

ORDINANCE NO. 2576

AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS ORDINANCE NO. 2409 PROVIDING FOR RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF VICIOUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND AUTHORIZING PUBLICATION IN PAMPHLET FORM.

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

Section 1 - INTENT

The City Council of Grand Junction, Colorado, intends by adopting this Animal Control Ordinance to declare as a matter of public policy that the keeping of dogs in the City of Grand Junction constitutes a potential threat to the health, safety, and welfare of the citizens of the City; that dog owners or keepers must therefore assume full responsibility for the actions and condition of their animals and dogs; that dogs at large, barking dogs, rabid dogs, vicious dogs, and similar type animals constitute a public nuisance; that the regulation of dogs and similar type animals and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of the City of Grand Junction and their property; and that the provisions of this Ordinance should be liberally construed and are intended to implement the maximum control of rabid animals under the home rule powers of this City and the statutes of the State of Colorado.

Section 2 - DEFINITIONS

When used in this Ordinance, the listed words and terms have the following meanings:

2.1 Abandon

The leaving of an animal without adequate provision for the animal's care by it's owner, the person assuming responsibility for the animal's care and custody, or any other person having custody or control of such animal.

2.2 Animal

Any living vertebrate creature, domestic or wild, including dogs but excluding estrays as defined in 35-44-101(1) C.R.S. 14, as amended.

2.3 Animal Control Center

The solely authorized facility or facilities designated by the City Council or the City Manager for the purposes of impounding, caring for, or disposing of animals held under the authority of

this Ordinance or state law.

#### 2.4 Animal Control Director

The Administrative Director of operations of the Mesa County Animal control program; hereinafter referred to as "director".

#### 2.5 Animal Control Sergeant

A supervisor of animal control for Mesa County, as designated by the director; herein referred to as "sergeant".

#### 2.6 Animal Control Officer

Any person designated by the City, the Animal Control Director or the Grand Junction Police Department. Animal Control Officers shall act under and in accordance with the authority of 30-15-105 C.R.S., 12A.

#### 2.7 At Large

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 or other mechanism of control. This requirement does not apply to any dog while actually working livestock, locating or retrieving wild game in a lawful season for a licensed hunter, assisting law enforcement officers, participating in obedience training, dog show or an obedience trial, or while being trained for any of these pursuits. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed to be at large if the owner or custodian of such dog is not immediately present.

This general provision of at large shall be superseded by the following if the animal is within the following geographic areas:

(1) Downtown Grand Junction: Defined as the area bounded on the east by 12th Street and on the west by 1st 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.

(2) The North Avenue Corridor: One half block north and south of North Avenue from 1st Street on the west to 29 Road on the east.

In these areas, "at large" is defined as an animal off the premises of the owner or custodian and not under direct physical control by means of a leash.

#### 2.8 Board of Animal Control

A five member advisory board consisting of one representative of the Grand Junction Police Department, Mesa County Sheriff's Department, Mesa County Community Services, Grand Valley Medical Society and the director of the Mesa County Health Department is

hereby established. The Board shall provide advisory financial and budgetary input regarding the Animal Control Division and shall recommend animal control fees and charges on an annual basis.

#### 2.9 Bodily Injury

Any physical pain, illness, impairment of physical or mental condition, or physical injury wherein the skin is broken, bleeding occurs, bruising occurs, or bone, tissue, or muscle damage is suffered or emergency medical treatment becomes reasonably necessary for a person or animal.

#### 2.10 City

The City of Grand Junction, Colorado.

#### 2.11 Cruelty

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.

#### 2.12 Dog

Any member of the canine species, including dogs of wild extraction.

##### 2.12(a) Dogs of Wild Extraction

A dog that is, or may credibly be alleged to be, any hereditary part related to wild canines, including but not limited to, the wolf family (*canis lupis*), and or the coyote family (*canis latrans*).

#### 2.13 Harboring

The act of keeping or 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.

#### 2.14 Health Department

The Mesa County or Colorado State Health Department.

#### 2.15 Health Officer

The Health Officer of Mesa County, or any Health Department employee or other person authorized by the Health Officer.

#### 2.16 Leash

A chain, cord, or tether not more than ten (10) feet in length which is securely attached to and capable of restraining the animal.

#### 2.17 Mistreatment

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

#### 2.18 Neglect

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.

#### 2.19 Owner

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 County licensing records or on the dog identification license or rabies tag; or any parent, guardian, or legal custodian of any unemancipated child under eighteen (18) years of age which child owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal. References to the masculine gender of an owner include the feminine gender.

#### 2.20 Premises

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.

#### 2.21 Provocation

Harassment, teasing, threatening, striking, or attacking an animal or its owner in the animal's presence, by either a person or another animal. 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.

#### 2.2 Public Nuisance

Public nuisance shall include any dog, whose owner, keeper or custodian has been charged with three or more violations of this Ordinance concerning the same dog within a two year period.

## 2.23 Serious Bodily Injury

Bodily injury which, either at the time of the actual injury or at a latter time involves a substantial risk of death, a substantial risk of permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

## 2.24 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.

## 2.25 Vicious Dog

A dog which:

- a. causes serious bodily injury to a person; or which
- b. causes bodily injury to a person or animal on two or more occasions; or which
- c. is infected with rabies; or which
- d. is of wild extraction and that on any occasion causes bodily injury to a person or animal by biting, whether or not provoked, or is known to be infected with rabies;
- e. causes bodily injury to a person or animal and the bodily injury occurs off the dog owner's premises; or which
- f. is at large and exhibits repeated or continuous aggressive behavior; or which
- g. has engaged in a dog fighting contest with the owner's knowledge; or which
- h. has been specifically found to be vicious by any court or jury; provided, however, that a dog 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 vicious, if the dog owner establishes such facts as an affirmative defense to a charge for violation of Section 5 or to the satisfaction of the investigating Animal Control Officer.

Any dog which is found to be vicious as defined by Sections 2.25.a, 2.25.b, 2.25.c, or 2.25.d may be destroyed in accordance with Section 9.3.a.

## Section 3 - LICENSING AND VACCINATION

### 3.1 Licensing and Vaccination Required

No person shall own, keep or harbor in the City any dog or cat over four months of age unless such is vaccinated against rabies and licensed. All dogs vaccinated at four months of age or older shall be re-vaccinated and re-licensed one year from that date and each year thereafter. Any dog owner who moves into the City shall comply with this section of this Ordinance within thirty days. If any dog has bitten any person or animal the owner of said dog shall report that fact to the vaccinating veterinarian and to the animal control facility. If un-vaccinated at the time of the bite no person shall administer a rabies vaccine to that dog until after a ten-day observation period. The vaccination requirement shall apply to dogs of wild extraction.

### 3.2 Certificate of Vaccination and License

After vaccinating a cat for rabies, the veterinarian shall give the owner written certification of such vaccination. After vaccinating a dog for rabies, the veterinarian shall take the dog owner's payment for a county license and give the dog owner a county license certificate and dog tag. A dog owner may choose to buy a county dog license certificate and tag from the Animal Control Center rather than a Veterinarian. If so, the veterinarian shall give the owner written certification of the dog's current vaccination, which the owner shall show to an animal control officer when purchasing a county license and tag. Fees for licenses are set forth at Section 11 below. Certificate of license shall contain the following information:

- a. the name, street address, and telephone number of the owner of the vaccinated dog; and
- b. the veterinarian's name, rabies tag number and expiration date; and
- c. the breed, age, color and sex of the dog; and
- d. the county license number, license year, date of issue, license fee, and licensing agent.

Vaccination of dogs of wild extraction is required; as is the above information required for licensure of a dog of wild extraction.

### 3.3 License Tags

Concurrent with the issuance and delivery of the license referred to in Section 3.2 of this Ordinance, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered and bearing the year of issuance, the name of Mesa County, and the telephone number of the Animal Control Center. This license tag is distinct from a metal rabies tag, which the Department of Health may separately require to be issued to an owner and worn by the dog. No dog owner shall fail to place upon his dog the collar or harness to which the tag is attached,

and no dog owner shall fail to insure that the dog at all times wears the collar or harness displaying the license tag, unless the dog is participating in a sanctioned dog show, or is securely confined within the owner's premises or is aiding law enforcement officers in the performance of lawful duties, or is hunting or retrieving or is training to hunt or retrieve game or in circumstances where attachment of a license tag would constitute a clear danger to the dog.

### 3.4 Duplicate Tags

In the event of loss or destruction of the original license tag provided for in this section, the dog owner shall obtain within 30 days a duplicate from the Animal Control Center for the fee of \$3.00 and comply with the requirements set forth above.

### 3.5 Proof of Licensing

No person shall own or harbor any dog and fail or refuse to exhibit a license certificate or license tag within a reasonable time upon demand by any Animal Control Officer.

### 3.6 Harboring Unvaccinated Dogs or Cats

No person shall own or harbor any dog or cat which has not been vaccinated against rabies within the last year as provided in this Ordinance. This section shall apply to dogs of wild extraction.

### 3.7 False and Stolen License Documents

No person shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.

### 3.8 Transferability

Dog license certificates and license tags are not transferable. No person shall attach or cause to be attached any license tag to any dog other than the dog for which the tag was originally issued.

### 3.9 Records

The Animal Control Center and any veterinarian practicing in the City shall create a record of the contents and date of issuance of each certificate of dog or cat vaccination, dog license certificate and dog license tag. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of this Ordinance. Such records and the absence of entries in such records shall constitute prima facie evidence of dog or cat ownership and compliance or noncompliance with the licensing and vaccination provisions of this Ordinance.

## Section 4 - DOGS RUNNING AT LARGE

### 4.1 Confinement Required

No dog owner, or any person who harbors, keeps or is a custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such physical confinement shall ensure that the dog cannot leave the premises or be at large.

#### 4.2 Dogs at Large

No dog owner, or any person who harbors, keeps or is custodian of a dog shall fail to prevent the dog from being or running at large, as defined at Section 2.7. Any dog off its owner's premises shall be under leash control by its owner.

#### 4.3 Dogs in Common and Public Areas

No dog owner, or any person who harbors a dog, shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds, unless permission is posted by public authorities allowing dogs at large.

#### 4.4 Confinement During Estrus

Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the dog to a boarding kennel, veterinary hospital or the Animal Control Center or be served with a Penalty Assessment notice. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an Animal Control Officer shall be a violation of this Ordinance and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

#### 4.5 Evidence of Running at Large

It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's, harborer's or keeper's sight, or if the dog goes upon public or private property without the property owner's, manager's, or tenant's consent.

### Section 5 - VICIOUS DOGS

#### 5.1 Vicious Dogs Prohibited

No person shall own or harbor a vicious dog within the City, except as provided in this Ordinance. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in Section 8, and may be subject to disposition as provided by Section 9.3.

## 5.2 Control of Dogs

No owner of a dog shall fail to prevent it from causing bodily injury to, or biting without provocation, any person or animal, including pets, domestic livestock, fowl, or wildlife.

## 5.3 Guard Dogs

The owner of any dog which has been specifically trained to attack people shall:

- a. keep the dog confined to an area from which it cannot escape; and
- b. keep the dog under complete control of the handler at all times;
- c. post warning signs bearing letters not less than ten (10) inches high conspicuously posted about the area of confinement indicating the presence of a guard dog.

## Section 6 - BARKING DOGS

### 6.1 Barking Dogs Prohibited

No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

### 6.2 Provocation Defense

Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of Section 6.1.

### 6.3 Warning Required

No person shall be charged with a violation of Section 6.1 unless written warning as provided in Section 6.4 has been given at least seven days but not more than thirty-seven days preceding the charge.

### 6.4 Warning Process

The warning process to be employed prior to a charge being instituted for notification of Section 6.1 shall be substantially as follows:

- a. The warning must relate to a barking incident separate from the charged violation.
- b. The Animal Control Officer may issue a warning after receiving two complaints from two different persons who do not reside in the

same household.

c. All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.

d. A record or incident report shall be kept of any such complaint and investigation.

e. A warning to a dog owner shall fully cite Section 6.1 and advise the owner of penalty for the violation of Section 6.1. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Regulation Officer empowered by the City Council to enforce the provisions of this Ordinance.

#### 6.5 Notice and Evidence of Warnings

An owner shall be deemed to have been issued and received a warning under Section 6.4 if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner of the dog according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.

#### 6.6 Complainant Rights and Responsibilities

a. The identity of a complainant(s) shall be kept confidential until a violation of this section is charged.

b. If a violation of this section is charged, the complainant(s) shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

c. No person or owner shall be convicted at trial for violation of this Section unless testimony is presented by at least two complaining witnesses or by one complaining witness when there is only one occupied residence within three blocks or one quarter (1/4) mile in any direction.

### Section 7 - CRUELTY TO ANIMALS NEGLECT OF ANIMALS

#### 7.1 Cruelty

A person commits cruelty to animals if he knowingly or with criminal negligence engages in conduct defined in Section 2.11.

## 7.2 Warning Not Required

A warning process substantially similar to that set forth in Section 6.4 may be, in the sound discretion of the Animal Control Officer, utilized prior to charging a violation of this Section.

## Section 8 - SEIZURE AND IMPOUNDMENT

### 8.1 Impoundment of Dogs Authorized

a. An Animal Control Officer may, in his discretion, seize and impound any dog which is:

1. at large; or
2. off the owner's premises not wearing a current license tag; or
3. is an unconfined, unspayed female dog in estrus.

b. An Animal Control Officer may, in his discretion, seize and impound any animal which:

1. is required to be observed for rabies symptoms; or
2. is, or appears to be abandoned, abused or neglected; or
3. is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
4. is being kept or maintained contrary to the provisions of this Ordinance.

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

### 8.2 Impoundment of Vicious Dogs

An Animal Control Officer shall forthwith investigate any credible complaint that a dog is vicious. In the event that the officer reasonably believes the dog is vicious, it shall be immediately seized and impounded. If impoundment of a vicious dog cannot be made with safety to the Animal Control Officer or other persons, the vicious dog may be summarily destroyed without notice to its owner. The Animal Control Officer shall not be held liable for such action.

### 8.3 Notice of Impoundment and Disposition Alternatives

When any animal has been impounded, Animal Control personnel shall as soon as practicable give notice in person, by letter, telephone, or service of a Citation upon the owner, of the animal's impoundment and disposition alternatives. If the animal's

owner is unknown at the time of impoundment, Animal Control personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal Control personnel may proceed with any disposition authorized by this Ordinance. Animal Control personnel shall maintain records of the time, dates and manner of any notification, or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

#### 8.4 Length of Impoundment

a. Minimum Period - Except as otherwise provided herein, an impounded animal shall be held at the Animal Control Center for seventy-two (72) hours after impoundment, or for forty-eighty (48) hours after notification to the owner of the animal's impoundment, whichever is shorter. If the owner does not properly claim and redeem the animal within these periods of impoundment, the animal may be subject to disposition under Section 9.

c. All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.

d. A record or incident report shall be kept of any such complaint and investigation.

e. A warning to a dog owner shall fully cite Section 6.1 and advise the owner of penalty for the violation of Section 6.1. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Regulation Officer empowered by the City Council to enforce the provisions of this Ordinance.

#### 6.5 Notice and Evidence of Warnings

An owner shall be deemed to have been issued and received a warning under Section 6.4 if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner of the dog according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.

#### 6.6 Complainant Rights and Responsibilities

a. The identity of a complainant(s) shall be kept confidential until a violation of this section is charged.

b. If a violation of this section is charged, the complainant(s) shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

c. No person or owner shall be convicted at trial for violation of this Section unless testimony is presented by at least two complaining witnesses or by one complaining witness when there is only one occupied residence within three blocks or one quarter (1/4) mile in any direction.

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### 7.1 Cruelty

A person commits cruelty to animals if he knowingly or with criminal negligence engages in conduct defined in Section 2.11.

### 7.2 Warning Not Required

A warning process substantially similar to that set forth in Section 6.4 may be, in the sound discretion of the Animal Control Officer, utilized prior to charging a violation of this Section.

## Section 8 - SEIZURE AND IMPOUNDMENT

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2. off the owner's premises not wearing a current license tag; or
3. is an unconfined, unspayed female dog in estrus.

b. An Animal Control Officer may, in his discretion, seize and impound any animal which:

1. is required to be observed for rabies symptoms; or
2. is, or appears to be abandoned, abused or neglected; or
3. is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
4. is being kept or maintained contrary to the provisions of this Ordinance.

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

## 8.2 Impoundment of Vicious Dogs

An Animal Control Officer shall forthwith investigate any credible complaint that a dog is vicious. In the event that the officer reasonably believes the dog is vicious, it shall be immediately seized and impounded. If impoundment of a vicious dog cannot be made with safety to the Animal Control Officer or other persons, the vicious dog may be summarily destroyed without notice to its owner. The Animal Control Officer shall not be held liable for such action.

## 8.3 Notice of Impoundment and Disposition Alternatives

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

## 8.4 Length of Impoundment

a. Minimum Period - Except as otherwise provided herein, an impounded animal shall be held at the Animal Control Center for seventy-two (72) hours after impoundment, or for forty-eight (48) hours after notification to the owner of the animal's impoundment, whichever is shorter. If the owner does not properly claim and redeem the animal within these periods of impoundment, the animal may be subject to disposition under Section 9.

b. Sick or Injured Animal - An impounded animal which is sick or injured and in pain or contagious to other animals and which is not identifiable to an owner is not subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia. If a sick or injured animal which is in pain or is contagious to other animals is identifiable to an owner, Animal Control personnel shall diligently attempt to contact the owner within twenty-four (24) hours after impoundment, after which time the dog may be euthanized if unclaimed.

c. Vicious Dog - A vicious dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of Section 5.1 of this Ordinance. If no such action has been or will be commenced, such dog shall be disposed of pursuant to Section 9.

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

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

f. Failure to Comply with Order or Conditions - Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal Control Officer to quarantine such animal, shall release said animal only to the Animal Control Officer ordering the quarantine.

The Animal Control Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or veterinary facility approved by the Animal Control Center. The Animal Control Officer may allow the owner to quarantine the animal at the owners residence providing the owner can establish or maintain conditions of the ten (10) day quarantine period to the satisfaction of Animal Control. No person or owner shall fail to meet the conditions established pursuant to Section 8.4(d). Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal Control and shall be a violation of this Ordinance.

#### 8.5 Liability for Seizure and Impoundment Expenses

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

#### 8.6 Removal of Impounded Animals

No person shall remove any impounded animal from the Animal Control Center or from the official custody of an Animal Control Officer without the consent of the Director, Sergeant or Officer.

#### 8.7 Impoundment Alternatives

Nothing in this Section 8 shall be construed to prevent an Animal Regulation Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

### Section 9 - REDEMPTION AND DISPOSITION

#### 9.1 Redemption Fees Authorized

Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the Animal Control Center only upon timely demand at the Animal Control Facility by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by Animal Control personnel or as set forth in Section 11, Animal Control Center Charges and Fees Schedule.

#### 9.2 Disposition of Impounded Animals

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

#### 9.3 Disposition of Vicious Dog

a. A dog found to be vicious by any Court, as defined by sub-sections a, b, c or d of Section 2.25 of this Ordinance, shall be finally disposed of by humane euthanasia. The owner of the dog shall be assessed and shall be liable for all applicable costs and fees pursuant to Section 11.

b. The owner of a dog which is found to be vicious as defined by sub-sections e, f, g or h of Section 2.25 of this Ordinance shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. These orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public or to abate a public nuisance. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment,

redemption, together with penalties and Court costs if any.

c. In the event of non-compliance with these conditions, the dog may be summarily impounded by Animal Control personnel and disposed of at their discretion, or in accordance with Court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for non-compliance with any sentencing orders or with administrative conditions for release of a vicious dog.

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

#### 9.4 Adoption of Dogs and Cats

No person may adopt a dog or cat from the Animal Control Center until such person has guaranteed sterilization of the dog or cat. A deposit shall be required to insure the sterilization of the animal. Transfer of ownership of the dog or cat shall not be effected until sterilization has occurred. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this Ordinance and shall be punishable as any offense hereunder. Additionally, Animal Control personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of Animal Control personnel and subject to reasonably prescribed conditions.

### Section 10 - ENFORCEMENT

#### 10.1 Enforcement Responsibility

The provisions of this Ordinance shall be enforced within the City by those persons designated by Ordinance of the City Council. Animal Control Officers, as designated by this Ordinance shall be deemed "peace officers" without regard to certification requirements as authorized by 30-15-105 C.R.S. 7A. The City Attorney may prosecute any violation of this Ordinance.

#### 10.2 Enforcement Procedure

Whenever an Animal Control Officer has personal knowledge or probable cause to believe that a violation of this Ordinance has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to C.R.S. 16-2-201 et. seq., or issue a Summons and Complaint pursuant to C.R.S. 16-2-101 et. seq., C.R.S. 30-15-102.

#### 10.3 Penalty Assessment Procedure

a. Penalty Assessment - The penalty assessment procedure consists of personal service of written notice upon a person charged with

violating this Ordinance. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, may choose to appear before a county court judge or may be required to appear before a county court judge if conditions for release are not met. Conditions for release shall include payment of the applicable fine.

b. Summons and Complaint - This 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 resolution as set forth in the complaint.

c. Mandatory Court - A summons and complaint shall be issued to anyone who is:

- (1) charged under Section 5 involving a vicious dog; or
- (2) charged under Section 7 involving cruelty to an animal; or
- (3) charged under Section 9 involving failure to comply with impound/quarantine requirements; or
- (4) known to have been issued three or more penalty assessment notices for violation of this Ordinance within the last two years; or
- (5) charged with a violation of this Ordinance involving serious bodily injury to or death of any person or animal.

d. Optional Court - Except for the mandatory requirement for court set forth above, an animal control officer may, at his discretion, issue either a penalty assessment notice or a summons and complaint.

e. Content - A penalty assessment notice as well as a summons and complaint shall contain the following: document sworn to by the arresting officer; verification by the complaining party, if any; name of the alleged offender; specific offense; applicable fine; the amount of pending fines for prior offenses; identity of any victim(s), and a brief summary of the circumstances of offense, including the alleged offender's attitude.

#### 10.4 Interference with Animal Regulation Officers

No person shall interfere with, molest, hinder, or prevent the Director, Sergeant or any other Animal Control Officer from discharging their duties as prescribed by this Ordinance or other law.

#### 10.5 Compliance with Impoundment Requests

No person shall refuse to immediately deliver up or release any animal to an Animal Control Officer upon lawful demand by the

Officer to seize and impound the animal.

#### 10.6 Search and Seizure of Dogs

An Animal Control Officer shall have the right to enter upon private property when necessary to seize a vicious dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance as defined in Section 2.17, a Court may issue an ex parte order requiring the owner to immediately surrender the dog to an Animal Control Officer. Non-compliance with such order shall be grounds for proceedings to establish contempt of Court. The Court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance dog or abandoned, abused, or neglected animals in order to preserve evidence or to protect the public safety and welfare. An Animal Control Officer seizing a public nuisance dog may impound the dog, release the dog in lieu of impoundment and/or issue a penalty assessment notice of a Summons and Complaint to the dog owner, unless otherwise required by Court order or this Ordinance.

### Section 11 - ANIMAL CONTROL CENTER CHARGES AND FEES

#### 11.1 Charges and Fees Authorized and Required

Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care and adoption of an animal shall be cumulatively assessed to any animal owner according to the following schedules. Payment of all applicable fees shall be a condition of release, redemption or adoption of any animal. These fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing and euthanizing animals. The deposits imposed in subsection 11.7 are to ensure vaccination and spaying or neutering of adopted animals in an effort to help control the pet overpopulation.

#### 11.2 Impound Fees:

- a. Dog . . . \$25.00
- b. Cat . . . \$25.00
- c. Other Animals . . . \$15.00

#### 11.3 Boarding Fees:

- a. Dogs . . . \$6.00/day
- b. Cats . . . \$6.00/day

c. Others, Actual Cost with (minimum) . . . \$4.00/day

d. Quarantine Animals . . . \$7.50/day

11.4 Adoption Fees:

a. Dogs . . . \$6.00

b. Cats . . . \$6.00

11.5 License Fees:

a. Original . . . \$5.00

b. Lost Tag Replacement . . . \$3.00

11.6 Euthanasia Fee: . . . \$20.00

11.7 Deposits:

a. Spay/Neuter . . . \$25.00

b. Rabies Vaccination . . . \$10.00

c. Deposit of both a spay/neuter deposit and rabies vaccination deposit shall be required for adoption of an animal.

d. Deposit of a rabies vaccination shall be required for redemption of an unvaccinated animal.

e. Deposits shall be returned upon proof of spay/neuter and vaccination as applicable. If proof is not provided to Animal Control by the date prescribed on the sterilization or vaccination contract the deposit(s) shall be forfeited.

11.8 Veterinary Care

Actual, reasonable costs of necessary veterinarian treatment.

Section 12 - VIOLATION UNLAWFUL; PENALTIES

12.1 Violations Unlawful:

No person, partnership or entity shall violate any provisions of this Ordinance as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as hereinafter set forth.

12.2 Violations Without Bodily Injury:

Any violation of Sections 3, 4, 5, 6, 8, 9 or 10 of this Ordinance and any subsections thereof which do not involve bodily injury to any person or serious bodily injury or death to another animal

shall be a Municipal Offense, punishable upon conviction by a fine of not more than five-hundred dollars (\$500.00) for each separate offense. The Court may order destruction of the dog when its owner has been convicted of three or more violations of any section of this Ordinance within any two year period.

#### 12.3 Violations With Bodily Injury:

Any violation of Sections 5, 7, and 8 of this Ordinance and any subsections thereof which involves bodily injury to any person or serious bodily injury or death to animal by a dog shall be a Class 2 misdemeanor punishable as provided in 18-1-106 C.R.S. 8A and upon conviction by a fine of not less than two-hundred fifty dollars (\$250.00) nor more than one-thousand dollars (\$1,000.00) and or by imprisonment of not less than ninety (90) days nor more than twelve (12) months or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

#### 12.4 Penalty Assessment - Fine Schedule:

If the penalty assessment procedure is used by the Animal Control Officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this Ordinance which are committed or repeated by the same person within two (2) years from the date of any prior offense:

First Offense (up to) . . . \$25.00

Second Offense (up to) . . . \$50.00

Third Offense (up to) . . . \$250.00

Fourth and subsequent offenses (up to) . . . \$500.00

#### 12.5 Probationary Conditions and Other Costs:

a. In addition to payment of any fine or other punishment, a violator shall be required as a condition of probation or sentencing to pay to the Animal Control Center all applicable fees and charges pursuant to Section 11, and costs of prosecution as may be required by the Court.

b. Suspension of any penalty or punishment may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in Section 9.3.

#### Section 13 - SEVERABILITY CLAUSE

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall

not affect other provisions or application of this Ordinance which can be given effect without the invalid provisions or applications and to this end, the provisions of this Ordinance are declared to be severable.

Section 14 - LIABILITY CLAUSE

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

Section 15 - EFFECTIVE DATE AND SAFETY CLAUSE

This Ordinance shall take effect thirty (30) days after final adoption by the City Council. The City Council hereby finds and declares that adoption of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare.

Section 16 - REPEALER

By adoption of this Ordinance and upon its taking effect, all Ordinance and Resolutions or parts thereof in conflict with this Ordinance are hereby revoked and repealed in their entirety.

Introduced this 6th day of May, 1992.

PASSED AND ADOPTED this 20th day of May, 1992.

Attest:

NAME

\_\_\_\_\_  
President of the Council

Theresa F. Martinez

\_\_\_\_\_  
Acting City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2576, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 6th day of May, 1992, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of May, 1992.

Theresa F. Martinez

\_\_\_\_\_  
Theresa F. Martinez, CMC

Acting City Clerk

Published: May 8, 1992

Published: May 22, 1992

Effective: June 21, 1992