

ORDINANCE NO. 2170

AN ORDINANCE REPEALING AND REENACTING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE CONTROL OR PROHIBITION OF ANIMALS AND FOWL WITHIN THE CITY OF GRAND JUNCTION, COLORADO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Chapter 6 of the Code of Ordinances of the City of Grand Junction be repealed and reenacted as follows:

CHAPTER 6

Article 1 - Regulations as to Dogs.

Section 1: Definitions, when used in this ordinance, the following words and terms, unless the content indicate a different meaning, shall be interpreted as follows:

6.1.1 Animal: Any living vertebrae creature, domestic or wild.

6.1.2 Animal Control Center: The facility or facilities designated by the City Council for the purpose of impounding or caring for animals held under the authority of this ordinance or State law.

6.1.3 Animal Regulation Officer: The person or persons empowered by the City of Grand Junction to enforce the provisions of this ordinance. Animal warden shall mean animal regulation officer.

6.1.4 At Large: An animal off the premises of the owner or keeper and not under the physical control of a responsible person, by means of a leash, cord or chain. Exceptions are: a dog actually working livestock, locating or retrieving wild game in season for a licensed hunter, or a dog actually being trained for any of the specifically enumerated pursuits herein, or a dog that is confined to a real property of its owner or keeper by means of an adequately constructed fence to keep said animal confined to said property.

6.1.5 Reserved.

6.1.6 Bodily Injury: Any physical injury to a human being caused by a dog bite including, but not limited to, injuries wherein the skin is broken, exterior bleeding occurs, bruising occurs or bone, tissue or muscle damage is suffered.

6.1.7 City Council: The City Council of the City of Grand Junction, Colorado.

6.1.8 Confined Dog or Animal: A dog or animal which is enclosed by a fence, wall or other obstacle which would reasonably prevent the animal from leaving the owner's or keeper's premises, or which is under the physical control of a responsible person by means of a

leash, cord or chain.

6.1.9 City: The City of Grand Junction, Colorado.

6.1.10 Reserved.

6.1.11 Harboring: The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three consecutive days.

6.1.12 Health Department: The Mesa County or Colorado State Health Department.

6.1.13 Health Officer: The Health Officer of Mesa County or any Health Department employee or other person authorized by the Health Officer to act on his/her behalf.

6.1.14 Owner: Any person 18 years of age or older who owns, co-owns or harbors an animal or the parent, guardian or custodian of any child under the age of 18 years which child owns, co-owns or harbors an animal or allows an animal to remain about his premises for a period of at least three consecutive days.

6.1.15 Vaccination: The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State of Colorado.

6.1.16 Vicious Dog: Any dog that commits an unprovoked attack upon a person or other animal on public or private property or that attacks, threatens to attack or terrorizes a person on public property or in a public place.

## Section 2: Licensing and Vaccination.

6.2.1 Licensing and Vaccination: No person shall own, keep or harbor any dog over four months of age unless such dog is vaccinated against rabies and licensed. All dogs vaccinated at four months of age or older shall be revaccinated one year from that date and each year thereafter. Any person moving into the City from a located outside of the City shall comply with this ordinance within thirty days after having moved into the City. If the dog has inflicted a bite on any person or animal within the last ten days, the owner of said dog shall report such facts to the vaccinating veterinarian and no rabies vaccine shall be administered until after the ten-day observation period.

6.2.2 Certificate of Vaccination and License: Upon vaccination against rabies, the veterinarian or animal control center shall execute and furnish to the owner of the dog a license certificate and rabies tag. Fees for licenses are: neutered dog, \$2.00; unneutered dog, \$8.00. Such certificate of license shall contain the following information:

1. The name, address and telephone number of the owner of the

vaccinated dog.

2. The date of vaccination.

3. The breed, age, color and sex of the vaccinated dog.

6.2.3 Reserved.

6.2.4 Rabies Tags: Concurrent with the issuance and delivery of the license referred to in Section 6.2.2 of this Ordinance, the owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered and bearing the year of the issuance, the name of the City and the telephone number of the Animal Control Center.

6.2.5 Duplicate Tags: In the event of loss or destruction of the original tag provided for in Section 6.2.2 of this ordinance, the owner of the dog shall obtain a duplicate tag from the Animal Control Center for \$1.00.

6.2.6 Proof: It shall be unlawful and a violation of this ordinance for any person who owns or harbors a dog to fail or refuse to exhibit his/her copy of the license and certificate of vaccination within a reasonable time upon demand to any person charged with enforcement of this ordinance.

6.2.7 Harboring Unvaccinated Animals: It shall be unlawful and a violation of this ordinance for any person to harbor any dog which has not been vaccinated against rabies as provided herein, or which cannot be identified as having a current vaccination and license.

6.2.8 False and Stolen License Documents: It shall be unlawful and a violation of this ordinance for any person to make use of a stolen, counterfeit or forged license receipt, license tag, rabies vaccination certificate or rabies vaccination tag.

6.2.9 Transferability: Dog licenses are not transferable and it shall be unlawful for any person to use any license or rabies tag for any dog other than the dog for which such tag was originally issued.

Section 3: Dogs Running at Large.

6.3.1 Confinement by Owner: It shall be the duty of the owner of keeper of a dog to have such dog confined within the owner or keeper's yard or enclosure or secured by a humane method there.

6.3.2 Dog at Large: No dog shall be permitted to be at large as defined in Section 6.1.4. Dogs found by the animal regulation officer and/or law enforcement officer to be at large may be seized and impounded and/or the animal regulation officer and/or law enforcement officer finding said dog at large may issue a citation to the owner stating that the owner is in violation of

this section.

6.3.3 Dogs in Tenement Yards, Mobile Home or Condominium Developments: It shall be unlawful and a violation of this ordinance for the owner or keeper of any dog to allow such dog to be at large in the yard of any multiple occupancy building which is occupied by more than one family, or on the common grounds of mobile home developments or parks or condominium developments.

6.3.4 Confinement During Estrus: Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secured enclosure and said area of said enclosure shall be constructed so that no other dog may gain access to the confined animal. Owners who do not comply shall be ordered to remove the dog in heat to a boarding kennel, veterinary hospital or animal shelter, all expenses incurred as a result of the confinement to be paid by the owner. Failure to comply with the removal order of the animal regulations officer shall be a violation of this ordinance and the dog may be impounded as prescribed in this ordinance.

6.3.5 Public Nuisance Dogs: The owner of a dog which disturbs the peace and quiet of others by howling, baying, barking, yipping, crying or whining so that the same may be heard beyond the premises of the owner is guilty of a violation of this ordinance and shall be liable to fine and/or imprisonment in accordance with the general penalty sections of this ordinance; provided, however, that the owner shall have been previously notified of the disturbance of another either by the person disturbed or by a law enforcement officer or an animal regulations officer, neither of whom shall be required to disclose the name of an informant.

#### Section 4. Vicious Dog.

6.4.1.1 It shall be unlawful for any person to keep or harbor a fierce or vicious dog; provided, dogs maintained as guard dogs, as defined in 6.4.2, shall not be deemed to be a vicious dog.

6.4.1.2 Penalty: Any person found guilty of violating the provisions of this section shall, upon the first conviction, be subject to the payment of a fine of not less than fifty dollars (\$50.00); upon the second conviction and any subsequent convictions shall be fined not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) or be subject to not more than ninety (90) days in jail, or both; provided, however, that nothing herein shall deny the Municipal Judge the right to suspend all or a portion of any punishment he or she may determine.

6.4.1.3 If a complaint has been filed in the Municipal Court of the City against the owner of a dog impounded for violating this section, whether filed by a complaining citizen or by the animal regulations officer or law enforcement officer, the dog shall not be released from impoundment or disposed of except on the order of

the Municipal Judge, who may also direct the owner to pay all impoundment fees, boarding fees and treatment charges in addition to any penalties for violating this section. The Municipal Judge may, upon making a finding that such animal is vicious, order the dog to be destroyed in a humane manner under the supervision of the animal regulation officer. Surrender of an animal by the owner thereof to the animal regulations officer shall not relieve or render the owner immune from the decision of the Court or from the fees and fines which may result from a violation or violations of this section.

6.4.1.4 Nothing in this section shall be construed to prevent the immediate destruction by the animal regulations officer of any vicious dog when less drastic methods (such as tranquilizing) are not effective or available and when neither the animal regulations officer or law enforcement officer or the dog's owner is able to restrain or control the dog so it might be impounded in the dog pound pending disposition by the Municipal Court.

6.4.2 Guard Dogs: It shall be unlawful and a violation of this ordinance to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than ten inches high.

#### Section 5. Impounded Dogs.

6.5.1 Removal of Dogs from Animal Control Center: It shall be unlawful for any person to remove any impounded dog from the animal control center without the consent of the animal regulations officer or designated official or agency.

6.5.2 Disposition of Impounded Licensed Dogs: After impoundment of a dog which can be identified by a license tag or other ready means, the Animal Control Center shall make every reasonable effort to notify the owner and the owner may claim said dog within five days after impoundment. If the owner does not claim the dog within five days or 48 hours of notification of impoundment, the Animal Control Center may dispose of the dog by adoption or euthanasia.

6.5.3 Disposition of Impounded Unlicensed Dogs: After impoundment of a dog which cannot be identified by a license tag or other ready means, the Animal Control Center shall make every reasonable effort to notify the owner and the owner may claim said dog within three days after impoundment. If the owner does not claim the dog within three days or 48 hours of notification of impoundment, the Animal Control Center may dispose of the dog by adoption or euthanasia.

6.5.4 Redemption Fees: Any impounded dog may be redeemed by the owner only upon payment by the owner of the license fee, if the

dog is unlicensed, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as may be reasonably set by the Director.

6.5.5 Disposal of Injured or Sick Dogs: Any injured or sick dog impounded and not readily identified to an owner may be immediately euthanized if it is deemed by the Director or a Representative to be in pain or contagious to other animals. If identified to an owner, the Animal Control Center will make every reasonable effort to contact the owner for a period of 24 hours after which time the dog may be immediately euthanized.

6.5.6 Adopting of Dogs: No person shall be permitted to adopt a dog from the Animal Control Center until such person has guaranteed sterilization of the dog. A deposit may be required to insure such sterilization. Transfer of ownership shall not be effected until sterilization has occurred and failure to sterilize shall be a violation of this ordinance.

#### Section 6: Impoundment of other Animals.

6.6.1 The Animal Regulations Officer may impound any animal which is at large or which is unclaimed.

6.6.2 Removal from Animal Control Center: It shall be unlawful and a violation of this ordinance for any person to remove any impounded animal as defined in Section 6.1.1 from the Animal Control Center without the consent of the Animal Regulation Officer or designated official or agency.

6.6.3 Disposition of Impounded Animals: Any animal, as defined in Section 6.1.1 impounded may be reclaimed by the owner upon payment of impoundment and daily board fees and compliance with any other legal requirements for keeping of such animals. If no claim is made on any such animal within three days of impoundment, the Animal Control Center may humanely dispose of the same.

6.6.4 Disposal of Injured or Sick Animals: Any injured or sick animal impounded and not readily identified to an owner may be immediately euthanized if it is deemed by the Director or a Representative to be in pain or contagious to other animals. If identified to an owner, the Animal Control Center will make every reasonable effort to contact the owner for a period of 24 hours after which time the animal may be immediately euthanized.

6.6.5 Adopting of Animals: No person shall be permitted to adopt a cat from the Animal Control Center until such person has guaranteed sterilization of the cat. A deposit may be required to insure such sterilization. Transfer of ownership shall not be effected until sterilization has occurred and failure to sterilize shall be a violation of this ordinance. Other animals as defined by Section 6.1 may be adopted at the discretion of the Director or his representative who shall set reasonable terms therefor.

Section 7. Unwanted Animals.

6.7.1 Owners of unwanted animals may bring and release such animals to the Animal Control Center at no cost to the owner, there to be made available for adoption or other disposition at the discretion of the Director or his representative.

Section 8: Penalties.

6.8.1 Any violation of Sections 2, 3, 4 or 5 of this ordinance which do not involved bodily injury to any person shall be a Class 2 petty Offense, as provided in 30-15-102, C.R.S. 1973, as amended, punishable by a fine of not more than \$300.00 or imprisonment in County Jail for not more than 90 days or by both such fine and imprisonment for each separate offense.

6.8.2 Any violation of Sections 2, 3, 4 or 5 of this ordinance which involve bodily injury inflicted by a dog shall be a Class 2 misdemeanor punishable as provided in 18-1-106, C.R.S. 1973, as amended, for each separate offense.

6.8.3 Any violation of Section 6 of this ordinance is a Class 2 petty offense punishable by a fine of not more than \$300.00 for each separate violation.

6.8.4 The penalty assessment procedure provided for in Section 16-2-201, C.R.S. 1973, as amended, may only be followed when a violation of this ordinance is punishable pursuant to Sections 6.8.1 or 6.8.3 of this ordinance. This procedure may be used by the Animal Regulation Officer or any arresting law enforcement officer or a mandatory court appearance may be required.

6.8.5 If the penalty assessment procedure is used by the Animal Regulation Officer or any arresting law enforcement officer, the following graduated fine schedule shall be applied for violations of any section of this ordinance which are repeated by the same owner within 2 years:

- First Offense \$15.00
- Second Offense \$50.00
- Third Offense \$100.00
- Fourth & Subsequent \$200.00

Section 9. Animal Control Center Charges & Fees: The Center's charges for the redemption of dogs and cats shall be as follows:

Licensed dog, wearing current tag, or cat:

- Boarding fee per day . . . \$3.50
- Impoundment fee . . . \$15.00

Licensed dog, not wearing current tag:

- Boarding fee per day . . . \$3.50

Impoundment fee . . . \$20.00

Unlicensed dog or Unvaccinated cat:

Boarding fee per day . . . \$3.50

Impoundment fee . . . \$25.00

Plus the following fees for additional impoundments, both licensed and unlicensed dogs:

Second impoundment . . . \$50.00

Third impoundment . . . \$100.00

Redemption fee for other animals shall be as follows:

Small Animals:

Boarding fee per day . . . \$2.00

Redemption fee . . . \$10.00

Where applicable, all redemption fees are in addition to the following charges:

Adoption Fees:

Dogs (including license tag) . . . \$10.00

Puppies under 4 months . . . \$10.00

Cats . . . \$5.00

Kittens under 4 months . . . \$5.00

Plus refundable neuter/spay deposit . . . \$25.00

Other animals - \$2.00 per day to cover boarding fee.

Observation - rabies:

Boarding fee per day . . . \$5.00

After required 10-day observation period - per day . . . \$10.00

License fee . . . \$2.00-\$10.00\*

\* Half price license fees for persons over sixty-five.

## Section 10. Safety Provisions.

6.10.1 Interference with the Director or his Authorized Representatives.

It shall be unlawful and a violation of this ordinance for any person to interfere with, molest, hinder or prevent the Director or his authorized representatives in the discharge of their duties as herein prescribed.

## Article II - Barking Dogs and Control of Numbers of Dogs



Section 11: Barking Dogs.

6.11.1 It shall be unlawful for the owner, possessor or custodian or supervisory controller to keep or harbor any dog which disturbs the peace and quiet of others by howling, baying, barking, yipping, crying or whining so that the same may be heard beyond the premises of the owner, possessor, custodian or controller and the same is hereby declared to be a public nuisance; provided, however, no summons and complaint shall be issued nor shall there be a conviction for violation of this section unless the owner, possessor, custodian or controller shall have been previously notified of the disturbance of another either by the person disturbed or by a law enforcement officer or animal regulations officer, neither of whom shall be required to disclose his informant.

6.11.2 The animal regulations officer or law enforcement officer shall have the authority to use all reasonable means to abate said nuisance, including but not limited to requiring that the owner make bona fide efforts to quiet his dog and impoundment of the dog where the owner is absent from the premises. Upon impoundment of a dog for violation of this section, the animal regulations officer or law enforcement officer shall attempt to locate and notify the absent owner by any reasonable means as readily as possible.

Section 12. Excessive Number of Dogs Prohibited.

6.12.1 It shall be unlawful for any person to keep or harbor more than three (3) dogs that are more than six (6) months old or that are from more than one litter of pups that are more than three (3) months old at any one location unless licensed to operate a kennel by the State pursuant to 19-3 C.R.S. Section 12-57-101, et seq., as amended, and in compliance with the zoning ordinances of the City.

ARTICLE III - LIVESTOCK, FOWL AND OTHER ANIMALS

Section 13. Swine and Goats.

6.13.1 It shall be unlawful for any person to keep any hogs or pigs within the City.

6.13.2 It shall be unlawful for any person to keep any goat within the City.

Section 14. Health and Sanitation Regulations for Keeping Animals and Fowl.

6.14.1 Keeping Livestock, Fowl near Dwellings. It shall be unlawful for any person to keep any cow, horse, chicken, duck, goose, turkey, pigeon or other domestic fowl in any yard, enclosure or building within a distance of less than twenty feet (20 ft.) from any house or building occupied as a dwelling, except with the consent of the occupant of such building; provided that

this section shall not apply when such dwelling is erected at or within ten feet of the alley line.

6.14.2 Cleanliness of Premises where Fowl Kept. 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 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.

6.14.2.1 The City Manager, his agent, or the County Health Department shall have the power to declare all such yards or places kept in any unclean condition a nuisance and the same shall be abated as such.

6.14.3 Cleanliness of Premises where Animal are Kept. 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, 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 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 section shall be construed to include manure deposits upon any private property for the purpose of cultivating same.

6.14.3.1 The City Manager, his agent, or the County Health Department shall have the power to declare any such 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.

6.14.4 Disposal of Manure. It shall be unlawful for any person, firm or corporation who is the owner, keeper, or controls or occupies any lot, corral, barn, stable, shed, building or other place where horses, mules, cattle or an of them are kept or fed within the City to fail to provide and maintain upon such premises a tight covered box, bin or vault of suitable capacity for receiving and holding the manure produced or brought on such premises.

6.14.4.1 The cover of such box, bin or vault shall be screened with wire screen of sufficient fineness so as to not permit the admission of flies therein.

6.14.4.2 The manure shall be moved at least once a week and taken beyond the city limits; provided that the manure may be used within the city limits when it has been thoroughly saturated or mixed with lime, chloride of lime, or petroleum. The presence of maggots, when used within the city limits, shall be sufficient evidence that it has not been thoroughly saturated or mixed with any of the above named substances and therefore shall be considered a violation of this section.

6.14.5 Poultry Running at Large. It shall be unlawful for any person, firm or corporation who is the owner or keeper of any chickens, geese, ducks, turkeys or other poultry to permit the same to run or be at large within the City.

6.14.5.1 The running at large of any chickens, geese, ducks, turkeys or other poultry within the City is hereby declared a nuisance and the same shall be abated as such.

Section 15. Impoundment Regulations for other than dogs and cats.

6.15.1 Impoundment, Boarding and Sale. The Animal Regulations Officer may impound any animal which is at large or which is unclaimed.

6.15.1 Fees: After impounding and before any animal is released to the owner or person having lawful custody thereof, there shall be paid the following fees:

(1) Impounding fee: Such fee as may be from time to time determined by the City Council.

(2) Boarding fee: Actual cost incurred for boarding the impounded animal or animals to be paid to the stable owner or keeper of the impounded animal(s).

(3) Advertising fee: All actual cost for public notice of sale.

(4) Veterinary care: All actual cost incurred for necessary veterinary care to be paid to the attending veterinarian.

6.15.2 Disposition of Impounded Animals other than Dogs and Cats.

6.15.2 Sale: No animal shall be impounded and boarded for more than ten (10) days and prior to the expiration of said ten (10) day period, the Chief of Police shall advertise one time in a newspaper of general circulation in the City of Grand Junction that said animal so described in the notice of sale will be sold to the highest bidder. If there is no bidder at said sale, the Chief of Police shall sell said animal at private sale. From the proceeds of said sale, there shall be withheld all costs incurred in impounding, boarding, veterinary care and advertising and conducting of the sale and any excess remaining shall be returned to the owner, if known. If the owner cannot be located or does not claim said excess funds within thirty (30) days after the sale by presenting satisfactory evidence of ownership, said excess, if any, shall be used to defray those costs incurred by the City for the impounding, boarding and sale of such animals.

6.15.3 Bill of Sale: Upon the sale of any animal at public or private sale as herein provided, the Chief of Police shall execute to the buyer thereof, a bill of sale describing said animal and said bill of sale shall extinguish any prior title or interest of

any other person claiming an interest in said animal.

6.15.4 Subsection 6.15 shall not apply to the impoundment of dogs or cats which is treated under subsections 6.5.1 through 6.5.6 and 6.6.5.

6.15.5 Illegally taking animal from pound. It shall be unlawful for any person to break open or in any manner, directly or indirectly, aid or assist in breaking open any pound, pen, enclosure or other place used for the safekeeping of any animal taken up under the provisions of section 6.15 with the intent of releasing any animal therein confined.

6.15.6 Disposal of Injured or Sick Animals: Any injured or sick animal impounded and not readily identified to an owner may be immediately euthanized if it is deemed by the Director or a Representative to be in pain or contagious to other animals. If identified to an owner, the Animal Control Center will make every reasonable effort to contact the owner for a period of 24 hours after which time the animal may be immediately euthanized.

#### Article IV - Rabies Control

Section 6.16.1 Vaccination of Animals. All animals lawfully kept as pets which are capable of transmitting rabies which are harbored, possessed or maintained within the City of Grand Junction shall be inoculated against rabies by a licensed veterinarian and such vaccination shall be repeated annually thereafter. The owner acquiring the animal shall have the animal inoculated within thirty (30) days after the acquisition, or before the animal reaches four (4) months of age, whichever occurs last.

Section 6.17.1 Biting Animals; Quarantine. The owner of any dog or other animal that is capable of transmitting rabies which has bitten any person shall immediately notify the animal warden or a police officer of such.

6.17.1.1 It shall be unlawful for the owner of any dog or other covered animal that has bitten any person or that has been exposed to another animal that is believed to have rabies to destroy such animal before it can be properly confined and observed under the supervision of the Mesa County Health Department and/or the animal warden.

6.17.1.2 Any dog or other covered animal that has bitten any person or has been exposed to another animal that is believed to have rabies shall be immediately confined and observed for a period of no fewer than ten (10) days from the date of the bite or exposure.

(1) Such confinement may be, at the discretion of the animal warden or police officer, on the premises of the owner if deemed appropriate with sufficient safeguard. If not on the owner's

premises, the confinement shall be at the City Dog Pound or at any licensed veterinary hospital of the owner's choice. Such confinement shall be at the sole expense of the owner.

(2) When any dog or other covered animal is confined on the owner's premises, the animal warden shall make frequent checks to determine the condition of the confined animal.

6.17.1.3 Failure to produce animal; penalty: The owner of any dog or other covered animal that has been reported as having inflicted a bite on any person shall, on demand of the animal warden, or a police officer, produce the animal for examination and quarantine. 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 the arrest if there shall exist probable cause to believe that the animal in question has inflicted a bite upon a person that the owner is harboring or keeping the animal and wilfully refuses to produce the animal upon such demand. Upon arrest, the owner shall be taken by an officer of the Grand Junction Police Department before a Judge of the Municipal Court who may order the immediate production of the animal. Each day of such wilful refusal to produce the animal shall constitute a separate violation and offense.

6.17.1.4 Diagnosis by veterinarian:

(1) When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the Mesa County Health Department and advise it of any reports of human contact with such rabid animal. The Mesa County Health Department shall, pursuant to its rules and procedures, humanely destroy such rabid animal.

(2) If any animal under quarantine dies while under observation and before a diagnosis has been made, the animal warden shall immediately notify the Mesa County Health Department which will take action to obtain a pathological and inoculation examination of the animal.

(3) If after the ten (10) day or longer confinement and observation period provided for herein, the dog or other covered animal has not been diagnosed by a licensed veterinarian as having rabies, the quarantined animal shall be released from confinement by the animal warden upon payment of all impoundment and other quarantine fees as applicable and vaccination for rabies.

6.17.2 Removal from Quarantine for Rabies. It shall be unlawful for any person to remove from any place of quarantine any animal which has been quarantined pursuant to Section 6.17 without the expressed consent of the animal warden.

Section 6.18.1 Exception. Except where specific reference is made in this Article to dogs, the Article shall not apply to dogs, which are treated in Article II of this ordinance.

## Article V - General Offenses, Procedures and Regulations

### Offenses Against Animals and Birds

6.19.1 Cruelty to Animals. It shall be unlawful for any person to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly, or to carry in any vehicle or otherwise transport in a cruel and inhumane manner, any animal, or to cause any of these acts or omissions to be done. It shall be unlawful for any animal owner, as defined in Section 6.1.14 hereof to fail to provide any animal with proper food, drink, protection from the weather and necessary medical treatment to prevent suffering or to cause any of these acts or omissions to be done.

6.19.2 Poisoning Animals. It shall be unlawful for any person to poison any animal or to distribute poison in any manner whatsoever with the intent to, or for the purpose of, poisoning any animal; provided, however, that for the purposes only of this Section the word "animal" shall not include mice, rats, bats or other rodents, but shall include hamsters, guinea pigs, rabbits and squirrels. The distribution of any poison or poisoned meat or food, other than those specifically for insect or mouse, rat or bat or other rodent poisoning, shall be prima facie evidence of violation of this Section.

6.19.3 Molesting Birds. It shall be unlawful for any person within the City of Grand Junction or within the cemeteries of said City, to at any time willfully frighten, shoot at, wound, kill, capture, ensnare, net, trap, or in any other manner molest any robin, lark, whippoor-will, finch, thrush, wren, martin swallow, snowbird, bob-o-link, red-winged blackbird, raven, oriole, kingbird, mockingbird, song sparrow, or any water fowl or other song or insectivorous birds; or in any manner molest or injure the nest, eggs or young of any such birds or water fowl.

6.19.4 Animal Fights. It shall be unlawful for any person to cause, instigate or encourage within the City any dog fight, cock fight, bull fight or other combat between animals. It shall be unlawful to maintain any place where any animals are permitted to fight for exhibition for wages or for sport. Ownership of the animal shall not constitute a defense for such acts or for any violation of this Section.

6.19.5 Abandonment of Animals. It shall be unlawful for any person to abandon any animal or to cause such to be done.

6.19.6 Police Dogs. 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 as defined in Section 6.4.2. used by a law enforcement agency within the City in the performance of the functions and duties of such agency, or to unwarrantly 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 said law enforcement agency or of such members.

#### Prohibition Against Ownership of Certain Animals

6.20.1 Wild, Exotic and Dangerous Animals. It shall be unlawful for any person, partnership, firm or corporation to own, possess, harbor, sell, or in any other manner traffic in the following species of animals:

- (1) All poisonous snakes and poisonous reptiles; and all non-poisonous snakes with a length greater than six feet (6'); or
- (2) Gorillas, chimpanzees, orangutans, and any other primates; or
- (3) Any species of feline not falling within the categories of ordinary domesticated house cats; or
- (4) Bears of any species; or
- (5) Raccoons, porcupines, skunks, badgers or other species, except ferrets (*Mustela Putruis*); or
- (6) Foxes, wolves, coyotes or other species of canines other than dogs.

6.20.2 The provisions of sub-section 6.20.1 shall not be applicable to any bonafide zoological garden or any circus or carnival licensed by the City or any bonafide research institute using wild, exotic or dangerous animals for scientific research.

6.20.3 Wild Animals at Large: It shall be the duty of the animal warden, or police officer, to apprehend any wild animal that may be at large within the City. Such wild animal may be impounded, released in wild areas outside of the City which are representative of the animal's natural habitat, or humanely destroyed as the animal warden or police officer, in his discretion shall determine, subject to applicable State law. The animal warden is hereby authorized to use any tranquilizer gun or other firearm to subdue or destroy any wild or dangerous animal that is determined by the animal warden to be of danger to either itself or to the public health and safety.

Section 6.21.1 Enforcement - Interference Unlawful. It shall be unlawful for any person to interfere with, molest, hinder or obstruct the animal warden or any other City employee or official in the discharge of his official duties under this Chapter.

6.21.2 Inspection Procedure. Whenever the animal warden or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises conditions that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require an inspection to safeguard the

animal or the public health or safety, the animal warden or his authorized representative is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the animal warden by this Chapter or by other applicable law; provided that:

6.21.2.1 If such property be occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor and the purpose of his inspection; and

6.21.2.2 If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining his reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal warden or his authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

#### Dead Animals

Section 6.22.1 Placing Dead or Sick Animals, Fowl in the City. It shall be unlawful for any person to throw, put or place any dead dog, livestock or fowl or other animal, or part thereof, or any sick or injured dog, livestock, fowl or other animal in or upon any street, alley, vacant lot, park or other public place within the City.

6.22.2 Disposal of Dead Animals, Private Property. When any animal shall die in this City, it shall be the duty of the owner or keeper thereof to forthwith cause the removal of the body of such animal by an animal carcass removal and disposal company; or removing the body of such animal for burial in an authorized animal cemetery; or removing the body of such animal beyond the limits of the City and cause the same to be buried in the earth sufficiently deep to prevent the escape of effluvia injurious to public health.

6.22.2.1 If such body shall not forthwith be removed, the same shall be deemed a nuisance and such owner or keeper shall be guilty of a misdemeanor.

6.22.2 Disposal of Dead Animals on Public Right-of-Way. When the body of a dead animal shall be in any street, alley, highway or public grounds and the owner or keeper cannot be determined, it shall be the duty of the Chief of Police, other police officer or animal warden, when knowledge thereof shall come to him or her to forthwith cause such body to be taken to or removed by an animal carcass removal and disposal company.

Section 6.23.1 Refusal to Pay Fee. The refusal to redeem any impounded dog, livestock, fowl or other animal by the owner thereof shall not relieve the owner of the duty to pay the



impoundment, license, boarding and veterinary charges and fees that may be assessed. The owner of any dog, livestock, fowl or other animal who fails or refuses to pay such fees and charges shall be in violation of this Chapter and upon conviction shall be subject to both such fine and imprisonment as provided by this Chapter.

Section 6.24.1 Indemnity. Neither the City, its employees, nor any person enforcing the provisions of this Chapter 6 and its Articles shall be held liable for any accident or subsequent disease that may occur in connection with the administration of this Chapter.

#### Article VI - Penalty and Severability

Section 6.25.1 Penalty. Except as herein otherwise provided, any person, partnership, firm or corporation violating or failing to comply with any of the provisions of Article I, II, III, IV and V of this Chapter which are required, prohibited or declared to be unlawful shall upon conviction thereof, be fined in a sum not to exceed three hundred dollars (\$300.00) for each conviction or imprisoned for a period not to exceed ninety (90) days, or both such fine and imprisonment.

Section 6.26.1 Severability. If for any reason any one or more sections, sentences, clauses or parts of Article I, II, III, IV and V of this Chapter are held invalid, such judgement shall not effect, impair or invalidate the remaining provisions of this Chapter, as all are hereby declared to be separable, but shall be confined in its operation to the specific section, sentences or parts of this Chapter held invalid; and the invalidity of any section, sentence, clause or part of this Chapter in any one or more instances shall not affect or prejudice in any way the validity of this Chapter in any other instance.

PASSED and ADOPTED this 18th day of January, 1984.

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Attest:

Neva B. Lockhart, CMC

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City Clerk

ORDINANCE NO. 2170

I HEREBY CERTIFY that Ordinance No. 2170 entitled AN ORDINANCE REPEALING AND REENACTING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE CONTROL OR PROHIBITION OF ANIMALS AND FOWL WITHIN THE CITY OF GRAND JUNCTION, COLORADO, was introduced, read and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, at a regular

meeting of said body held on the 21st day of December, 1983, and that Notice of publication in pamphlet form was published in The Daily Sentinel, a newspaper published and in general circulation in said City, on December 23, 1983, at least ten days before its final passage on January 18, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this 19th day of January, 1984.

Neva B. Lockhart

Neva B. Lockhart, CMC  
City Clerk

Published: December 23, 1983

Published: January 22, 1984

Effective: February 21, 1984