreated.
- (5) 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 6.04.150.
- (6) Animals with hair coats requiring grooming to prevent severe matting, filth accumulation or skin disease shall be groomed in accord with normal and accepted grooming practices.
- (7) Animals which are being transported shall not be exposed to extremes in temperatures or weather conditions.
- (8) 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.
- (9) 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.

(10) 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.

(11) 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, parking lot, 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 Specialist or law enforcement officer observing an animal kept in violation of this Section may enter the vehicle, including through the use of reasonable force, and impound the animal, if the animal shows signs of stress. 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.

(12) 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.

(13) 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.

(14) It shall be unlawful for any person to knowingly abandon an animal by leaving the animal with intent not to return. 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 Specialist, or to a licensed veterinarian.

(15) 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.

(16) 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 Specialist or other law enforcement agency.

(17) It shall be unlawful to crop a dog's ears or dock a dog's tail, or to spay or neuter an animal, by anyone other than by a licensed veterinarian.

6.04.300 Capturing animals.

(a) An Animal Control Specialist 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 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 Specialist 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 Specialist 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 domesticated 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, except 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 Specialist. Any trapping authorized under this Section must be in compliance with the Colorado Revised Statutes.

6.04.310 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 City.

(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 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 City 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 City.
- (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 City.
- (3) Creates an unreasonable disturbance either on such person's property or on the property of another or of the City.
- (4) Attracts other wildlife, vermin, or pests either to such person's property or the property of another or of the City.
- (5) Otherwise deleteriously affects the quiet enjoyment by others of any private or public property.

6.04.320 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 the following species of animals:

- (1) All venomous animals, and any animal whose venom, toxin, secretion, bite, sting, or contact exposure is medically significant to humans. For purposes of this Section, "medically significant to humans" means reasonably capable of, under ordinary handling, keeping, or exposure conditions, causing death, serious bodily injury, significant illness, or requiring emergency or professional medical treatment to a human.
- (2) All non-venomous snakes with a length greater than six (6) feet measured from the tip of the nose to the tip of the tail, unless the owner has obtained and maintains a large reptile permit issued pursuant to subsection (f) of this Section.
- (3) All non-venomous reptiles, with a length greater than three (3) feet measured from the tip of the nose to the tip of the tail, unless the owner has obtained and maintains a large reptile permit issued pursuant to subsection (f) of this Section.
- (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, minks, 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.

(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. 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.

(c) Livestock is not permitted unless allowed under the zoning provision of Title 21 of the GJMC. 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 City 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 Specialists or law enforcement officers will have the authority to apprehend any livestock, wild, or exotic animal that may be at large within the City. 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 Specialists or law enforcement officers are authorized to use any firearm to subdue or destroy any livestock, wild, or exotic animal that is determined by the Animal Control Specialist or law enforcement officer, in his or her discretion, to be of danger to either itself or to the public health and safety.

(f) Large reptile permit.

(1) Permit required. A person may own, possess, harbor, keep, or maintain an animal described in subsection (a)(2) or subsection (a)(3) of this Section only if the person has obtained and maintains a valid large reptile permit issued by the City. A large reptile permit shall not authorize possession of any animal otherwise prohibited by this Section, federal law, state law, Colorado Parks and Wildlife regulation, Colorado Department of Agriculture regulation, or any other applicable legal authority. This permitting requirement is adopted to protect the public health, safety, and welfare by ensuring that large reptiles are lawfully possessed, securely contained, humanely maintained, and kept in a manner that minimizes the risk of escape, injury, nuisance, or other harm to persons, animals, property, or the community.

- (2) Existing animals; grandfather permit. A person who lawfully owns or possesses an animal described in subsection (a)(2) or subsection (a)(3) on the effective date of this ordinance may continue to keep the animal only if the person applies for a large reptile permit within ninety (90) days after the effective date of this ordinance. The animal may remain with the owner while the application is pending, provided the animal is securely enclosed, lawfully possessed under all applicable law, and does not create an immediate risk to public health, safety, or welfare.
- (3) Future acquisition. A person shall not acquire, purchase, receive, import, relocate, or bring into the City any animal described in subsection (a)(2) or subsection (a)(3) unless the person has first obtained a large reptile permit from the City.
- (4) Application. An application for a large reptile permit shall be submitted to the Grand Junction Police Department Animal Control Services Unit, or other City-designated office, on a form approved by the Chief of Police or the Chief's designee. The application may require, at a minimum:
- (i) The applicant's name, address, phone number, and email address;
 - (ii) The location where the animal will be kept;
 - (iii) The animal's common name, scientific name if known, age, sex if known, current length, expected adult length, and photographs sufficient to identify the animal;
 - (iv) Proof that the animal is lawfully possessed under federal law, state law, Colorado Parks and Wildlife regulations, and Colorado Department of Agriculture regulations, if applicable;
 - (v) A description and photographs of the enclosure, including materials, dimensions, locking mechanisms, ventilation, temperature control, humidity control, sanitation, and escape-prevention measures;
 - (vi) A written care plan addressing housing, diet, water, veterinary care, sanitation, temperature, humidity, handling, and transport;
 - (vii) A written emergency and escape-response plan, including immediate notification to Animal Control if the animal escapes, is lost, is stolen, is transferred, or dies;

- (viii) Identification of a veterinarian, qualified reptile specialist, rescue, sanctuary, or other appropriate placement resource capable of assisting with the animal if needed;
 - (ix) Agreement that the owner is responsible for all costs associated with escape response, capture, transport, veterinary care, housing, impoundment, boarding, placement, or other costs incurred by the City as a result of the animal; and
 - (x) Payment of any fee established by City Council resolution.
- (5) Permit issuance. The Chief of Police or the Chief's designee may issue a large reptile permit if the City determines that:
- (i) The animal is not prohibited under this Section or any other applicable law;
 - (ii) The animal is lawfully possessed under all applicable federal, state, and local requirements;
 - (iii) The enclosure is secure, escape-resistant, sanitary, appropriately sized, and suitable for the species, size, and needs of the animal and meets the requirements of 8 CCR 1202-15:12 for the relevant species;
 - (iv) The animal can be kept without creating an unreasonable risk to public health, safety, or welfare;
 - (v) The applicant has demonstrated the ability to provide humane care, safe containment, safe handling, and appropriate transport; and
 - (vi) The applicant has provided an adequate emergency, escape-response, and placement plan.
- (6) Permit conditions. A large reptile permit shall be animal-specific, owner-specific, location-specific, and nontransferable. The City may impose conditions necessary to protect public health, safety, animal welfare, and neighborhood welfare. Conditions may include enclosure requirements, handling restrictions, transport restrictions, signage, emergency contact requirements, proof of veterinary care, renewal requirements, and limits on breeding, transfer, public display, or commercial use. All such conditions shall be for the public health, welfare, and safety.

(7) Permit term and renewal. A large reptile permit shall be valid for either one (1) year or three (3) years, depending on the permit issued by the City, unless revoked sooner. The City may establish different fees for one-year and three-year permits by City Council resolution. The permit holder shall apply for renewal before the permit expires. Failure to renew the permit shall constitute a violation of this Section unless the owner has relinquished possession pursuant to this Section.

(8) Inspection. Animal Control may inspect the animal, enclosure, and premises before issuing or renewing a permit. Refusal to allow inspection may be grounds for denial of the permit.

(9) Immediate reporting. The permit holder shall immediately notify Animal Control if the animal escapes, is lost, is stolen, is transferred, is sold, dies, injures or bites a person or animal, or is no longer kept at the permitted location. , suspension, or revocation. The Chief of Police or the Chief's designee may deny, suspend, or revoke a large reptile permit if:

(10) Denial, suspension, or revocation. The Chief of Police or the Chief's designee may deny, suspend, or revoke a large reptile permit if:

- (i) The applicant provides false, misleading, or incomplete information;
- (ii) The animal is prohibited by this Section or by federal or state law;
- (iii) The enclosure is not secure, sanitary, appropriate, or escape-resistant or meets the requirements of 8 CCR 1202-15:12 for the relevant species;
- (iv) The animal creates an unreasonable risk to public health, safety, or welfare;
- (v) The owner fails to comply with this Section, permit conditions, inspection requirements, fee requirements, or any lawful order of Animal Control; or
- (vi) The animal escapes, is allowed to run at large, is kept inhumanely, or is maintained in a manner that creates a nuisance or public-safety risk.

(11) Effect of denial or revocation. If a permit is denied, suspended, revoked, or not renewed, the owner shall remove the animal from the City, surrender the animal to an approved lawful placement, or otherwise lawfully dispose of the animal within the reasonable time established by Animal Control. Failure to do so

shall constitute a violation of this Section and may result in seizure or impoundment.

(12) Notice and appeal.

- (i) In the event the City denies, suspends, revokes, or does not renew a permit, the Chief of Police or designee shall notify the applicant or permittee in writing. Such notification shall state the grounds for such denial, suspension, revocation, or non-renewal with that degree of specificity which will inform the applicant or permittee of the measures or actions which must be taken by the applicant prior to issuance of a permit or for reinstatement of the permit.
- (ii) Upon receipt of notification of denial, suspension, revocation, or non-renewal of a permit, the applicant may request a hearing to be held by the City Manager, provided the request is submitted in writing to the City Manager within 10 working days of receipt of the City's original notification. At such hearing the applicant shall have the burden of establishing that the conditions set out in subsection (f) of this section are met.
- (iii) Upon review of the evidence, the City Manager shall make written findings of fact. Thereupon the City may issue an order issuing or reinstating a permit, or directing that such permit shall not be issued or reinstated, or giving such other or further orders and directives as are necessary and appropriate. Such order shall be considered a final action.

6.04.330 Fees.

- (a) Fees for permits, licenses, impound, adoptions and other services or fees shall be established by resolution of the City Council..
- (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 City and/or the local animal shelter.

6.04.340 Penalties.

- (a) Procedure. Whenever a law enforcement officer or Animal Control Specialist has personal knowledge or probable cause to believe that a violation of this chapter has occurred, they may arrest the alleged violator, and either issue a penalty assessment

notice pursuant to GJMC § 2.28.100, or issue a summons and complaint pursuant to GJMC § 2.28.110.

(b) Penalty Assessment Procedure.

(1) Penalty Assessment. The penalty assessment procedure consists of personal service of written notice upon a person charged with violating this Title. Personal service may be waived. 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 § 6.04.180 involving a dangerous dog;
- (ii) Charged under GJMC § 6.04.280 involving cruelty to an animal;
- (iii) Charged under GJMC § 6.04.260 as a second violation or more for GJMC § 6.04.260;
- (iv) Charged under GJMC § 6.04.210 involving failure to comply with impound 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.
- (vii) Charged with a violation of this chapter involving damage to property or injury to any person or animal where restitution may be required.

(4) Optional Court. Except for the mandatory requirement for court set forth in subsection (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;
- (ii) Name of the alleged offender;

- (iii) Specific offense;
- (iv) Applicable fine;
- (v) A brief summary of the circumstances of the offense, including the alleged offender's attitude.

(c) Except as provided in this section, any violation of this Title 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 animal 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.

(d) Except as provided in this section, any violation of this Animal Code where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by an 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 364 days, or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the animal upon conviction of the owner of any violation with bodily injury.

(e) Pursuant to People's Ordinance No. 30 (1956), the court may impose a fine of not less than \$1.00 and not more than \$300.00 for any violation of GJMC § 6.04.110 where the at-large animal is a dog, in addition to any other sentence or imprisonment or other sanctions deemed appropriate by the court in accordance with this Animal Code. Each day any violation of GJMC § 6.04.110 continues involving a dog constitutes a new violation. The head of any household having a dog in its possession shall be presumed to be the owner or possessor of such dog.

(f) The Animal Control Specialist, or the City 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 Specialist, City 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 Municipal Court and in compliance with City 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.

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

(h) Suspension of any penalty or punishment for violation of this Title 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.

6.04.350 Penalty assessment – Fine schedule.

If the penalty assessment procedure is used by the Animal Control Specialist or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this chapter which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to)	\$50.00
Second offense (up to)	\$100.00
Third offense (up to)	\$250.00
Fourth and subsequent offenses (up to)	\$500.00

Penalties for violation of GJMC § 6.04.110, Animals Running at Large, shall include a surcharge of \$25.00 payable to the City of Grand Junction Parks and Recreation Department for the establishment and maintenance of dog park(s). Fines shall not be suspended or waived in order to offset the surcharge.

Penalties for violation of GJMC § 6.04.110, Animals Running at Large, shall include a surcharge of \$50.00 payable to Mesa County Animal Services Canine Spay/Neuter Voucher Program if a dog owner cannot provide proof that the dog has been spayed or neutered. The surcharge cannot be waived unless the dog owner provides documentation from Mesa County Animal Services proving that the animal was subsequently neutered.

Surcharges are separate and apart from the fine. Fines shall not be specifically suspended or waived in order to offset a surcharge, but may otherwise be suspended or waived as deemed appropriate by the court.

6.04.360 Immunity from liability.

The City 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.

6.04.370 Indemnity Clause.

The City Council, the Health Officer, Director, Animal Services Officers, or any other employees, persons or agents authorized to enforce the provisions of this chapter shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this chapter.

6.04.380 Severability Clause.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this chapter are declared to be severable.

Section 3. Codification.

The City Clerk and the City's codifier are authorized and directed to make such non-substantive formatting, numbering, and stylistic changes as necessary to codify this ordinance into the Grand Junction Municipal Code, including updating internal cross-references.

Section 4. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date.

This ordinance shall take effect in accordance with the City Charter following its passage and publication.

Introduced on first reading this 15th day of July, 2026 and ordered published in pamphlet form.

Adopted on second reading this 5th day of August, 2026 and ordered published in pamphlet form.



Laurel Lutz

President of City Council

**ATTEST:**

Selestina Sandoval

City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5336 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 15th of July, 2026, and 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 day of the 5th of August 2026, at which Ordinance No. 5336 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 10th day of August 2026.


Deputy City Clerk

Published: July 18, 2026
Published: August 8, 2026
Effective: September 7, 2026

